



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART IV

#### THE NORTHERN IRELAND ASSEMBLY

##### *Elections etc*

### **31 Dates of elections and dissolutions.**

- (1) Subject to subsection (2), the date of the poll for the election of each Assembly shall be the first Thursday in May in the [<sup>F1</sup> fifth] calendar year following that in which its predecessor was elected; and the predecessor shall be dissolved at the beginning of the minimum period which ends with that date.
- [<sup>F2</sup>(2) The date of the poll for the election of the Assembly next following the Assembly elected at the poll on 26 November 2003 shall be 7 March 2007; and the Assembly elected on 26 November 2003 shall be dissolved on 30 January 2007.]
- (3) The Secretary of State may at any time by order direct that the date of the poll for the election of the next Assembly shall, instead of being that specified in subsection (1) [<sup>F3</sup> . . .], be a date specified in the order being a date falling not more than two months before or after the date specified in that subsection.
- (4) An Assembly elected under this section or section 32 shall meet within the period of eight days beginning with the day of the poll at which it is elected.
- (5) For the purposes of subsection (4), a Saturday, a Sunday, Christmas Day, Good Friday and any day which is a bank holiday in Northern Ireland shall be disregarded [<sup>F4</sup> , as shall any day on which section 1 of the Northern Ireland Act 2000 is in force].
- (6) In this section “minimum period” means a period determined in accordance with an order of the Secretary of State.

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*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Cross Heading: Elections etc. (See end of Document for details)*

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### Textual Amendments

- F1** Word in s. 31(1) substituted (13.3.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\), ss. 7\(1\), 28\(1\)\(c\)](#) (with s. 7(2))
- F2** S. 31(2) substituted (26.1.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\), ss. 3\(1\), 28](#) (with s. 1(3))
- F3** Words in s. 31(3) omitted (20.3.2003) by virtue of [Northern Ireland Assembly Elections Act 2003 \(c. 3\), s. 1\(2\)\(b\)](#)
- F4** Words in s. 31(5) inserted (20.3.2003) by [Northern Ireland Assembly Elections Act 2003 \(c. 3\), s. 1\(2\)\(c\)](#)

## 32 Extraordinary elections.

- (1) If the Assembly passes a resolution that it should be dissolved the Secretary of State shall [<sup>F5</sup>, as soon as practicable,] propose a date for the poll for the election of the next Assembly.
- [<sup>F6</sup>(1A) The proposed date must be within the period of 12 weeks beginning with the day on which the resolution is passed.]
- (2) A resolution under subsection (1) shall not be passed without the support of a number of members of the Assembly which equals or exceeds two thirds of the total number of seats in the Assembly.
- [<sup>F7</sup>(3) If—
- (a) the period mentioned in section 16A(3) ends without the offices of First Minister and deputy First Minister and the Ministerial offices to be held by Northern Ireland Ministers having been filled; or
  - (b) the period mentioned in section 16B(3) ends without the offices of First Minister and deputy First Minister having been filled,
- the Secretary of State shall [<sup>F8</sup>, as soon as practicable,] propose a date for the poll for the election of the next Assembly.]
- [<sup>F9</sup>(3A) The proposed date must be within the period of 12 weeks beginning when the duty in subsection (3) arises.
- (3B) At any time after the first six weeks of the period mentioned in section 16A(3) or 16B(3) but before the end of the period mentioned there, the Secretary of State may, if the offices mentioned there have not yet been filled, propose a date for the poll for the election of the next Assembly.
- (3C) The Secretary of State may exercise the power in subsection (3B) only if the Secretary of State considers that it is necessary to do so in order to give effect to the purpose underlying paragraph 3.15 of Annex C of Part 2 of The New Decade, New Approach Deal so far as it relates to representation.
- (3D) The Assembly may not pass a resolution under subsection (1)—
- (a) during a period when the Secretary of State is under a duty to propose a date under subsection (3), or
  - (b) if the Secretary of State has proposed a date under subsection (3) or (3B) and that date has not yet been reached.
- (3E) The duty in subsection (3) does not arise if—

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- (a) the Assembly passes a resolution under subsection (1) during the period mentioned in section 16A(3) or 16B(3), or
  - (b) the Secretary of State proposes a date under subsection (3B) during that period.
- (3F) The Secretary of State may not propose a date under subsection (3B)—
- (a) during a period when the Secretary of State is under a duty to propose a date under subsection (1), or
  - (b) if the Secretary of State has proposed a date under subsection (1) and that date has not yet been reached.
- (3G) Where the Secretary of State has proposed a date under subsection (1), (3) or (3B), the Secretary of State may, before the Assembly has been dissolved—
- (a) propose a different date under that subsection, or
  - (b) in the case of a date proposed under subsection (3B), withdraw the proposal; and an Order in Council under subsection (4) may be amended or revoked accordingly.]
- (4) If the Secretary of State proposes a date under subsection (1) [<sup>F10</sup>, (3) or (3B)], Her Majesty may by Order in Council—
- (a) direct that the date of the poll for the election of the next Assembly shall, instead of being determined in accordance with section 31, be the date proposed; and
  - (b) provide for the Assembly to be dissolved on a date specified in the Order.

