URBAN DISTRICT COUNCILLORS AND TOWN COMMISSIONERS

Election.

ORDER BY THE MINISTRY OF HOME AFFAIRS FOR NORTHERN IRELAND UNDER THE LOCAL GOVERNMENT ACTS (N.I.), 1898 to 1922.

1922. No. 71.

To the County Council of every Administrative County in Northern Ireland.
To the Urban District Council of every Urban District in Northern Ireland.
To the Clerk of every such Urban District Council.
To the Town Commissioners of every town in Northern Ireland having Commissioners under any Act, but which is not an Urban District.
To the Clerk of the Town Commissioners of every such Town.
And to all others whom it may concern :

Whereas the Local Government Board for Ireland by an Order under Seal bearing date the 22nd December, 1898, entitled " the Urban District Councillors and Town Commissioners (Ireland) Election Order, 1898." did order that the rules contained in the said order should be observed in connection with the election of urban district councillors (including aldermen and councillors of boroughs other than county boroughs) and of town commissioners in towns not being Urban Districts in Ireland :

And Whereas the said Order was amended by the said Local Government Board for Ireland in certain particulars by orders under their seal bearing date respectively the 29th day of November, 1901, and the 11th day of September, 1914 :

And whereas by the Local Government (Ireland) Act, 1919, it was enacted that any contested election of the full number of members of an urban district council or town commissioners should be according to the principle of proportional representation ; and the Local Government Board for Ireland by an Order entitled " the Local Government Elections (P.R.I.) Order, 1919 " amongst other matters did revoke and rescind the aforesaid rules and orders except in so far as any of the said rules and orders related to any election for the filling of casual vacancies in the case of aldermen and councillors of a borough.

And whereas by the Local Government Act (Northern Ireland), 1922, the provisions of the Local Government (Ireland) Act, 1919, with reference to election of members of local authorities according to the principle of proportional representation were repealed and

it was enacted in effect that the members of the council of an urban district and the town commissioners of any town in Northern Ireland should be elected by the method of voting which was in force immediately before the commencement of the Local Government (Ireland) Act, 1919 :

And whereas it is enacted by Section 2 of the said Local Government Act (Northern Ireland), 1922, that no person shall be deemed to have been duly nominated for election as a member of an urban district council or of the town commissioners of a town unless his consent in writing to such nomination has been signified to the returning officer, and a deposit of an amount of ten pounds has been paid to the returning officer not later than the date prescribed for the receipt of nomination papers ; and that the power of the Ministry of Home Affairs for Northern Ireland to frame rules for the conduct of elections shall include power :—

(*a*) to prescribe conditions upon which deposits made by an unsuccessful candidate may be returned, and

(*b*) to prescribe the manner in which consents may be given by candidates to their nomination as members of an urban district council or town commissioners.

Now, therefore, the Ministry of Home Affairs for Northern Ireland, in exercise of the powers vested in it by the Local Government Acts (Northern Ireland), 1898 to 1922, and of all other powers enabling the Ministry in that behalf by this Order hereby orders and directs as follows, that is to say :—

1. For the purposes of elections of urban district councillors and of town commissioners in towns in Northern Ireland the Local Government Elections (P.R.I.) Order, 1919 is hereby revoked and rescinded.

2. The Urban District Councillors and Town Commissioners (Ireland) Election Order, 1898 (hereinafter referred to as the original order) together with the orders amending the same bearing date respectively the 29th day of November, 1901 and the 11th day of September, 1914 shall subject to the additions and amendments herein contained apply and have effect for the purpose of the elections of urban district councillors and of town commissioners in towns not being urban districts in Northern Ireland until the Ministry otherwise determines.

3. The first Schedule to the original order, and Form No. 1 and Form No. 2 of the Second Schedule to the original order are hereby revoked, and the first Schedule and the Form No. 1 and the Form No. 2 of the Second Schedule to this order shall be substituted therefor and for all references thereto in the original order.

4 (*a*) Notwithstanding anything contained in the original order a candidate shall not be deemed to be nominated unless and until his consent to his nomination has been signified in the manner

prescribed by this Order and the amount of the deposit provided by Section 2 (1) of the Local Government Act (Northern Ireland), 1922, has been paid to the returning officer.

4. (*b*) Rule 4 (2) of the original Order is hereby revoked, and there shall be substituted therefor the following Rule :—

Nomination of Candidates.

