



# Northern Ireland (Elections) Act 1998

## 1998 CHAPTER 12

**U.K.**

An Act to make provision for the establishment of the New Northern Ireland Assembly and for the election of its members. [7th May 1998]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Commencement Information

- II** Act wholly in force: Act partly in force at Royal Assent, see [s. 8](#); Act in force so far as not already in force at 28.5.1998 by [S.I. 1998/1287, art. 7\(3\)](#)

### *The New Northern Ireland Assembly*

#### **1 The Assembly. U.K.**

- (1) There shall be an Assembly called the New Northern Ireland Assembly, for the purpose of taking part in preparations to give effect to the agreement reached at the multi-party talks on Northern Ireland set out in Command Paper 3883.
- (2) The Secretary of State may refer to the Assembly—
  - (a) specific matters arising from that agreement, and
  - (b) such other matters as he thinks fit.
- (3) The Assembly shall consist of 108 members.
- (4) The initial members shall be returned at an election for the constituencies in Northern Ireland which would return members to the Parliament of the United Kingdom if a general election were held on the date of the passing of this Act.

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*Status: Point in time view as at 28/05/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Elections) Act 1998 (repealed 2.12.1999). (See end of Document for details)*

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- (5) Each constituency shall return six members.
- (6) The Schedule to this Act (which makes supplementary provision about the Assembly) shall have effect.

## 2 The election. **U.K.**

- (1) The poll for the election of the initial members of the Assembly shall be held on 25th June 1998.
- (2) A person is entitled to vote at the election in a constituency if on the day of the poll—
  - (a) he would be entitled to vote as an elector at a local election in a district electoral area wholly or partly comprised in the constituency, and
  - (b) he is registered at an address in the constituency in a register of local electors.
- (3) Each vote in the poll shall be a single transferable vote.
- (4) 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.
- (5) The Secretary of State may by order make provision about the election or any matter relating to it.
- (6) In particular, an order may—
  - (a) provide for an alteration made after a specified date in a register of local electors to be disregarded;
  - (b) make provision about deposits.

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### Modifications etc. (not altering text)

**C1** [S. 2\(2\)\(3\)\(4\)](#) applied (28.5.1998) by [S.I. 1998/1287](#), [art. 7\(3\)](#)

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### Commencement Information

**I2** [S. 2](#) wholly in force; [s. 2\(5\)\(6\)](#) in force at 7.5.1998; [s. 2](#) in force at 28.5.1998 in so far as not already in force by [S.I. 1998/1313](#), [art. 2](#)

## 3 Vacancies. **U.K.**

- (1) The Secretary of State may by order make provision for the filling of vacancies occurring in the Assembly's membership after the election under section 2.
- (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.

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#### 4 **Disqualification.** **U.K.**

- (1) Subject to subsections (3) and (4) a person is disqualified for membership of the Assembly if he is disqualified for membership of the House of Commons, whether under the <sup>M1</sup>House of Commons Disqualification Act 1975 or otherwise.
- (2) A person who is Her Majesty's Lord-Lieutenant or Lieutenant for a county or county borough in Northern Ireland is disqualified for membership of the Assembly for a constituency comprising the whole or part of the county or county borough.
- (3) A person is not disqualified for membership of the Assembly by reason only—
  - (a) that he is a peer (other than a Lord of Appeal in Ordinary), or
  - (b) that he is a member of the Seanad Eireann (Senate of the Republic of Ireland).
- (4) A person is not disqualified for membership of the Assembly by reason only that he is disqualified under section 3 of the <sup>M2</sup>Act of Settlement (certain persons born out of the Kingdom) if he is a citizen of a Member State of the European Communities.
- (5) If a person who is disqualified under this section is returned as a member of the Assembly his election is void.
- (6) If a member becomes disqualified under this section his seat shall be vacated.

#### Marginal Citations

- M1** 1975 c. 24.  
**M2** 1700 c. 2.

