

EXPLANATORY MEMORANDUM TO
THE ELECTORAL LAW ACT (NORTHERN IRELAND) 1962
(AMENDMENT NO. 2) ORDER 2005

2005 No. 863

1. This Explanatory Memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.
- 2. Description**
 - 2.1 This Order amends the Electoral Law Act (Northern Ireland) 1962 so as to allow the presiding officer to admit members of the Electoral Commission and persons authorised by it into polling stations during local elections.
- 3. Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
- 4. Legislative Background**
 - 4.1 The Electoral Law Act (Northern Ireland) 1962 provides for local elections in Northern Ireland. Rule 29 of Schedule 5 relates to the control of persons entering polling stations, and lists the persons who may be admitted by the presiding officer.
 - 4.2 The power to amend Rule 29 exists by virtue of section 84(1) of the Northern Ireland Act 1998. This states that an Order in Council may make provision with respect to elections (but not the franchise) and boundaries in respect of district councils in Northern Ireland.
- 5. Extent**
 - 5.1 This instrument extends to Northern Ireland only.
- 6. European Convention on Human Rights**
 - 6.1 The Minister of State, John Spellar, has made the following statement regarding Human Rights:

In my view the provisions of the Electoral Law Act (Northern Ireland) 1962 (Amendment No.2) Order 2005 are compatible with the Convention Rights.
- 7. Policy Background**
 - 7.1 This change is so as to assist the Electoral Commission by enabling them to observe the electoral process in the United Kingdom, and other appropriate visitors authorised by the Commission. Access has already been granted in

the same terms for Assembly elections and for European Parliamentary elections.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the public sector, business, charities or voluntary bodies.

9. Contact

- 9.1 Peter Hawthorne, head of the Elections Unit in the Northern Ireland Office, telephone: 020 7210 6569 or email: peter.hawthorne@nio.x.gsi.gov.uk