



STATUTORY INSTRUMENTS.

S.I. No. 34 of 2020

ELECTORAL ACT 1992 (SPECIAL DIFFICULTY) ORDER 2020

ELECTORAL ACT 1992 (SPECIAL DIFFICULTY) ORDER 2020

WHEREAS it appears to me, Eoghan Murphy, Minister for Housing, Planning and Local Government, that there is a special difficulty, arising from the death of a candidate standing nominated for election, with the operation of section 62 of the Electoral Act 1992 (No. 23 of 1992) in a manner consistent with sections 1.1°, 1.2° and 3.2° of Article 16 of the Constitution relating to the conduct of the election to be held consequent upon the Proclamation issued on 14 January 2020 dissolving Dáil Éireann;

AND WHEREAS in my opinion it is necessary to make the following order to enable the election consequent upon that Proclamation to be duly held in a manner consistent with sections 1.1°, 1.2° and 3.2° of Article 16 of the Constitution, subject to compliance with the principles laid down in the relevant Acts (within the meaning of section 164 of the Electoral Act 1992) taken as a whole:

NOW I, Eoghan Murphy, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by section 164 of the Electoral Act 1992 (No. 23 of 1992) (as adapted by the Housing, Planning, Community and Local Government (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 358 of 2017)), hereby order as follows:

1. This Order may be cited as the Electoral Act 1992 (Special Difficulty) Order 2020.

2. In this Order-

“Act of 1992” means the Electoral Act 1992 (No. 23 of 1992);

“election to which this Order applies” means the election to be held consequent upon the Proclamation issued on 14 January 2020 dissolving Dáil Éireann.

3. Section 62 of the Act of 1992 shall operate in relation to the election to which this Order applies, and shall be deemed always to have operated in relation thereto, subject to the modification that in subsection (2), there is substituted, and shall be deemed always to have been substituted, the words “and ending forty-eight hours after the latest time for receiving nominations” for the words “and ending on the commencement of the poll”.

4. For the avoidance of doubt, and notwithstanding the due performance by a returning officer of his or her functions under section 62(2)(a) or (b) of the Act of 1992 prior to the making of this Order, the modification provided for in Article 3 has the effect that any notification of the death of a candidate, countermand of a poll or public notice given, under either of those paragraphs, by the returning officer shall be, and be deemed always to have been, void and of no effect.



GIVEN under my Official Seal,
5 February, 2020.

EOGHAN MURPHY,
Minister for Housing, Planning and Local Government.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

This Order modifies section 62(2) of the Electoral Act 1992 for the February 2020 general election, so that a fresh election in a constituency is required only in circumstances where a candidate dies during the period beginning forty-eight hours before and ending forty-eight hours after the latest time for receiving nominations. This Order provides that for the avoidance of doubt, and notwithstanding the due performance by a returning officer of his or her functions under the Act, any actions taken by a returning officer under section 62 of the Act prior to the making of this Order, shall be void and of no effect.

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