



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART IV

#### THE NORTHERN IRELAND ASSEMBLY

##### *Disqualification*

### 36 Disqualification.

- (1) The <sup>M1</sup>Northern Ireland Assembly Disqualification Act 1975 shall have effect as if any reference to the Assembly established under section 1 of the <sup>M2</sup>Northern Ireland Assembly Act 1973 were a reference to the Assembly.
- (2) No recommendation shall be made to Her Majesty to make an Order in Council under section 3(1) of the Northern Ireland Assembly Disqualification Act 1975 (power to amend Schedule 1) without the consent of the Secretary of State.
- (3) 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.
- (4) A person is disqualified for membership of the Assembly if he is disqualified for membership of the House of Commons otherwise than under the <sup>M3</sup>House of Commons Disqualification Act 1975.
- [<sup>F1</sup>(4A) A person who is a qualifying EU citizen or an EU citizen with retained rights is disqualified for membership of the Assembly unless the person is resident for the purposes of section 4(3) of the Representation of the People Act 1983 in—
  - (a) an electoral area in Great Britain, or
  - (b) a district electoral area in Northern Ireland.]
- <sup>F2</sup>(5) .....
- (6) A person is not disqualified for membership of the Assembly by virtue of subsection (4) by reason only that—

*Status: Point in time view as at 01/11/2023.*

*Changes to legislation: Northern Ireland Act 1998, Section 36 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) he is a peer <sup>F3</sup> . . . ; or  
[<sup>F4</sup>(b) he is a Lord Spiritual.]

(7) A person is not disqualified for membership of the Assembly by virtue of subsection (4) 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 [<sup>F5</sup>citizen of the European Union][<sup>F5</sup>qualifying EU citizen or an EU citizen with retained rights].

[<sup>F6</sup>(8) In this section, “qualifying EU citizen” and “EU citizen with retained rights” have the same meaning as in the Representation of the People Act 1983 (see sections 203A and 203B of that Act).]

#### Textual Amendments

- F1** S. 36(4A) inserted (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), **Sch. 8 para. 10(2)**; S.I. 2023/1145, reg. 3(i)(v)
- F2** S. 36(5) repealed (30.11.2000) by [2000 c. 42](#), s. 4
- F3** Words in s. 36(6)(a) repealed (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 146, 148, **Sch. 18 Pt. 5**; S.I. 2009/1604, **art. 2(f)**
- F4** S. 36(6)(b) substituted (11.5.2001) by [2001 c. 13](#), s. 1, **Sch. 1 para. 5**
- F5** Words in s. 36(7) substituted (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), **Sch. 8 para. 10(3)**; S.I. 2023/1145, reg. 3(i)(v)
- F6** S. 36(8) inserted (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), **Sch. 8 para. 10(4)**; S.I. 2023/1145, reg. 3(i)(v)

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

- C1** S. 36(1) applied (20.2.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), s. 64, **Sch. 1 para. 3(3)**

#### Marginal Citations

- M1** 1975 c.25.  
**M2** 1973 c.17.  
**M3** 1975 c.24.

**Status:**

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