



AN BILLE UM THOGHCHÁIN DO THIONÓL NA hEORPA, 1984
EUROPEAN ASSEMBLY ELECTIONS BILL, 1984

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As initiated

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Qualification of candidates, etc.
3. Replacement candidates.
4. Replacement candidates' list.
5. Delivery and withdrawal of replacement candidates' list, etc.
6. Casual vacancies.
7. Amendment of First Schedule to Principal Act.
8. Repeals.
9. Short title, collective citation and construction.

ACTS REFERRED TO

Electoral Act, 1963	1963, No. 19
European Assembly Elections Act, 1977	1977, No. 30



AN BILLE UM THOGHCHÁIN DO THIONÓL NA hEORPA, 1984
EUROPEAN ASSEMBLY ELECTIONS BILL, 1984

BILL

entitled

AN ACT TO MAKE FURTHER PROVISION AS REGARDS 5
THE ELECTION OF REPRESENTATIVES TO THE
ASSEMBLY OF THE EUROPEAN COMMUNITIES.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

“non-party candidate” means a candidate who is not a candidate of 10
a registered political party;

“the Principal Act” means the European Assembly Elections Act,
1977;

“registered political party” means a party which pursuant to section
8 of the Principal Act is for the time being registered in the Register 15
of Political Parties as a party organised to contest an Assembly
election;

“replacement candidate” means a replacement candidate for the
purposes of this Act;

“replacement candidates’ list” has the meaning assigned to it by 20
section 3 (3) (d).

Qualification of
candidates, etc.

2.—The Principal Act is hereby amended by the substitution of the
following section for section 7:

“7.—(1) A person who is not eligible to become a member of
Dáil Éireann or who holds the office of Attorney General shall 25
not be eligible for election under this Act to be a representative
in the Assembly.

(2) A person who is elected under this Act to be a represent-

ative in the Assembly or who pursuant to *section 6* of the *European Assembly Elections Act, 1984*, is to be regarded as having been so elected, and who when so elected, or when he commences to be so regarded, holds the office of—

- 5 (a) Chairman or Deputy Chairman of Dáil Éireann or
Chairman or Deputy Chairman of Seanad Éireann,

(b) Minister of State,

shall on such election, or, in case he is to be so regarded, on the day on which he commences to be so regarded, cease to hold that office.

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(3) If while he is a representative in the Assembly a person—

(a) becomes subject to any of the disqualifications applicable to membership of Dáil Éireann, or

15 (b) becomes the holder of an office mentioned in *subsections (1) or (2)* of this section,

he shall thereupon cease to be a representative in the Assembly.”.

3.—(1) At an Assembly election—

Replacement
candidates.

(a) a registered political party, and

20 (b) a person who in relation to the election is a non-party
candidate,

may, subject to and in accordance with the following provisions of this section, nominate with his or their consent one or more persons to be as regards the election replacement candidates.

25 (2) Subject to *paragraph (b)* of *subsection (3)* of this section, a person who is a candidate at an Assembly election shall be eligible for nomination as a replacement candidate.

(3) The following provisions shall apply in relation to the nomination of replacement candidates at an Assembly election—

30 (a) the number of replacement candidates to be so nominated
shall not—

35 (i) in the case of replacement candidates so nominated by a registered political party, exceed by more than two the number of candidates of that party standing validly nominated at the latest time for withdrawal of candidature under Rule 12 of the First Schedule to the Principal Act, and

(ii) in the case of replacement candidates so nominated by a non-party candidate, exceed three,

40 (b) a person shall not be nominated as a replacement candidate unless he is eligible for election under the Principal Act to the Assembly,

(c) a person may not be so nominated in respect of more than one constituency,

Replacement
candidates' list.

