
DRAFT STATUTORY INSTRUMENTS

2001 No.

Local Elections (Northern Ireland) (Amendment) Order 2001

8. For section 112(1) of the 1962 Act (incapacities resulting from conviction for corrupt and illegal practices)(1) substitute:

“(1) Subject to subsection (1A), a person convicted of a corrupt or illegal practice—

(a) shall, during the relevant period specified in subsection (1B), be incapable of—

(i) being registered as an elector or voting at any local election in Northern Ireland, or

(ii) holding any elective office; and

(b) if already holding any such office shall vacate it subject to and in accordance with subsections (1C) and (1D).

(1A) The incapacity imposed by subsection (1)(a)(i) applies only to a person convicted of a corrupt practice under paragraph 4 of Schedule 9 (personation) or of an illegal practice under paragraph 12A of Schedule 9 (other voting offences).

(1B) For the purposes of subsection (1)(a) the relevant period is the period beginning with the date of the conviction and ending—

(a) in the case of a person convicted of a corrupt practice, five years after that date, or

(b) in the case of a person convicted of an illegal practice, three years after that date;

except that if (at any time within that period of five or three years) a court determines on an appeal by that person against the conviction that it should not be upheld, the relevant period shall end at that time instead.

(1C) Where subsection (1)(b) applies to any person, he shall (subject to subsection (1D)) vacate the office in question at the appropriate time for the purposes of this section, namely—

(a) the end of the period which is the period prescribed by law within which notice of appeal may be given, or an application for leave to appeal may be made, by him in respect of the conviction, or

(b) if (at any time within that period) that period is extended—

(i) the end of the period as so extended, or

(ii) the end of the period of three months beginning with the date of the conviction,

whichever is the earlier.

(1D) If (before the appropriate time mentioned in subsection (1C)) notice of appeal is given, or an application for leave to appeal is made, by such a person in respect of the conviction, he shall vacate the office in question at the end of the period of three months beginning with the date of the conviction unless—

(a) such an appeal is dismissed or abandoned at any earlier time (in which case he shall vacate the office at that time), or

(b) at any time within that period of three months the court determines on such an appeal that the conviction should not be upheld (in which case the office shall not be vacated by him).

(1E) Where such a person vacates an office in accordance with subsection (1C) or (1D), no subsequent determination of a court that his conviction should not be upheld shall entitle him to resume the office.

(1F) If a person convicted of a corrupt or illegal practice has already been elected to any elective office, he shall (in addition to being subject to the incapacities mentioned in subsection (1)(a) above) be suspended from performing any of the functions of that office, during the period of suspension specified in subsection (1G).

(1G) For the purposes of subsection (1F), the period of suspension is the period beginning with the date of the conviction and ending with—

- (a) the date on which the office is vacated in accordance with subsection (1C) or (1D), or
- (b) where subsection (1D)(b) applies, the date on which the court determines that the conviction should not be upheld.

(1H) Any incapacities or other requirement applying to a person by virtue of subsection (1F) applies in addition to any punishment imposed under section 108 or 109(2); but each of those subsections has effect subject to section 113.”