



STATUTORY INSTRUMENTS.

S.I. No. 301 of 2021



ELECTORAL ACT 1992 (SPECIAL DIFFICULTY) ORDER 2021

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WHEREAS it appears to me, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, that for certain Dáil electors who cannot freely exercise their franchise by reason of the fact that they cannot vote in person on 8 July 2021 for a public health reason, there is a special difficulty;

NOW I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, 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, and Local Government (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 408 of 2020)), hereby order as follows:

1. This Order may be cited as the Electoral Act 1992 (Special Difficulty) Order 2021.

2. In this Order –

“Covid-19” means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations;

“medical practitioner” has the meaning assigned to it by section 6 of the Electoral Act 1992;

“public health reason” means –

- (a) a requirement, by law, arising from Covid-19, to quarantine, or
- (b) a requirement, arising from Covid-19, to self-isolate or restrict movements on foot of advice relating to Covid-19 from the Health Service Executive or a medical practitioner.

3. Section 99 of the Electoral Act 1992 shall apply to a person who is a Dáil elector subject to the modification that there is inserted, in that section, the following subsection after subsection (2) –

- “(3) (a) Where, for a public health reason, a Dáil elector cannot freely exercise his or her franchise by reason of the fact that he or she cannot vote in person at the bye-election in the constituency of Dublin Bay South on 8 July 2021, the elector shall, on application being made by him or her in that behalf to the registration authority and received by the authority on or before 2 July 2021, be entitled to have his or her name entered in a supplement to the postal voters list.

- (b) An application under paragraph (a) shall be made in a form directed by the Minister.
- (c) The registration authority may prepare and publish in accordance with section 15A the supplement to the postal voters list referred to in paragraph (a).
- (d) Where, pursuant to paragraph (a), the name of an elector has been entered in the supplement to the postal voters list referred to in paragraph (a), the registration authority shall note the register of electors by placing a mark on the register against the number and name of the elector to denote that the elector's name is on the postal voters list.
- (e) Section 15A(2)(d) shall apply to an application under paragraph (a) as if references in that provision to paragraph (a) or (b) of section 14 were a reference to this subsection.
- (f) Subsection (4) of section 15A shall not apply to an application under paragraph (a).
- (g) In this subsection –
 - 'Covid-19' means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations;
 - 'medical practitioner' has the meaning assigned to it by section 6;
 - 'public health reason' means –
 - (i) a requirement, by law, arising from Covid-19, to quarantine, or
 - (ii) a requirement, arising from Covid-19, to self-isolate or restrict movements on foot of advice relating to Covid-19 from the Health Service Executive or a medical practitioner.”.



GIVEN under my Official Seal,
25 June, 2021.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

EXPLANATORY NOTE

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

This Order modifies section 99 of the Electoral Act 1992 to provide that where certain Dáil electors, by virtue of public health advice or by law arising from Covid-19, cannot vote in person at the bye-election in the constituency of Dublin Bay South on 8 July 2021, they may apply on or before 2 July 2021 for inclusion in the supplement to the postal voters list.

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