(d) the replacement candidates so nominated as regards a particular constituency shall be nominated by each of their name's being entered on a list (elsewhere in this Act referred to as the "replacement candidates' list") and in nominating replacement candidates as regards a particular constituency, the registered political party or, as may be appropriate, the non-party candidate concerned, shall, subject to section 5 (4) (a) of this Act, use a single such list. 5

4.—(1) A replacement candidates' list shall be in the prescribed form and shall be signed by— 10

(a) in case the list contains the names of one or more replacement candidates nominated by a particular registered political party, the officer or, as may be appropriate, the officers of such party whose name or names are entered in the Register of Political Parties either pursuant to section 13 (3) (c) of the Electoral Act, 1963, or pursuant to that section as applied by section 8 (4) of the Principal Act, 15

(b) in case the list contains the names of one or more replacement candidates nominated by a person who is a non-party candidate at the election, that person. 20

(2) As regards a replacement candidates' list the surname of any person nominated by entry thereon as a replacement candidate shall be placed before his other name or names and the list shall also contain his address. 25

(3) Where a registered political party or a non-party candidate at an Assembly election nominates more than one replacement candidate, the order in which the names of such replacement candidates appear on the relevant replacement candidates' list shall be determined by that party, or, as may be appropriate, that non-party candidate, and in applying any provision of the *European Assembly Elections Acts, 1977 and 1984*, in relation to the list, the names on the list shall be listed or given in the order in which they have been so determined or, as may be appropriate, regard shall be had to that order. 30 35

(4) As may be appropriate, a replacement candidates' list shall be headed by—

(a) where the list is signed by an officer or officers referred to in subsection (1) (a) of this section, the name together with (if the officer or officers by whom the list is signed so wish) the initials or other abbreviation (if any) by which the party concerned is known, or 40

(b) in case the list is signed by a non-party candidate at the election, the name of that candidate (the surname being stated first). 45

(5) A replacement candidates' list may, if the Minister so thinks proper, include—

(a) a note of the qualifications, disqualifications and incapacities as regards election to and membership of the Assembly,

(b) a form of declaration, to be signed by— 50

(i) in case the list is signed by an officer referred to in subsection (1) (a) of this section, the officer or, as may be appropriate, the officers signing the list,

- (ii) in case the list is signed by a person who is a non-party candidate at the relevant election, that person,

that he has read the notes and, as regards the replacement candidates nominated by entry on such list, he believes each of them to be eligible for nomination under this Act as a replacement candidate and none of them to stand validly nominated as a replacement candidate as regards any other constituency.

- (6) (a) Where a replacement candidates' list is presented to the returning officer, he shall assign to the list one or more letters for the purpose of identifying it and, when such letter or letters is or are so assigned, the replacement candidates' list to which it or they relate may (unless it is withdrawn, deemed under this Act to have been withdrawn or ruled by the returning officer as being invalid) be referred to on any ballot paper, notice or other document by reference to such letter or letters.

- (b) An assignment by the returning officer under this subsection shall not form a ground on which an Assembly election may be questioned.

5.—(1) At an Assembly election the returning officer shall, during the usual office hours and at such place or places as are named in the Notice of Election, on each week-day during the period beginning on the publication of that notice and ending at 12 noon on the latest date for receiving nominations, provide forms for use as replacement candidates' lists, and he shall supply such a form or forms free of charge to any person applying therefor, but the use at such an election of a form supplied by the returning officer pursuant to this section shall not be obligatory: Provided that the document so used as a replacement candidates' list is in the form prescribed under *section 4* of this Act or in a form to the like effect.

Delivery and withdrawal of replacement candidates' list, etc.

(2) Each replacement candidates' list shall be delivered to the returning officer within the times specified for receiving nominations by Rule 7 of the First Schedule to the Principal Act and such delivery shall be made by—

- (a) in case the list is signed by an officer referred to in *section 4* (1) (a) of this Act, the officer or, as may be appropriate, any of the officers, by whom the list was signed or any person who is as regards the Assembly election concerned a candidate of the party to which the list relates,

- (b) in case the list is signed by a person who is a non-party candidate at such election, that person or his proposer.

- (3) (a) Where the returning officer is of the opinion that a replacement candidates' list is not properly made out or signed, if the list is not amended to his satisfaction, he shall rule it as being invalid.

- (b) A decision under this subsection shall be final.