#### Textual Amendments

- F5** Words in s. 32(1) inserted (8.2.2022) by [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022 \(c. 2\), ss. 3\(2\), 9](#) (with s. 4(4))
- F6** S. 32(1A) inserted (8.2.2022) by [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022 \(c. 2\), ss. 3\(3\), 9](#) (with s. 4(4))
- F7** S. 32(3) substituted (8.5.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\), ss. 8, 27\(4\)\(5\)](#) (as amended by [Northern Ireland \(St Andrews Agreement\) Act 2007 \(c. 4\), s. 1\(1\), Sch. 5 para. 4](#) (with s. 1(3)); S.I. 2007/1397, [art. 2](#))
- F8** Words in s. 32(3) inserted (8.2.2022) by [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022 \(c. 2\), ss. 3\(4\), 9](#) (with s. 4(4))
- F9** S. 32(3A)-(3G) inserted (8.2.2022) by [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022 \(c. 2\), ss. 3\(5\), 9](#) (with s. 4(4))
- F10** Words in s. 32(4) substituted (8.2.2022) by [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022 \(c. 2\), ss. 3\(6\), 9](#) (with s. 4(4))

#### Modifications etc. (not altering text)

- C1** S. 32 modified (1.11.2018) by [Northern Ireland \(Executive Formation and Exercise of Functions\) Act 2018 \(c. 28\), s. 1\(3\)\(5\), 10](#)
- C2** S. 32(3)(a) applied (12.3.2009 temp. until 30.4.2012) by [Northern Ireland Act 2009 \(c. 3\), ss. 1, 5, Sch. 1 para. 7\(3\)\(b\)](#)

### 33 Constituencies and numbers of members.

- (1) The members of the Assembly shall be returned for the parliamentary constituencies in Northern Ireland.

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- (2) Each constituency shall return [<sup>F11</sup>five] members.
- (3) <sup>M1</sup>An Order in Council under the Parliamentary Constituencies Act 1986 changing a parliamentary constituency in Northern Ireland shall have effect for the purposes of this Act in relation to—
- [<sup>F12</sup>(a) the first election under section 31 or 32 for which the notice of election, which is required to be published under Assembly Election Rules, is published—
- (i) on a day after the end of the period of six months beginning with the day on which the Order comes into force, or
  - (ii) if sooner, on or after the day on which Parliament is dissolved prior to the first parliamentary general election in relation to which the Order has effect; and]
- (b) later elections under that section and by-elections.
- [<sup>F13</sup>(4) In subsection (3), “Assembly Election Rules” means the rules in Schedule 1 to the Representation of the People Act 1983, as applied by Article 3 of, and Schedule 1 to, the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599).]

#### Textual Amendments

- F11** Word in s. 33(2) substituted (22.7.2016 with effect in accordance with s. 1(2)(3) of the amending Act) by [Assembly Members \(Reduction of Numbers\) Act \(Northern Ireland\) 2016 \(c. 29\), s. 1\(1\)](#)
- F12** S. 33(3)(a) substituted (14.12.2020) by [Parliamentary Constituencies Act 2020 \(c. 25\), ss. 12\(2\), 14\(2\)](#) (with s. 13(2))
- F13** S. 33(4) inserted (14.12.2020) by [Parliamentary Constituencies Act 2020 \(c. 25\), ss. 12\(3\), 14\(2\)](#) (with s. 13(2))

#### Marginal Citations

- M1** 1986 c.56.

### 34 Elections and franchise.

- (1) This section applies to elections of members of the Assembly, including by-elections.
- (2) Each vote in the poll at an election shall be a single transferable vote.
- (3) A single transferable vote is a vote—
  - (a) capable of being given so as to indicate the voter’s order of preference for the candidates for election as members for the constituency; and
  - (b) capable of being transferred to the next choice when the vote is not needed to give a prior choice the necessary quota of votes or when a prior choice is eliminated from the list of candidates because of a deficiency in the number of votes given for him.
- (4) The Secretary of State may by order make provision about elections or any matter relating to them.
- (5) In particular, an order under subsection (4) may make—
  - (a) provision as to the persons entitled to vote at an election and the registration of such persons;
  - (b) provision for securing that no person stands as a candidate for more than one constituency at a general election;

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- (c) provision for determining the date of the poll at a by-election;
  - (d) provision about deposits.
- (6) An order under subsection (4) may apply (with or without modifications) any provision of, or made under, any enactment.
- [<sup>F14</sup>(7) An order under subsection (4) may make different provision for different areas about the conduct of elections, including different provision about the registration of persons entitled to vote at an election.]

**Textual Amendments**

**F14** S. 34(7) inserted (13.3.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 23(1), 28(1)(g)**

**Modifications etc. (not altering text)**

**C3** S. 34(4) amended (16.2.2001) by [2000 c. 41, s. 7\(2\)\(h\)](#) (with [s. 156\(6\)](#)); [S.I. 2001/222, art. 2, Sch. 1 Pt. 1](#)

**35 Vacancies.**

- (1) The Secretary of State may by order make provision for the filling of vacancies occurring in the Assembly's membership.
- (2) Such provision may be made by reference to by-elections or substitutes or such other method of filling vacancies as the Secretary of State thinks fit.
- (3) If a seat becomes vacant, the Presiding Officer shall as soon as reasonably practicable inform the Chief Electoral Officer for Northern Ireland.
- (4) The validity of any proceedings of the Assembly is not affected by any vacancy in its membership.
- (5) An order under subsection (1) may apply (with or without modifications) any provision of, or made under, any enactment.

**Changes to legislation:**

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