County Councils, Additional Members

THE ELECTORAL (ADDITIONAL MEMBERS OF COUNTY COUNCILS) REGULATIONS (NORTHERN IRELAND), 1946, No. 83.

NOTE :—By these regulations the Ministry of Home Affairs extended certain of the provisions of section 50 of the Act of 1946 to elections of additional members to the council of a country under sub-section 2 of section 3 of the Local Government (Ireland) Act, 1898, in the month of October, 1946. These regulations were revoked by S. R. & O., 1946, No. 91 made 25th June, 1946, and are not printed at length in this volume.

Aldermen and Councillors of County Boroughs and Boroughs

REGULATIONS, DATED 7TH AUGUST, 1946, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER THE ELECTIONS AND FRANCHISE ACT (NORTHERN IRELAND), 1946.

1946. No. 118

WHEREAS the Ministry of Home Affairs for Northern Ireland (hereinafter referred to as " the Ministry ") in exercise of the powers vested in it by the Local Government Acts (Northern Ireland), 1898, to 1929, made an Order entitled The Aldermen and Councillors of County Boroughs (Northern Ireland) Election (Consolidation) Order, 1929 (hereinafter referred to as the " original Order ") framing the rules to be observed in connection with the election of Aldermen and Councillors in County Boroughs in Northern Ireland;

AND WHEREAS the original Order has from time to time been amended by the Aldermen and Councillors of County Boroughs (Northern Ireland) Election Orders of 1930, 1931 and 1936 ;

AND WHEREAS it is provided by Sub-Section (2) of Section Fifty-one of the Elections and Franchise Act (Northern Ireland), 1946 (hereinafter referred to as " the Act of 1946 ") that any rules relating to the conduct of such elections in force at the passing of the Act of 1946, in so far as they are not repugnant to the provisions of the Act of 1946, shall continue in force until amended or revoked by regulations made under the Act of 1946 ;

AND WHEREAS certain of the provisions of the original Order as amended are repugnant to the provisions of the Act of 1946 ;

AND WHEREAS for the purposes of the election of Aldermen and Councillors in County Boroughs in the year 1946, and of the election of Councillors to fill casual vacancies occurring thereafter it is expedient that the original Order as amended should be further amended in manner hereinafter appearing ;

AND WHEREAS it is expedient that the original Order as hereinafter amended should also apply to the election of Aldermen and Councillors in Boroughs not being County Boroughs in Northern Ireland in like manner as it applies to Elections of Aldermen and Councillors in County Boroughs :

NOW, THEREFORE, the Ministry of Home Affairs in exercise of the powers vested in it by Section Fifty-one of the Act of 1946 and of all other powers in that behalf thereunto enabling the Ministry, hereby makes the following regulations amending the original Order, that is to say :—

1. Paragraph (4) of Article 1 of the original Order shall be read and have effect as if the words " to the election of Councillors and in those years in which Aldermen are elected " were omitted.

2. The following paragraph shall be substituted for paragraph (1) of Article 2 of the original Order :—

" (1) The day of election of Aldermen and Councillors in the year 1946 shall be that prescribed in paragraph (*b*) of Sub-Section (2) of Section Forty-five of the Act of 1946, and mentioned in Table (*a*) of the Schedule to this Order."

3. Article 3 of the original Order shall be read and have effect as if the words " of Councillors and in those years in which Aldermen are elected " were omitted.

4. Article 4 of the original Order shall be read and have effect as if—

(*a*) in paragraph (1), at the end, there were added the words " in the Form 1.A. in the Second Schedule to this Order or in a form to the like effect," ;

(*b*) in paragraph (2) after the words " County Borough " on its second occurrence there were added the words " or have during the whole of the twelve months immediately preceding the election resided within the area of the County Borough ", and as if for the words " polling district letter ", there were substituted the words " polling district number ", and as if the last sentence of the paragraph were omitted ;

(*c*) in paragraph (3) the words " nor shall any person be nominated both as Councillor and Alderman " were added at the end thereof ;

(*d*) in paragraph (6) the words " and a declaration of his intention to take his seat if elected " were added at the end of the first sentence thereof, and as if for the words " polling district letter " there were substituted the words " polling district number ", and as if for the references to Form No. 1.A. and (in the proviso) to Form No. 1.B. there were substituted references to Form No. 1.B. and form No. 1.C. respectively.