4 (2). The nomination paper shall state the name of the district, or if the district is divided into wards, of the ward for which the candidate is nominated, the surname and other name or names in full of the candidate his place of abode and description, and that he is qualified by law for election as a member of the council whether as a local government elector, resident or owner of property, as the case may be. It shall be signed by two local government electors of the district, or if the district is divided into wards, of the ward as proposer and seconder and no more, and shall state their respective places of abode. It shall be in the form set out in the notice in the Form No. 1 in the Second Schedule to this Order, or in a form to the like effect.

5. The following Rule shall be added to Rule 4 of the original order :—

Consent of Candidates.

4 (6) Each person who shall be nominated for election as councillor shall signify in writing to the returning officer not later than the date prescribed for the receipt of nomination papers his consent to such nomination. Every such consent shall be witnessed by two local government electors of the district who shall state their places of abode and numbers on the register and shall be in the Form No. 1A as set out in the Second Schedule to this Order or in a form to the like effect, and delivered at the office of the returning officer within the time prescribed during the usual office hours ;

Provided that where a candidate is prevented by reason of illness or other sufficient cause from signifying his consent in writing such consent may be given on his behalf in the Form No. 1B as set out in the Second Schedule to this Order or in a form to the like effect by a local government elector of the urban district duly authorised to signify such consent.

6. Rule 5 of the original order is hereby revoked and there shall be substituted the following Rule :—

The returning officer shall provide nomination papers and forms for candidate's consent to nomination. Any local government elector may obtain nomination papers and forms of consent to nomination from the returning officer free of charge.

7. Rule 8 of the original order is hereby revoked and there shall be substituted therefor the following Rule :—

Statements as to persons deemed to have been duly nominated.

8. Not later than the day prescribed for that purpose by the first Schedule to this Order the returning officer shall make out a statement in the Form No. 2 as set out in the Second Schedule to this Order, or in a form to the like effect containing the names, places of abode, and description of the persons nominated for election as councillors for the district, or for the several wards thereof for which the election is to be held, and also containing a notice of his decision as regards each candidate as to whether he has been deemed to have been duly nominated or not. He shall forthwith cause a copy thereof to be suspended in the Town Hall or room in which the meetings of the Council are held, and another to be affixed on the principal external gate or door of the Town Hall or other offices of the Council of the district. If there are no such offices he shall cause such notice to be posted in some conspicuous place or places within the district.

Conditions affecting deposits.

8. '(1) The deposit prescribed by Section 2 of the Local Government Act (Northern Ireland), 1922, may be made by the deposit of any legal tender, and in a case where any person is a candidate for election for more than one ward in a district he shall make a separate deposit in respect of his candidature for each ward.

(2) If, after the amount of the deposit prescribed by Section 2 of the Local Government Act (Northern Ireland), 1922, has been paid

(*a*) the candidate is not deemed to be validly nominated the returning officer shall return to him the deposit ; or

(*b*) if the candidate dies before the day of election the deposit if made by him, shall be returned to his legal personal representative, or if not made by him shall be returned to the person by whom the deposit was made.

(3) If a candidate who has made the required deposit is not elected and the number of votes polled by him exceeds one-eighth of the total number of votes polled at the election the returning

officer shall, as soon as practicable after the day of the election, return the amount of the deposit to the candidate.

Provided that where a candidate is nominated for more than one ward of a district he shall in no case recover his deposit more than once.

(4) For the purpose of this article the number of votes polled shall be deemed to be the number of ballot papers (other than spoilt ballot papers) counted in respect of an election of councillors for any district or town commissioners for any town, or if the district or town is divided into wards, for the ward.

9. This Order may be cited as the Urban District Councillors and Town Commissioners (Northern Ireland) Election Order, 1922, and shall be construed as one with the Urban District Councillors and Town Commissioners (Ireland) Election Order, 1898.

Given under the Seal of the Ministry of Home Affairs for Northern Ireland this 7th day of December, One thousand nine hundred and Twenty-two.

(Signed) *R. D. Megaw,*

(L.S.)

SCHEDULE TO THIS ORDER.

First Schedule.

(*a*) Times for the Proceedings at the ordinary Election of Urban District Councillors and Town Commissioners in Towns not being Urban Districts in any Year.

Proceeding.	Time.
1. Notice of Election.	Not later than January 1.
2. Receipt of Nomination Papers.	Not later than five o'clock p.m. on January 5.
3. Withdrawal of Candidates.	Not later than five o'clock p.m. on January 6.
4. Sending notice of decision as to validity of Nomination papers.	As soon as practicable after receipt, but in any case not later than January 7.
5. Making out Statement as to persons duly nominated.	Not later than January 7.
6. Notice of Poll.	Not later than January 8.
7. Day of Election.	January 15.

