



House of Commons Disqualification Act 1975

1975 CHAPTER 24

6 Effects of disqualification and provision for relief

- (1) Subject to any order made by the House of Commons under this section.—
 - (a) if any person disqualified by this Act for membership of that House, or for membership for a particular constituency, is elected as a member of that House, or as a member for that constituency, as the case may be, his election shall be void ; and
 - (b) if any person being a member of that House becomes disqualified by this Act for membership, or for membership for the constituency for which he is sitting, his seat shall be vacated.
- (2) If, in a case falling or alleged to fall within subsection (1) above, it appears to the House of Commons that the grounds of disqualification or alleged disqualification under this Act which subsisted or arose at the material time have been removed, and that it is otherwise proper so to do, that House may by order direct that any such disqualification incurred on those grounds at that time shall be disregarded for the purposes of this section.
- (3) No order under subsection (2) above shall affect the proceedings on any election petition or any determination of an election court, and this subsection shall have effect subject to the provisions of section 144(7) of the Representation of the People Act 1983 (making of an order by the House of Commons when informed of a certificate and any report of an election court).
- (4) In any case where, by virtue of the Recess Elections Act 1975, the Speaker of the House of Commons would be required to issue during a recess of that House a warrant for a new writ for election of a member, in the room of a member becoming disqualified by this Act, he may, if it appears to him that an opportunity should be given to that House to consider the making of an order under subsection (2) above, defer the issue of his warrant pending the determination of that House.