5. The following paragraphs shall be substituted for paragraphs (6) and (7) of Article 10 of the original Order :—

"(6) If at an election specially held to fill two or more casual vacancies in the office of Councillor for any Ward, the number of candidates who receive valid nominations is in any case less, or is in any way reduced to a number less, than the number of vacancies to be filled, the Returning Officer shall give public notice, in accordance with Rule 32 of this Order, that no poll will be taken and that the candidate or candidates so nominated will be declared to be elected. The Returning Officer shall thereupon proceed to give notice of an election to fill the remaining vacancy or vacancies as if such vacancy or vacancies were freshly occurring, and if no candidate is validly nominated or if the number of candidates who receive valid nominations is less, or is in any way reduced to a number less, than the number of vacancies to be filled, any vacancy so remaining after the second election held pursuant to the provisions of this paragraph shall remain unfilled until the next ordinary election in the next election year."

"(7) If, after due notice has been given that an election will be specially held to fill one or more casual vacancies in the office of Councillor for any Ward, no candidate receives a valid nomination, the Returning Officer shall again give notice of election as if for a freshly occurring vacancy, and if no candidate then receives a valid nomination, the vacancy or vacancies so remaining shall remain unfilled until the next ordinary election in the next election year."

6. Article 11 of the original Order shall cease to have effect and the conditions affecting Deposits shall be in accordance with the provisions of Sections Thirty and Thirty-one of the Act of 1946.

7. The following shall be substituted for Article 12 of the original Order :—

"12. (1) In the case of the election of Aldermen and Councillors in the year 1946, the poll, if any, shall, in accordance with the provisions of the Act of 1946, be held on the 18th day of September, 1946.

(2) In the case of any election specially held to fill any casual vacancy or vacancies the poll, if any, shall be held on such day as may be fixed by the Returning Officer in accordance with Article 28 of this Order.

(3) The hours during which the poll shall be open shall be from 8.30 a.m. to 8.30 p.m."

8. The following shall be substituted for Article 14 of the original Order :—

" 14. (1) The number and situation of the polling stations shall be such as may be determined by the returning officer with the approval of the Ministry.

(2) No premises licensed for the sale of intoxicating liquor shall be used for a polling station.

(3) The number of polling stations to be provided shall be such as to ensure that the number of electors entitled to vote at any station shall, unless in such exceptional cases as the returning officer with the special sanction of the Ministry may determine, be not less than 300 nor more than 500.

(4) The polling stations for the election of Aldermen and Councillors when the polls for the two elections are to be taken together shall be the same."

9. Paragraph (1) of Article 19 of the original Order shall be read and have effect as if for the words " a Local Government elector shall not vote in more than one Ward in a County Borough " there were substituted the words " a person shall not vote in a County Borough by virtue of more than one qualification."

10. In paragraph (1) of Article 20 of the original Order, for the word " shall ", where it first occurs, there shall be substituted the word " may ", and at the end of the said paragraph there shall be added the following proviso —

" Provided that nothing in the provisions of this Article shall have effect so as to prevent the Returning Officer for the County Borough of Belfast from appointing as Deputy Returning Officer for any Ward a suitable and competent person who has not been appointed to act as Presiding Officer at any Polling Station."

and for paragraph (3) of the said Article there shall be substituted the following paragraph :—

" (3) The votes shall be counted at some place in the County Borough as soon as practicable after the close of the poll."

11. The following proviso shall be substituted for proviso (3) of Article 26 of the original Order :—

" (3) In Section Thirty-four of the Act " Burgess Roll " shall mean the Register of Electors published in the year 1946 pursuant to the Act of 1946."

12. The following shall be substituted for Article 28 of the original Order :—

" 28. In the event of a casual vacancy occurring by death, resignation, or otherwise, in the office of Councillor of any Ward of a County Borough, being a vacancy occurring on or before the 31st day of December, 1948, the vacancy shall be filled in the following manner : An election shall be held to fill the office within twenty-one days after

notice in writing of the vacancy shall have been given to the Town Clerk by two Local Government electors of the Ward in respect of which the vacancy has occurred, and the usual proceedings for such election shall be taken at the time and within the periods mentioned in the First Schedule to this Order with respect to elections not held at the time of ordinary elections."