- (c) As soon as may be after the receipt by him at an Assembly election of a replacement candidates' list which he does not rule as being invalid the returning officer shall—

- (i) cause to be displayed outside the place at which he is receiving nominations a notice referring to the list and stating the names and addresses of the replacement candidates nominated by entry thereon and in the order in which they appear on the list, 5
- (ii) give, by post or otherwise, notice in writing of such receipt to the person or persons by whom the list was signed, and to each replacement candidate nominated by entry thereon and a notice given pursuant to this subparagraph to a replacement candidate shall refer to the relevant replacement candidates' list and contain the names of the replacement candidates nominated by entry, and in the order in which they appear, thereon. 10
- (d) As soon as may be after the time specified in Rule 12 (1) of the First Schedule to the Principal Act as the latest time for the withdrawal of candidature, the returning officer shall examine the replacement candidates' lists (if any), and 15
- (i) where the number of replacement candidates included in any such list exceeds the maximum number permitted by *section 3 (3) (a)* of this Act, the returning officer shall delete from the list the number of names equal to the excess commencing with the name which stands at the bottom of the list and if need be thereafter working up that list, 20 25
- (ii) in case the returning officer deletes a name from a replacement candidates' list he shall, as soon as may be, give, by post or otherwise, to the person whose name has been deleted and to the person or, as may be appropriate, each of the persons, by whom the list was signed, notice in writing of the deletion. 30
- (4) (a) A replacement candidates' list may be withdrawn by notice in writing signed by—
- (i) in case the list is a replacement candidates' list referred to in *section 4 (1) (a)* of this Act, the person who is or, as may be appropriate, the persons who are for the time being the officer or officers referred to in that section, or 35
- (ii) in case the list is a replacement candidates' list referred to in *section 4 (1) (b)* of this Act, the non-party candidate by whom it was signed, 40
- and delivered to the returning officer not later than 12 noon on the latest date for receiving nominations.
- (b) A notice referred to in *paragraph (a)* of this subsection may be delivered to the returning officer by being given to him by—
- (i) in case the notice relates to a replacement candidates' list referred to in *section 4 (1) (a)* of this Act,
- (I) the officer or, as may be appropriate, any of the officers, by whom it was signed, or 50

- (II) any person who is as regards the Assembly election concerned a candidate of the party to which the list relates,
- (ii) in case the notice relates to a replacement candidates' list referred to in *section 4 (1) (b)* of this Act, the non-party candidate by whom the list was signed or his proposer.
- (c) The returning officer shall, immediately on the delivery to him of a notice referred to in *paragraph (a)* of this subsection, give public notice of the withdrawal concerned.
- (5) Where a replacement candidates' list is presented at an Assembly election and,
- (a) in case such list was presented by a registered political party, at the latest time for withdrawal of candidature under Rule 12 of the First Schedule to the Principal Act no candidate of that party stands nominated, or
- (b) in case such list was presented by a non-party candidate and the candidature of that candidate is, or pursuant to either section 10 of the Principal Act or Rule 20 of the said First Schedule is deemed to have been, withdrawn,
- the replacement candidates' list shall be deemed to have been withdrawn.
- (6) Nothing done by a returning officer in exercising the power conferred on him by *subsection (3) (d) (i)* of this section shall form a ground on which an Assembly election may be questioned.

6.—The Principal Act is hereby amended by the substitution of the following section for section 15: Casual vacancies.

- “15.—(1) Where a casual vacancy occurs amongst the persons who by virtue of the *European Assembly Elections Acts, 1977 and 1984*, are representatives in the Assembly, the vacancy shall be filled in accordance with the following subsections of this section.
- (2) (a) In case the relevant representative elected under this Act at the last preceding Assembly election was at that election a candidate of a registered political party which as regards that election presented a replacement candidates' list (not being a list which is withdrawn or ruled by the returning officer as being invalid)—
- (i) the person (if any) whose name, having regard to *subsection (3)* of this section, stands first or, as may be appropriate, alone on that list shall by virtue of this section (in accordance with *subsection (5)* hereof) be regarded as having been elected under this Act to the Assembly to fill the vacancy,
- (ii) as soon as may be after the casual vacancy occurs, the Clerk of Dáil Éireann shall by letter request the officer or officers of the registered political party whose name or names is or are entered in the Register of Political Parties either pursuant to section 13 (3) (c) of the Electoral Act, 1963,

or pursuant to that section as applied by section 8 (4) of this Act to ascertain the person (if any) whose name, having regard to the said *subsection* (3), stands first, or, as may be appropriate, alone on the said list and to notify him in writing of that person. 5

