
STATUTORY INSTRUMENTS

2014 No. 1116

The Anonymous Registration (Northern Ireland) Order 2014

Local elections

Amendments to the Electoral Law Act (Northern Ireland) 1962

6.—(1) The Electoral Law Act (Northern Ireland) 1962(1) is amended as follows.

(2) In section 79 (presentation and service of local election petition)(2), after subsection (1) insert—

“(1A) The reference in subsection (1) to a person who voted as an elector or had a right so to vote at the election does not include a person who, on the day of the election, had an anonymous entry in the register of electors.”

(3) In section 130 (interpretation)(3)—

(a) after the definition of “absent voters list” insert—

““anonymous entry” has the same meaning as in the Representation of the People Act 1983 (see section 202(1) of that Act);”;

(b) after the definition of “qualifying address” insert—

““record of anonymous entries” means a record prepared in pursuance of regulations made by virtue of paragraph 8A of Schedule 2 to the Representation of the People Act 1983;”.

(4) In Schedule 3A (control of donations to candidates at a local election)(4)—

(a) the existing text of paragraph 10 (statement of relevant donations) becomes sub-paragraph (1) of the paragraph and after sub-paragraph (1) insert—

“(2) If the statement states that the candidate’s election agent has seen evidence of such description as is prescribed by the Secretary of State in regulations made by virtue of paragraph 2 of Schedule 6 to the Political Parties, Elections and Referendums Act 2000(5) that an individual donor has an anonymous entry in an electoral register, the statement must be accompanied by a copy of the evidence.”;

(b) in paragraph 11 (donations from permissible donors), at the end of sub-paragraph (c) insert “(reading references in sub-paragraphs (3B) and (3C) to the registered party as references to the candidate’s election agent)”.

(5) Schedule 5 (Local Election Rules)(6) is amended as follows.

(1) 1962 c. 14 (N.I.).

(2) Section 79 was amended by articles 16 and 18 of, and Schedules 2 and 3 to, S.I. 1972/1264 (N.I. 13).

(3) Section 130 was amended by the Electoral Law Act (Northern Ireland) 1968 (c.20) (N.I.); the Electoral Law Act (Northern Ireland) 1969 (c.26) (N.I.); S.I. 1972/1264 (N.I. 13); S.I. 1977/428; S.I. 1985/454; S.I. 1987/168; section 11 of and Schedule 3 to the Elected Authorities (Northern Ireland) Act 1989 (c. 3); S.I. 1995/1948; S.I. 2001/417; S.I. 2010/2977; S.I. 2011/2085; S.I. 2013/3156; and, in relation to the definition of “Minister” and “Ministry”, the functions of the Minister and Ministry of Home Affairs were transferred to the Secretary of State by S.I. 1973/2163.

(4) Schedule 3A was inserted by S.I. 2010/2977.

(5) This paragraph was inserted by Schedule 1 to the Electoral Administration Act 2006 (c. 22) and extended to Northern Ireland by this Order.

(6) Schedule 5 was substituted in its entirety by S.I. 1985/454.

(6) In rule 6 (subscription of nomination paper)(7), after paragraph (7) insert—

“(8) But in this rule “elector” does not include a person who has an anonymous entry in the register.”.

(7) In rule 21 (postal ballot papers)(8), in paragraph (1), for “at the addresses shown in the absent voters list” substitute “in accordance with Part 3 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985”(9).

(8) In rule 25(10)—

(a) in paragraph (1), omit the words from “, but a card need not” to the end; and

(b) after paragraph (4) insert—

“(5) In the case of an elector with an anonymous entry, the official poll card must not include the elector’s name or qualifying address or the situation of the elector’s polling station.

(6) In this rule, reference to an official poll card includes an official postal poll card.”.

(9) In rule 26 (equipment of polling stations)(11), in paragraph (3)(c) for “names of” substitute “entries relating to”.

(10) In rule 37 (tendered ballot papers)(12), after paragraph (9) insert—

“(10) This rule does not apply in relation to an elector who has an anonymous entry in the register.”.

(11) After rule 37 insert—

“Tendered postal ballot papers: anonymous entries

37A.—(1) This rule applies to a person (“P”) who—

(a) is an elector with an anonymous entry in the register; or

(b) is entitled to vote by post as proxy for such an elector,

and who claims to have lost, or not received, a postal ballot paper.

(2) P may apply to the Chief Electoral Officer for a replacement postal ballot paper (in these rules referred to as a “tendered postal ballot paper”).

(3) The application—

(a) may be made by post or in person,

(b) must be accompanied by a specified document within the meaning of rule 34, and

(c) must be delivered to the Chief Electoral Officer—

(i) where the application is made by post, before 4 p.m. on the fourth day before the day of the poll, and

(ii) where the application is made in person, before 4 p.m. on the day before the day of the poll.

(7) Rule 6 was amended by [S.I. 2001/417](#).

(8) Rule 21 was amended by [S.I. 1972/1264](#); [S.I. 1987/168](#); and [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment, and [S.I. 2013/3156](#) made a non-textual amendment.