13. Article 29 of the original Order shall cease to have effect.

14. Paragraph (1) of Article 30 of the original Order shall cease to have effect.

15. The following shall be substituted for Article 32 of the original Order :—

" 32. Subject to any specific provision to the contrary contained in these Rules any public notice required by this Order shall be given either by advertisement in one or more newspapers circulating in the area to which the notice relates or by the exhibition of posters in suitable positions throughout the area ;

Provided that the Returning Officer may, if he thinks fit, give any public notice as aforesaid by both such methods and may also publish any notice in any other manner which is in his opinion desirable for the purpose of bringing the contents of the document to the notice of the persons interested."

16. The First, Second and Third Schedules to the original Order shall have effect subject to the amendments set out in the Schedule to these regulations.

17. (1) The original Order as amended by these regulations shall apply to elections of Aldermen and Councillors in Boroughs, not being County Boroughs, in Northern Ireland in like manner as it applies to elections of Aldermen and Councillors in County Boroughs, and any references in the original Order or these regulations to " County Boroughs " shall be construed as references to Boroughs.

(2) The Aldermen and Councillors of Boroughs (Northern Ireland) Election Orders of 1927, 1929, 1930, 1931 and 1936 are hereby revoked.

18. These regulations may be cited as the Electoral (Election of Aldermen and Councillors of County Boroughs and Boroughs) Regulations (Northern Ireland), 1946, and shall be construed as one with the original Order.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 7th day of August, 1946, in the presence of

(L.S.)

J. B. O'Neill,
Assistant Secretary.

SCHEDULE.

PART I — TIME TABLE (FIRST SCHEDULE TO ORIGINAL ORDER)

The following shall be substituted for the First Schedule to the original Order :—

a. Times for the Proceedings at the ordinary election of Aldermen and Councillors in the County Borough of Belfast and in Boroughs in the year 1946.

Proceeding	Time	
	In the County Borough of Belfast	In Boroughs
1. Notice of Election	Not later than 29th August, 1946.	Not later than 29th August, 1946.
2. Receipt of Nomination Papers	Not later than four o'clock p.m. on 4th September, 1946.	Not later than one o'clock p.m. on 4th September, 1946.
3. Withdrawal of Candidates	Not later than one o'clock p.m. on 5th September, 1946.	Not later than one o'clock p.m. on 5th September, 1946.
4. Sending Notice of decision as to validity of Nomination Papers	Not later than 7th September, 1946.	Not later than 5th September, 1946.
5. Making out Statement as to persons validly nominated		
6. Notice of Poll	Not later than 11th September, 1946.	Not later than 9th September, 1946.
7. Day of Election	18th September, 1946.	18th September, 1946.

b. Times for the Proceedings at Elections to fill vacancies for Councillors in County Boroughs and Boroughs occurring after the ordinary election in the year 1946 and before 1st January, 1949.

Proceeding	Time
1. Notice of Election	Not later than fourteen days before the day of election.
2. Receipt of Nomination Papers	Not later than one 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 one o'clock p.m. on the day after the day fixed for the receipt of Nomination Papers.
4. Sending Notice of decision as to validity of Nomination Papers	Not later than the day after the day fixed for the receipt of Nomination Papers.
5. Making out Statement as to persons validly nominated	
6. Notice of Poll	Five clear days at least before the day of election.
7. Day of Election	Such day as may be fixed by the Returning Officer in accordance with Article 28 of this Order.

PART II — FORMS (SECOND SCHEDULE TO ORIGINAL ORDER)

The following amendments shall be made in the Second Schedule to the original Order as amended :—

1. The following Form shall be substituted for Form No. 1 — Notice of Election, for the purposes of the ordinary election of Aldermen and Councillors in County Boroughs in the year 1946. In the case of an election to fill a casual vacancy in any ward, a Form to the like effect but specifying the ward for which the election is to be held, shall be used.

Form No. 1.

NOTICE OF ELECTION.