(b) In case the relevant representative elected under this Act at such election was at such election a non-party candidate who presented a replacement candidates' list (not being a list which is withdrawn or ruled by the returning officer as being invalid), 10

(i) the person (if any) whose name, having regard to *subsection* (3) of this section, stands first, or, as may be appropriate, alone on that list shall by virtue of this section (in accordance with *subsection* (5) hereof) be regarded as having been elected under this Act to fill the vacancy, 15

(ii) as soon as may be after the casual vacancy occurs, the Clerk of Dáil Éireann shall by letter request the returning officer for the constituency concerned to ascertain, after consulting such person whose name is or, as may be appropriate, so many as such returning officer considers necessary of the persons whose names are, on the relevant replacement candidates' list, the person (if any) whose name having regard to the said *subsection* (3), stands first or, as may be appropriate, alone on the said list and to notify him in writing of that person. 20 25

(c) In case— 30

(i) the relevant representative so elected to the Assembly at such election was not a candidate described in either *paragraph* (a) or (b) of this subsection, or

(ii) having regard to the provisions of this section, in relation to the vacancy no name stands first or alone on the relevant replacement candidates' list, or 35

(iii) a requirement made by the Clerk of Dáil Éireann stands not complied with on the expiration of the period of thirty days beginning on the date of the requirement, 40

Dáil Éireann may select a person whose name is on any replacement candidates' list (being a list of which public notice was given pursuant to Rule 21 (as amended by *section* 7 of the *European Assembly Elections Act, 1984*) of the First Schedule to this Act), or, as may be appropriate, the sole such list, presented at the last-preceding Assembly election, and in case Dáil Éireann makes a selection under this paragraph 50 it shall by resolution specify the person so selected.

(3) In ascertaining for the purposes of this section if there is a name first or alone on a replacement candidates' list, or making a selection under this section, the following provisions shall apply— 55

- (a) the name of any person who—
- (i) is for the time being—
 - (I) a representative in the Assembly, or
 - (II) not eligible for election under this Act to the Assembly, or
 - (III) a person who, by virtue of any provision laid down under any or all of the treaties, is not entitled to assume the office of representative in the Assembly, or
 - (ii) is not willing to accept office as such a representative,
- shall be disregarded;
- (b) in making such an ascertainment, in case the relevant representative elected under this Act to the Assembly at the last preceding Assembly election was at that election a candidate of a registered political party, the name of any person who is not for the time being a member of such party shall be disregarded.
- (4) Where pursuant to a requirement made under this section the Clerk of Dáil Éireann receives a notification, he shall, as soon as may be—
- (a) cause a copy of the notification to be laid before each House of the Oireachtas,
 - and
 - (b) cause to be published in the *Iris Oifigiúil* a notice of the notification.
- (5) (a) Where a copy of a notification is laid pursuant to this section, after the expiration of the period of seven days beginning on the day on which the notice of the notification is published pursuant to subsection (4) of this section the person named in the notification concerned shall thereupon be regarded as having been elected under this Act to the Assembly.
- (b) Where pursuant to subsection (2) (c) of this section a resolution is passed by Dáil Éireann, the person specified in the resolution shall thereupon be regarded as having been elected under this Act.
- (6) As soon as may be after a person is, by virtue of this section, regarded as having been elected under this Act to the Assembly, the Clerk of Dáil Éireann shall notify the Assembly of the name and address of the person together with the date on which his election took effect.
- (7) A person to whom paragraph (a) or (b) of subsection (5) of this section applies shall, unless he sooner dies, resigns, becomes disqualified for election under this Act to the Assembly, is removed from office or otherwise ceases to be a representative in the Assembly, hold office as such a representative for the

residue of the term for which the representative whom he replaces would have held office had he not ceased to hold office.

