



# 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 fourth 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.
- (2) The date of the poll for the election of the Assembly next following the Assembly elected under section 2 of the Northern Ireland (Elections) Act 1998 shall be 1st May 2003; and the Assembly elected under that section shall be dissolved at the beginning of the minimum period which ends with that date.
- (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) or (2), 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.
- (6) In this section “minimum period” means a period determined in accordance with an order of the Secretary of State.

### **32 Extraordinary elections**

- (1) If the Assembly passes a resolution that it should be dissolved the Secretary of State shall propose a date for the poll for the election of the next Assembly.
- (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.
- (3) If the period mentioned in section 16(1) or (8) ends without a First Minister and a deputy First Minister having been elected, the Secretary of State shall propose a date for the poll for the election of the next Assembly.
- (4) If the Secretary of State proposes a date under subsection (1) or (3), 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.

### **33 Constituencies and numbers of members**

- (1) The members of the Assembly shall be returned for the parliamentary constituencies in Northern Ireland.
- (2) Each constituency shall return six members.
- (3) 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—
  - (a) the first election under section 31 or 32 which takes place after the Order comes into force; and
  - (b) later elections under that section and by-elections.

### **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;

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*Status: This is the original version (as it was originally enacted).*

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- (b) provision for securing that no person stands as a candidate for more than one constituency at a general election;
  - (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.

### **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.