



# Elected Authorities (Northern Ireland) Act 1989

## 1989 CHAPTER 3

*Disqualification for breach of declaration against  
terrorism or in consequence of imprisonment or detention*

### **9 Disqualification for membership of district council in consequence of imprisonment or detention.**

(1) In section 4(1) of the <sup>M1</sup>Local Government Act (Northern Ireland) 1972, at the end of paragraph (c) there is inserted—

“(cc) he has been found guilty of one or more offences by any court in Northern Ireland or elsewhere in the British Islands and sentenced or ordered to be imprisoned or detained indefinitely or for three months or more without the option of a fine and either of the periods mentioned in subsection (3) is current; or”.

(2) At the end of that section there is added—

“(3) The periods referred to in subsection (1)(cc) are—

- (a) the period of his actual imprisonment or detention (including any time when he is unlawfully at large), and
- (b) the period of five years beginning with his discharge.

(4) For the purposes of subsections (1)(cc) and (3)—

- (a) consecutive terms of imprisonment or detention imposed in respect of offences of which the offender was found guilty in the same proceedings are to be treated as a single term,
- (b) the release of an offender on licence or in pursuance of a grant of remission is to be treated as his discharge, whether or not his release is subject to conditions, but if, in respect of the same offence or offences, he is required to return to prison or detention for a further period the reference in subsection (3) to his discharge includes a reference to his discharge in respect of that further period, and

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**Changes to legislation:** Elected Authorities (Northern Ireland) Act 1989, Section 9 is up to date with all changes known to be in force on or before 09 December 2023. 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) [View outstanding changes](#)

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- (c) the reference in subsection (1)(cc) to a sentence or order does not, except in a case where the sentence or order does take effect for any term, include one that is ordered not to take effect unless the conditions specified in the order are fulfilled and, in such a case, the original sentence or order is to be treated as a sentence or order of imprisonment or detention for that term.”
- (3) In subsection (1)(d) of that section the words from “been convicted” to “fine or” are omitted.
- (4) Subsection (1)(cc) of that section applies to any sentence or order, whether passed or made before or after the passing of this Act, except in a case where the offender has ceased to be imprisoned or detained (or unlawfully at large) before the passing of this Act; and subsection (3) above does not affect the application of subsection (1)(d) of that section in such a case.
- (5) An offender who would otherwise fall within that case does not do so if, after the passing of this Act, he is required, in respect of the same offence or offences, to return to prison or detention for a further period, but the earlier period of imprisonment or detention is to be disregarded in his case for the purposes of subsections (3) and (4) of that section.

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**Marginal Citations**

**M1** 1972 c. 9 (N.I.).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 Pt. 2 para. 11A11B inserted by [2022 c. 37 Sch. 8 para. 9\(5\)\(c\)](#)
- Sch. 1 Pt. 2 para. 7A substituted by [2022 c. 37 Sch. 8 para. 9\(5\)\(b\)](#)
- Sch. 1 Pt. 2 para. 12(b) substituted by [2022 c. 37 Sch. 8 para. 9\(5\)\(d\)](#)
- Sch. 1 Pt. 2 para. 7 words inserted by [2022 c. 37 Sch. 8 para. 9\(5\)\(a\)](#)