(8) If and so long as the office of Clerk of Dáil Éireann is vacant or the holder of that office is unable through illness, absence or other cause to fulfil his duties, the functions assigned 5 by this section to him shall be performed by the Clerk-Assistant of Dáil Éireann.

(9) In this section "a casual vacancy" means,

(a) a vacancy occasioned by a person who though elected or regarded as having been elected to the Assembly 10 pursuant to the *European Assembly Elections Acts, 1977 and 1984*, is, by virtue of any provision laid down under any or all of the treaties, not entitled to assume the office of representative in the Assembly, or

(b) a vacancy occasioned by a person having ceased to be 15 a representative in the Assembly otherwise than by the effluxion of time or in consequence of the making of an order under section 17 of this Act by the High Court."

Amendment of First
Schedule to
Principal Act.

7.—The First Schedule to the Principal Act is hereby amended 20 by—

(a) the substitution of "forty-eight hours before the latest time for receiving nominations under Rule 7" for "seventy-two hours before the latest time for the withdrawal of candidature under Rule 12" in both paragraph (1) and para- 25 graph (2) of Rule 20;

(b) the substitution of the following subparagraphs for subparagraphs (a), (b) and (c) of Rule 20 (4):

"(a) his death shall not invalidate his nomination or any preference recorded for him, and 30

(b) if he is elected—

(i) his election shall not be invalidated by reason of his death and he shall be deemed to have been elected to membership of the Assembly by virtue of this Act and to have resigned his office immediately after having so become such a represent- 35 ative, and

(ii) section 15 of this Act shall apply as regards the resultant vacancy in the Assembly.";

(c) the substitution of the following paragraphs for paragraphs 40 (b) and (c) of Rule 21:

"(b) the names and descriptions of the candidates standing nominated as entered in their nomination papers and of the proposers, if any,

(c) any replacement candidates' list duly presented at the 45 election (being such a list which is not withdrawn, deemed under the *European Assembly Elections Act, 1984*, to have been withdrawn or ruled by the returning officer as being invalid) and the name of the registered political party or non-party candidate by 50 whom such list was presented together with the name and address or names and addresses of any person or persons nominated by entry thereon to be replacement candidates as entered on such list and, if there is more than one, in the same order as that in which 55 they appear on such list, and

(d) the order in which the names of the said candidates will appear on the ballot papers.”;

(d) the insertion of the following subparagraph after subparagraph (b) of Rule 22 (2):

5 “(bb) in case a replacement candidates’ list has been
signed by a non-party candidate pursuant to *section*
4 (1) (b) of the *European Assembly Elections Act*,
1984, and is neither withdrawn nor ruled by the
10 returning officer as being invalid, the entry in relation
to that candidate shall include a reference (being a
reference referred to in *section* 4 (6) (a) of the *Euro-
pean Assembly Elections Act, 1984*) to that list,”;

(e) the insertion of the following subparagraph after subparagraph (c) of Rule 22 (2):

15 “(cc) in case a replacement candidates’ list has been
signed by an officer of such political party pursuant to
section 4 (1) (a) of the *European Assembly Elections*
Act, 1984, and is neither withdrawn nor ruled by the
returning officer as being invalid, the entry in relation
20 to any candidate of that party shall include a reference
(being a reference referred to in *section* 4 (6) (a) of
the *European Assembly Elections Act, 1984*) to that
list,”;

(f) the insertion of the following Rule after Rule 51:

25 “Verification of ballot paper accounts. 51A. (1) Not less than four days before
the polling day, the local returning officer
shall give written notice to each candidate
of the day, time and place at which he will
open the ballot boxes pursuant to this Rule
and of the number of agents each candidate
30 may appoint to attend at the opening. He
shall give the said agents reasonable facilities
for overseeing the proceedings and all
information with respect thereto which he
can give them consistent with the orderly
35 conduct of the proceedings and the performance
of his functions.

(2) The day specified in a notice under
this Rule shall be a day not later than the
40 day specified in the relevant order under
section 6 (2) of this Act.