County Borough of

Election of Aldermen and Councillors.

NOTICE IS HEREBY GIVEN THAT—

1. The day of election of Aldermen and Councillors for all wards will be the day of 19 .

* The number of Aldermen and Councillors to be elected for the said wards is :—

(Here insert a table of the wards and the number of Aldermen and Councillors to be elected for each)

2. Each candidate must be nominated in writing in the prescribed form or in a form to the like effect, and the nomination paper must be delivered to me at (which is my office for the purpose of the election) not later than o'clock p.m. on the day of 19 .

3. Each candidate for election as Alderman or Councillor must be in the prescribed form or a form to the like effect signify in writing his consent to his nomination and his intention to take his seat if elected ; such consent and statement of intention must be delivered to me by the candidate or his proposer or seconder at my office not later than o'clock p.m. on the day of 19 .

4. Each candidate for election as Alderman or Councillor must deposit or cause to be deposited with me at my office not later than o'clock p.m. on the day of 19 , a sum of twenty-five pounds.

5. A local government elector must not sign more nomination papers than there are Aldermen or Councillors to be elected for the ward, and he must not sign a nomination paper for any ward unless he is registered as a local government elector in respect of a qualification therein.

6. Forms of nomination paper and of consent to nomination may be obtained, free of charge, from me at the above-named office, by any local government elector ; but no local government elector will be entitled to obtain more nomination papers or forms of consent to nomination than there are Aldermen or Councillors to be elected for the ward.

7. Any candidate nominated for election may, not later than 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.

8. Not later than the day of I shall cause a copy of a statement containing the names, places of abode, and descriptions of the persons validly nominated for election to the office of Councillor (or Alderman) for each ward, and also the names of their respective proposers and seconders, to be suspended in the city or town hall (or other place where the meetings of the council are held), and another to be affixed on the principal external gate or door of the city or town hall (or other place where the meetings of the council are held).

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* To be inserted at the discretion of the returning officer where applicable.

9. If more candidates are validly nominated for any ward than there are vacancies to be filled, and the number is not from any cause reduced to a number equal to the number of vacancies, a poll will be taken on the day of 19 , of which due notice will be given.

Dated this day of 19 .

.....
Returning Officer.

.....
Office for purpose of election.

NOTE.—The following notification must be added to every Notice of election given under Rule 3 of this Order :—

"Take notice, that every person having any claims 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 purposes 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."

2. The following forms shall be inserted between Form No. 1 and Form No. 2 :—

Form No. 1A.

FORM OF NOMINATION PAPER.

County Borough of Ward .

Election of Alderman and Councillors (or of Councillor/s) for the above Ward in the year 19 .

We, the undersigned, being respectively electors of the said ward for the year do hereby nominate the undermentioned person as a candidate at the said election.

Names of Candidate.		Place of Abode	Description
Surname	Other Names (in full)		
1.	2.	3.	4.

Signature of Proposer .....
Place of Abode .....
Number on Register of Electors .....
Polling District .....
Signature of Seconder .....
Place of Abode .....
Number on Register of Electors .....
Polling District .....

INSTRUCTIONS FOR FILLING UP NOMINATION PAPER. *

(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".

(5) (*a*) The paper must be signed by two local government electors of the ward and no more; by one as proposer, and by the other as seconder. The place of abode of the proposer and seconder, and their respective numbers on the Register of Electors, and the Polling District number must also be inserted. Instead of signing, the proposer or seconder may affix his mark, if it is witnessed by two local government electors of the ward.

(*b*) A local government elector must not sign more Nomination Papers than there are Aldermen or Councillors to be elected for the ward, and he must not sign a Nomination Paper for the ward unless he is registered as a local government elector in respect of a qualification therein.

* These instructions form a part of the Nomination Paper.

Form No. 1B.

FORM OF CONSENT OF CANDIDATE TO NOMINATION.

County Borough of Ward

† I, of

hereby consent to my nomination as a candidate for election as Councillor (or Alderman) for the Ward of the County Borough of and I declare that I intend to take my seat as a member of the Council if I am elected.

.....

Signature of Candidate.

.....19.....

Date.

Witnesses :

(1) .....Local Government Elector.