(*b*) Times for the Proceedings at First Elections of Town Commissioners in any town which may hereafter adopt the provisions of any Act involving the Election of Town Commissioners.

Proceeding.	Time.
1. Notice of Election.	Not later than fourteen days before the day of election.
2. Receipt of Nomination Papers.	Not later than five o'clock p.m. on the fourth day after the day on which the notice of election was given.
3. Withdrawal of Candidates.	Not later than five o'clock p.m. on the day after the last day for the receipt of nomination papers.
4. Sending notice of decision as to validity of nomination papers.	Not later than the second day after the last day for the receipt of nomination papers.
5. Making out Statement as to persons duly nominated.	
6. Notice of Poll.	Five clear days at least before the day of election.
7. Day of Election.	In the case of first elections:—Such day as may be fixed by the returning officer, but so that, subject to any special provision in the order assigning any additional councillors or constituting the new urban district, as the case may be, it shall not be later than six weeks from the date when such Order comes into operation.

NOTE.—If any of the dates fixed in this Schedule falls on a Sunday reference to it shall be construed as a reference to the following day and references to subsequent dates other than the date for the day of election shall be construed in like manner.

Second Schedule.

NOTE.—In the case of an election of town commissioners for any town which is not an urban district the modifications directed by the preamble to the Urban District Councillors and Town Commissioners (Ireland) Election Order, 1898, should be made in the forms in this Schedule.

Form No. 1.

Notice of Election.

URBAN DISTRICT OF

Election of Urban District Councillors.

x (for the several wards in the above-named district).

NOTICE IS HEREBY GIVEN THAT :—

1. The day of election of Urban District Councillors for the said District (or wards, as the case may be) will be the day of

2. The number of Urban District Councillors to be elected for the said district (or wards, as the case may be is *

3. Each candidate for election as an Urban District Councillor must be nominated in writing, and the nomination paper must be sent to me so that it shall be received at (which is my office for the purpose of the election) during the usual office hours, not later than 5 o'clock p.m. on the day of 19

x If the urban district is not divided into wards, omit these words.

*If the district is divided into wards, insert the names of the wards, with the number of councillors to be elected for each. A tabular form may be used if preferred.

4. Each candidate for election must in the prescribed form or a form to the like effect signify in writing his consent to his nomination and deposit or cause to be deposited the sum of Ten Pounds, the consent and the amount of his deposit must be delivered to me by the candidate or some person duly authorised on his behalf at my office not later than five o'clock p.m. on the day of 19 .

5. A Local Government Elector must not sign more nomination papers than there are urban district councillors to be elected for the district (or ward, as the case may be) and he must not sign a nomination paper for the district (or for any ward thereof) unless he is registered as a local government elector in respect of a qualification therein. (Neither must he sign nomination papers for more than one ward in the district)†

†If the district is not divided into wards, omit these words.

6. Forms of nomination paper and of consent to nomination may be obtained, free of charge, from me at the above-named office.

7. The nomination paper must be in the following form, or in a form to the like effect :—

FORM OF NOMINATION PAPER.

URBAN DISTRICT OF

Election of Urban District Councillors for the above district (or for the ward of the above district in the year 19).

We, the undersigned, being respectively local government electors of the said district (or ward) do hereby nominate the undermentioned person as a candidate at the said election for the office of URBAN DISTRICT COUNCILLOR.

Names of Candidate.		Place of Abode.	Description.	How qualified (specify qualification according to direction in Instruction 5).
Surname.	Other Names in full.			
1.	2.	3.	4.	5.

Signature of Proposer.....

Place of Abode.....

Number on Register.....

Signature of Seconder.....

Place of Abode.....

Number on Register.....

Instructions for filling up nomination papers.¶

(1) The surname of only one candidate for election must be inserted in column 1.

(2) The other names of the candidate must be inserted in full in column 2.

(3) Insert in column 3 the place of abode of the candidate.

(4) In column 4 state the occupation, if any, of the candidate. If the candidate has no occupation insert some such description as "gentleman" or "married woman" or "spinster" or "widow" as the case may be.