(3) On the day specified in the notice
under *paragraph* (1) of this Rule and at the
time so specified the local returning officer
45 shall—

- (a) open each ballot box and count the number of ballot papers found therein and compare the total number of papers ascertained with the number shown in the appropriate ballot paper account, 5
- (b) prepare a statement showing the result of the comparison under *subparagraph (a)* of this paragraph in respect of all the ballot papers for the county or county borough for which he is the local returning officer, 10
- (c) open the ballot box in which the postal ballot papers were placed pursuant to the requirements of Rule 50 of this Schedule and count and record the number of such ballot papers, 15 20
- (d) make up in separate packets the ballot papers found in each ballot box (including postal ballot papers), endorse on each such packet the number of ballot papers contained therein and particulars of the polling station to which they relate (or, where appropriate, that they are postal ballot papers) and place the packets in boxes which he shall seal and on each of which he shall endorse the number of packets contained therein and the name of the county or county borough for which he is the local returning officer, and 25 30 35
- (e) forthwith deliver to the returning officer for the constituency all such boxes together with— 40
 - (i) the statement referred to in *subparagraph (b)* of this paragraph, and 40
 - (ii) a statement of the number of postal ballot papers recorded under *subparagraph (c)* of this paragraph. 45
- (4) The local returning officer, while counting and recording the number of ballot papers pursuant to this Rule, shall cause the said papers to be kept face upwards and due precautions to be taken to prevent any person from seeing the numbers printed on the backs of the said papers. 50

5 (5) the local returning officer, his assistants and clerks, members of the Garda Síochána on duty and the agents of the candidates duly appointed for this purpose and no other person, except with the permission of such returning officer, may be present at proceedings conducted by him pursuant to this Rule.”;

10 (g) the substitution of “dealt with in accordance with Rule 51A of this Schedule” for “delivered by the local returning officer who shall treat it as a ballot box for the purpose of the counting of the votes at the election” in paragraph (4) of Rule 49;

15 (h) the substitution of “any replacement candidates’ list of which public notice was given pursuant to Rule 21, as amended by section 7 of the *European Assembly Elections Act, 1984*,” for “the statement referred to in Rule 54 (2)” in paragraph (3) of Rule 68;

20 (i) the substitution of the following subparagraphs for subparagraphs (c) and (d) of Rule 69 (1):

“(c) the statements prepared in accordance with Rule 51A (3) of this Schedule, and

25 (d) the candidates’ nomination papers, whether valid or invalid, any certificates of political affiliation and any replacement candidates’ lists, whether valid or invalid,”;

(j) the insertion in Rule 69 (2) after subparagraph (a) of the following subparagraph:

“(aa) the ballot paper accounts,”;

30 (k) the substitution of the following paragraph for paragraph (1) of Rule 79:

“(1) A person shall not—

(a) nominate another person for election under this Act to be a representative in the Assembly, or

35 (b) withdraw the candidature of another person for such election, or

(c) nominate a person as a replacement candidate under the *European Assembly Elections Act, 1984*,

40 save with the consent of that person.”; and

(l) the insertion of the following Rule after Rule 81:

"False
declaration on
replacement
candidates' list.

81A. (1) In case a person by whom a replacement candidates' list is signed makes a declaration on such list that he has read the notes on the back of the list and believes each of the persons whose names appear on the list as being replacement candidates, 5

(a) to be eligible for nomination under the *European Assembly Elections Act, 1984*, as a replacement candidate, and 10

(b) that none of such persons stands validly nominated as a replacement candidate in respect of any other constituency,

then if any person whose name so appears, 15

(c) is not eligible for such nomination, or

(d) stands validly so nominated in respect of any other constituency, 20

the person by whom the declaration is made shall be guilty of an offence.