.....Place of Abode.

.....Number on Register of Electors.

.....Polling District.

(2) .....Local Government Elector.

.....Place of Abode.

.....Number on Register of Electors.

.....Polling District.

Received by the Returning Officer on the day of 19 .

.....

Returning Officer.

† Insert Surname and Christian Names in full and Place of Abode.

Form No. 1C.

FORM OF CONSENT ON BEHALF OF A CANDIDATE WHO IS PREVENTED BY ILLNESS OR OTHER SUFFICIENT CAUSE FROM SIGNIFYING CONSENT.

County Borough of Ward

* I, of
being a local government elector of the County Borough of
hereby on behalf of of
consent to his nomination as a candidate for election as Councillor (or Alderman) for the Ward of the County Borough of
and I hereby declare that I have been duly authorised by the said
of to signify such consent, and to declare his intention to take his seat as a member of the Council if he is elected.

.....
Signature.

.....
Number on Register.

.....Polling District.

.....19.....
Date.

Witnesses :

(1) .....Local Government Elector.

.....Place of Abode.

.....Number on Register of Electors.

.....Polling District.

(2) .....Local Government Elector.

.....Place of Abode

.....Number on Register of Electors.

.....Polling District.

Received by the Returning Officer on the day of 19

.....
Returning Officer.

3. The following paragraph shall be substituted for paragraph (3) of Form No. 5—Notice of Poll, appearing in the Second Schedule to the original Order :—

" 3. (1) That no person is entitled to vote in respect of more than one qualification in the County Borough, other than a Company qualification ;

(2) That even if a person is, in error, registered more than once in any ward, or in two or more wards, it is an offence to vote or to attempt to vote more than once ;

(3) That this does not apply to a person registered as the nominee of a Limited Company possessing a Company qualification, and that such a person may vote on behalf of any number of Companies of which he is registered as the nominee in addition to voting once on his own behalf if registered."

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* Insert Surname and Christian Names in full and Place of Abode.

PART III — ADAPTATION OF BALLOT ACT, 1872 (THIRD SCHEDULE TO PRINCIPAL ORDER).

The Third Schedule to the original Order (which adapts and alters the provisions of the Ballot Act, 1872, in their application to the election of Aldermen and Councillors in County Boroughs) shall have effect as if in the Form of Directions for the Guidance of the Voter in Voting prescribed by the Second Schedule to the Ballot Act, 1872, the following additional direction were included therein :—

" The Voter, at the time of applying for a ballot paper, must produce for the inspection of the Presiding Officer a document of identity which may be any one of the following :—

(*a*) a National Registration Identity Card ; or

(*b*) a valid British Passport ; or

(*c*) a Travel Permit Card ; or

(*d*) a Document of Identity issued by the Head or other Constable of the Royal Ulster Constabulary in charge of a Station

which bears the same name and address as are shown on the entry in the Register in respect of which the person is applying to vote.

Unless such a document of identity is produced a ballot paper will not be issued."

County and Rural District Councillors

REGULATIONS, DATED 7TH AUGUST, 1946, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER THE ELECTIONS AND FRANCHISE ACT (NORTHERN IRELAND), 1946.

1946. No. 117

WHEREAS 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 1923, made an Order entitled The County and Rural District Councillors (Northern Ireland) Election Order, 1924, framing Rules for the conduct of elections of County and Rural District Councillors, (hereinafter referred to as the " original Order ") ;

AND WHEREAS the original Order has from time to time been amended by the County and Rural District Councillors (Northern Ireland) No. 2 Election Order, 1924, and by the County and Rural District Councillors (Northern Ireland) Orders of 1929, 1930 and 1931 ;

AND WHEREAS it is provided by Sub-Section (2) of Section Fifty-one of the Elections and Franchise Act (Northern Ireland), 1946 (hereinafter referred to as " the Act of 1946 ") that any rules relating to the conduct of such elections in force at the passing of the Act of 1946 in so far as they are not repugnant to the provisions of the Act of 1946 shall continue in force until amended or revoked by regulations made under the Act of 1946 ;

AND WHEREAS certain of the provisions of the original Order as amended are repugnant to the provisions of the Act of 1946 ;