(9) [S.I. 1985/454](#).

(10) Rule 25 was amended by [S.I. 1987/168](#); and [S.I. 2010/2977](#). In addition, paragraph 18 of Schedule 2 to the Elections Act 2001 (c. 7) made a non-textual amendment, and [S.I. 2013/3156](#) made a non-textual amendment.

(11) Rule 26 was amended by [S.I. 2001/417](#); Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); and [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment, and [S.I. 2013/3156](#) made a non-textual amendment.

(12) Rule 37 was amended by [S.I. 1987/168](#); [S.I. 2002/2835](#); Schedule 1 to the Electoral Administration Act 2006 (c. 22); and Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment, and [S.I. 2013/3156](#) made a non-textual amendment.

- (4) If the Chief Electoral Officer—
- (a) is satisfied as to P’s identity, and
 - (b) has no reason to doubt that P has lost, or not received, a postal ballot paper,
- the Chief Electoral Officer must issue a tendered postal ballot paper to P in the manner set out in Schedule 2 to the Local Elections (Northern Ireland) Order 1985.
- (5) A tendered postal ballot paper must be of a different colour from the other ballot papers.
- (6) P, if issued with a tendered postal ballot paper, may mark it, sign it, and send it to the Chief Electoral Officer, in the same manner as a postal ballot paper.
- (7) A tendered postal ballot paper which has not been signed, or which does not meet the conditions in rule 45(2) and (2A)(13), is void.
- (8) On receipt of a tendered postal ballot paper, the Chief Electoral Officer must deal with it in the manner set out in Schedule 2 to the Local Elections (Northern Ireland) Order 1985.
- (9) The Chief Electoral Officer must—
- (a) endorse each tendered postal ballot paper with the entry in the register of the elector in question, and
 - (b) set it aside in a separate packet of tendered postal ballot papers.
- (10) The Chief Electoral Officer must add the entry in the register of the elector in question to a list (in these rules referred to as the “tendered postal votes list”).
- (11) The Chief Electoral Officer must seal the packet of tendered postal ballot papers.
- (12) This rule applies in the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act (alteration of registers in Northern Ireland: pending elections)(14) as if—
- (a) in paragraph (1) for “in the register” there were substituted “in respect of whom a notice under section 13BA(9) has been issued”; and
 - (b) in paragraphs (9)(a) and (10), for “entry in the register of the elector in question” there were substituted “entry relating to the elector in question on a notice issued under section 13BA(9)”.
- (12) In rule 45 (preliminary proceedings and conduct of the count)—
- (i) at the end of paragraph (3) insert “or any tendered postal ballot paper”; and
 - (ii) in paragraph (5), after “the tendered votes list” (in both places) insert “and tendered postal votes list”.
- (13) In rule 57 (sealing up of ballot papers)(15), in paragraph (2), after “tendered ballot papers” insert “or of tendered postal ballot papers”.
- (14) In rule 58 (forwarding of documents)(16), in paragraph (1)(c), after “the tendered votes lists,” insert “the tendered postal votes lists,”.
- (15) The Appendix of Forms(17) is amended as follows.

(13) Rule 45 was amended by [S.I. 1972/1264](#); [S.I. 2002/2835](#); and [S.I. 2010/2977](#). In addition, [S.I. 2013/3156](#) made a non-textual amendment

(14) “Section 13BA of 1983 Act” is defined for the purpose of Schedule 5 by rule 26(3ZB) of the local elections rules. That section is applied for the purpose of local elections by Part 1 of Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989 (c.3), as amended by section 3 of the Representation of the People Act 2000 (c.2) and paragraph 7 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c.33).

(15) Rule 57 was amended by [S.I. 2010/2977](#).

(16) Rule 58 was amended by [S.I. 2010/2977](#). In addition, [S.I. 2013/3156](#) made a non-textual amendment

(17) The Appendix of Forms was amended by [S.I. 1987/168](#); section 3 of, and Schedule 2 to, the Elected Authorities (Northern Ireland) Act 1989; [S.I. 1990/595](#); [S.I. 1991/1715](#); paragraph 29 of Schedule 1 to the Elections Act 2001; [S.I. 2001/417](#); [S.I. 2002/2835](#); paragraphs 61 and 68 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); and [S.I. 2010/2977](#). In addition, [S.I. 2013/3156](#) made a non-textual amendment

- (16) In form 5 (Declaration of Identity)—
- (a) before “Name of witness” insert “*”;
 - (b) before “Address” insert “*”, and after that paragraph insert—
“(Returning officer to omit where ballot papers sent to an anonymous elector.)”; and
 - (c) in the section entitled “Instructions to the voter”, at the end of paragraph 1 insert “If you are an elector with an anonymous entry in the register, or you are the proxy for such a person, the name and address of the witness should not be included. However, you do need to sign this declaration in the presence of a witness and the witness must sign the form.”.
- (17) After form 6 (Form of Elector’s Official Poll Card), insert Form 6A in the Schedule.
- (18) After form 7 (Form of Proxy’s Official Poll Card), insert Form 7A in the Schedule.