(2) In a prosecution for an offence under paragraph (1) of this Rule, it shall be a good defence for the defendant to show that he had reasonable grounds for believing that the relevant person, or, as may be appropriate, a relevant person, was eligible for nomination under the *European Assembly Elections Act, 1984*, as a replacement candidate, or did not stand validly nominated as a replacement candidate in respect of any other constituency.", 25 30

and paragraphs (1) and (2) of the said Rule 20, paragraph (4) of the said Rule 49 and paragraph (3) of the said Rule 68, as so amended, are set out in paragraphs 1, 2 and 3, respectively, of the Table to this section. 35

TABLE

1. (1) Where, not less than forty-eight hours before the latest time for receiving nominations under Rule 7 of this Schedule, the returning officer becomes satisfied that a candidate standing nominated has died, the returning officer shall immediately give public notice to that effect and the candidature of the candidate shall be deemed to have been withdrawn. 40 45

(2) Where, at any time during the period beginning forty-eight hours before the latest time for receiving nominations under Rule 7 of this Schedule and ending on the commencement of the poll, the returning officer becomes satisfied that a candidate standing nominated 50

for election has died, the following provisions shall have effect in relation to the Assembly election—

- 5 (a) the returning officer shall notify the Minister and the chief returning officer of the death of the candidate and at the same time, if notice of the poll has been given, he shall countermand the poll,
- 10 (b) the returning officer shall give public notice that all acts done in connection with the election (other than the nomination of the surviving candidates) are void and that a fresh election will be held,
- 15 (c) all the proceedings for the election shall be commenced afresh, but a fresh nomination shall not be necessary in respect of any candidate who stood nominated at the time when notification of the death of the candidate was sent to the Minister,
- 20 (d) at the fresh election the earliest time for receiving nominations shall be 10 a.m. on the day (disregarding any excluded day) next following the date of the public notice referred to in subparagraph (b) of this paragraph and the latest time for receiving nominations shall be
- 25 12 noon on the third day (disregarding any excluded day) next following the said date,
- (e) the polling day at the fresh election shall be fixed by the Minister,
- 30 (f) Rule 3 of this Schedule shall not apply in relation to the fresh election and references to the Register of Political Parties contained in Rule 4 of this Schedule shall, in relation to the fresh election, be construed as references to the copy of that Register sent to the returning officer in relation to the countermanded election.
- 35
2. (4) A separate ballot box (which shall be subsequently dealt with in accordance with Rule 51A of this Schedule) shall be provided and shall be shown open
- 40 and empty to the agents of the candidates present and shall be locked and sealed by the local returning officer.
3. (3) The returning officer shall give public notice of the names and descriptions of the candidates elected and also, in the case of a contested election, of the total number of votes given for each candidate, whether
- 45 elected or not, of any transfer of votes and of the total number of votes credited to each candidate at the end of the count at which such transfer took place. He shall send a copy of the said notice to the Minister, the chief returning officer and each person elected. He shall also send a copy of any replacement candidates' list of which public notice was given pursuant to Rule 21, as amended
- 50 by section 6 of the *European Assembly Elections Act, 1984* of this Schedule to the Minister.

Repeals.

8.—Rules 46 (4) and 54 (2) of the First Schedule to the Principal Act are hereby repealed.

Short title,
collective citation
and construction.

9.—(1) This Act may be cited as the European Assembly Elections Act, 1984.

(2) The European Assembly Elections Act, 1977, and this Act may be cited together as the European Assembly Elections Acts, 1977 and 1984, and shall be construed together as one Act.

THE EUROPEAN PARLIAMENT
HAS ENACTED THE FOLLOWING

BILL

BILL

(to be read)

(to be read)

enacted

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And to make further provision in relation to
the election of members of the Assembly of
the European Communities.

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AN BILLE UM THOGHCHÁIN DO
THIONÓL NA hEORPA, 1984

BILLE

(*mar a tionscnaíodh*)

dá ngairtear

Acht do dhéanamh socrú breise maidir le hion-
adaithe a thoghadh do Thionól na gComh-
phobal Eorpach.

*An tAire Comhshaoil a thólaic,
28 Feabhra, 1984*

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Cliath 2, nó trí aon díoltóir leabhar.

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EUROPEAN ASSEMBLY ELECTIONS BILL,
1984

BILL

(*as initiated*)

entitled

An Act to make further provision as regards the
election of representatives to the Assembly of
the European Communities.

*Presented by the Minister for the Environment,
28th February, 1984*

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or directly
from the Government Publications Sale Office,
Sun Alliance House, Molesworth Street, Dublin 2.

Printed by CAHILL PRINTERS LIMITED.

£1.00