(5) If the candidate is a local government elector for the district, that is, if his (or her) name is registered in the local government register of such district, insert in column 5 "local government elector of urban county district of ." If the candidate is not a local government elector of the district, but he (or she) has during the whole of the twelve

¶These Instructions form a part of the nomination paper.

months preceding the election resided and continues to reside in the district, insert in column 5 " residence," or if he is the owner of property held by freehold, leasehold, or any other tenure within the district insert in column 5 " owner of property." If the candidate has more than any one of such qualifications, it will be sufficient to insert in column 5 one of such qualifications, but all may be inserted.

(6) (*a*) The paper must be signed by two local government electors of the district (or ward), and no more ; by one as proposer, and by the other as seconder. The places of abode of the proposer and seconder and their numbers on the register must also be inserted. Instead of signing, the proposer or seconder may affix his mark, if it is witnessed by two local government electors.

(*b*) A local government elector must not sign more nomination papers than there are urban district councillors to be elected for the district (or ward) and he must not sign a nomination paper for the district (or ward) unless he is registered as a local government elector in respect of a qualification therein. Neither must he sign a nomination paper in more than one ward in the district.

8. The consent of the candidate must be signified in the following form, or in a form to the like effect.

Form No. 1A.

Form of consent of candidate to nomination.

URBAN DISTRICT OF

I of ‖

hereby consent to my nomination as a candidate for election as Urban District Councillor for the Urban District of , or (if the district is divided into wards insert the name of the ward).

‖Insert surname and christian names in full and place of abode.

.....
Signature of Candidate.
.....19.....
Date.

Witnesses :

(1) ..... Local Government Elector.
..... Place of Abode.
..... Number on Register.

(2) ..... Local Government Elector.
..... Place of Abode.
..... Number on Register.

Received by the Returning Officer on the day of 19 .

.....
Returning Officer.

Form No. 1B.

Form of consent on behalf of a candidate who is prevented by illness or other sufficient cause from signifying consent.

I of ‖
being a local government elector of the urban district of
hereby on behalf of of
consent to his nomination as a candidate for election as Urban District Councillor for the Urban District of (or if the district is divided into wards insert the name of the ward), and I hereby declare that I have been duly authorised by the said
of to signify such consent.

‖Insert surname and christian names in full and place of abode.

.....
Signature.
.....
Number on Register.
.....19.....,
Date.

Witnesses :

(1) ..... Local Government Elector.
..... Place of Abode.
..... Number on Register.

(2) ..... Local Government Elector.
..... Place of Abode.
..... Number on Register.

Received by the Returning Officer on the day of 19 .

.....
Returning Officer.

9. Not later than the day of 19 , I shall cause a copy of a statement containing the names, places of abode, and description of the persons nominated for the office of urban district councillor for the said district (or wards), and also containing a notice of my decision as regards each candidate as to whether he has been duly nominated or not, to be suspended in the room in which the meetings of the urban district council are held, and another to be affixed on the principal external gate or door of the office of the urban district council.§

§If there are no such offices substitute some conspicuous place or places within the district or wards.

10. Any candidate nominated for an election may, not later than 5 o'clock p.m. on the day of 19 , withdraw his candidature by delivering or causing to be delivered at my office for the purposes of the election a notice in writing of such withdrawal signed by him.

11. If the number of candidates who are duly nominated for the district (or any ward) and whose candidature is not withdrawn, exceeds that of the persons to be elected, a poll will be taken on the day of 19 , of which due notice will be given.

Dated this day of 19 .

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Returning Officer.

.....

Office for purpose of election.

NOTE.—There shall be added to every notice of election to be published under Rule 3 of this Order the notification following with respect to claims against returning officers, namely :—

> " Take notice, that every person having any claim against a returning officer for work, labour, material, services, or expenses in respect of any contract made with him by or on behalf of the returning officer, for the purpose of an election shall, within fourteen days after the day on which the return is made of the person or persons elected at the election, transmit to the returning officer the detailed particulars of such claim, in writing, and the returning officer shall not be liable in respect of anything which is not duly stated in such particulars."

Form No. 2.

STATEMENT AS TO PERSONS NOMINATED.

URBAN DISTRICT OF

The following is a statement as to the persons nominated for election as urban district councillors for the above named district or for the several wards for the above named district.

COUNCILLORS.

District (or wards). 1.	Persons Nominated.			Decision of returning officer that candidate has been duly nominated. 5.
	Names (Surnames first). 2.	Place of Abode. 3.	Description. 4.	

The candidates opposite whose names no entry is made in column 5 have been duly nominated.

Dated this day of 19 .

.....

Returning Officer.

.....

Office for the purpose of election.

NOTE.—S.R.O. No. 65 was withdrawn. See S.R.O. No. 17, 1923.