



# Northern Ireland (Elections) Act 1998

## 1998 CHAPTER 12

### *The New Northern Ireland Assembly*

#### **1 The Assembly**

- (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.
- (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**

- (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.

### **3 Vacancies**

- (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.

### **4 Disqualification**

- (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 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 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.

### **5 Disqualification: judicial proceedings**

- (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.