#### 5 **Disqualification: judicial proceedings.** **U.K.**

- (1) Any person who claims that a person purporting to be a member of the Assembly—
  - (a) is disqualified, or
  - (b) was disqualified when, or at any time since, he was returned,may apply to the High Court of Justice in Northern Ireland for a declaration to that effect.
- (2) On an application—
  - (a) the person in respect of whom the application is made shall be the respondent,
  - (b) the applicant shall give such security for costs, not exceeding £5,000, as the court may direct, and
  - (c) the decision of the court shall be final.
- (3) A declaration made in accordance with this section shall be certified in writing to the Secretary of State by the court.
- (4) No declaration shall be made in respect of any person on grounds which subsisted when he was elected if an election petition is pending or has been tried in which his disqualification on those grounds is or was in issue.

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## General

### 6 Orders. **U.K.**

- (1) Any power to make an order under this Act shall be exercised by statutory instrument.
- (2) An order under section 2(5) or 3(1)—
  - (a) shall not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament, and
  - (b) may apply (with or without modifications) any provision of, or made under, any enactment.

### 7 Finance. **U.K.**

Any costs incurred by a government department in relation to the election or the filling of vacancies shall be paid out of money provided by Parliament.

### 8 Commencement. **U.K.**

- (1) Sections 2(5) and (6), 3 and 6 and this section shall come into force on the day on which this Act is passed.
- (2) The remaining provisions of this Act shall come into force on such day as the Secretary of State may appoint by order.
- (3) The Secretary of State shall appoint a day only if—
  - (a) a referendum is held about the agreement reached at the multi-party talks on Northern Ireland set out in Command Paper 3883, and
  - (b) a majority of those voting support the agreement.

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#### Subordinate Legislation Made

**P1** [S. 9\(2\)](#) power fully exercised (27.5.1998): 28.5.1998 appointed day by [S.I. 1998/1313](#)

### 9 Short title. **U.K.**

This Act may be cited as the Northern Ireland (Elections) Act 1998.

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SCHEDULE **U.K.**

Section 1.

THE ASSEMBLY

*Meetings*

- 1 Meetings shall be held at such times and places as the Secretary of State directs.

*Proceedings*

- 2 Proceedings shall be conducted in accordance with standing orders.

*Presiding officer*

- 3 (1) The Secretary of State shall appoint—  
(a) the initial presiding officer, and  
(b) the initial deputy presiding officer.
- (2) Standing orders may make provision for the replacement of the presiding officer or the deputy presiding officer by the Secretary of State or by the Assembly.

*Staff etc.*

- 4 The Secretary of State shall secure the provision of the services of such staff, the use of such premises and such other facilities as he thinks appropriate.

*Salaries and allowances*

- 5 (1) The Secretary of State may by order make provision for the payment of salaries and allowances to members who have taken their seats in the manner prescribed by standing orders.
- (2) An order under this paragraph—  
(a) may have retrospective effect, and  
(b) may make different provision for different cases.

*Resignation*

- 6 A member may resign his seat by giving notice in the manner prescribed by standing orders.

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### *Vacancies*

- 7 If a seat becomes vacant by reason of resignation, death or disqualification the presiding officer shall as soon as reasonably practicable inform the Chief Electoral Officer for Northern Ireland.

### *Privilege*

- 8 A written or oral statement made by a member in or for the purposes of the Assembly (or any committee it may establish) shall be privileged from action for defamation unless it is proved to have been made with malice.

### *Copyright*

- 9 In the definition of “parliamentary proceedings” in section 178 of the <sup>M3</sup>Copyright, Designs and Patents Act 1988 (definitions) after “the Northern Ireland Assembly” insert “, of the New Northern Ireland Assembly ”.

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#### **Marginal Citations**

**M3** 1988 c. 48.

### *Standing orders*

- 10 (1) References to standing orders are to orders determined by the Secretary of State from time to time and notified to the presiding officer.
- (2) Section 6(1) does not apply to standing orders.

**Status:**

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**Changes to legislation:**

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