

*These notes refer to the Disqualifications Act 2000 (c.42)
which received Royal Assent on 30th November 2000*

DISQUALIFICATIONS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON CLAUSES

Section 1: Amendment of section 1(1)(e) of the Disqualification Acts

8. *Section 1* amends the two Acts under which at present members of all legislatures of countries or territories outside the Commonwealth are disqualified from membership of the House of Commons and the Northern Ireland Assembly – the House of Commons Disqualification Act 1975 and the Northern Ireland Assembly Disqualification Act 1975 – so as to remove the disqualification for members of the Irish legislature.
9. Persons disqualified from being a member of the House of Commons are also disqualified from membership of the Scottish Parliament (by virtue of section 15(1) (a) of the Scotland Act 1998) and the National Assembly for Wales (by virtue of section 12(1)(a) of the Government of Wales Act 1998). Thus the amendment to the House of Commons Disqualification Act 1975 also allows members of the Irish legislature to be members of the Scottish Parliament and the National Assembly for Wales.

Section 2: Disqualification for certain offices which may be held by members of the Northern Ireland Assembly

10. *Section 2* inserts a new section 19A in the 1998 Act. This section places restrictions on the offices which a member of the Northern Ireland Assembly who is also a Minister in the Government of Ireland or the chairman or deputy chairman of committees of the Irish legislature may hold. A member of the Northern Ireland Assembly holding such an office may not stand for election as First Minister or as deputy First Minister, or be elected as such, or be nominated to hold a Ministerial office or appointed as a junior Minister.

Provision for the election of *First Minister* and *deputy First Minister* by the Northern Ireland Assembly is made in section 16 of the 1998 Act. The provisions regarding nomination for *Ministerial office* are dealt with in section 18 of that Act and those regarding the appointment of *junior Ministers* in section 19 of that Act.

11. In addition, section 2 provides that a member of the Northern Ireland Assembly who is a Minister in the Government of Ireland or chairman or deputy chairman of committees of the Irish legislature may not be nominated under paragraph 7 of Schedule 1 to the Police (Northern Ireland) Act 2000 to the Northern Ireland Policing Board.

The *Northern Ireland Policing Board* is established by section 2 of the Police (Northern Ireland) Act 2000. Paragraph 7 of Schedule 1 to that Act provides for the nomination of members of the Northern Ireland Assembly as political members of the Board.

Section 3: Disqualification for certain Assembly offices

12. *Section 3* amends the 1998 Act to provide that members of the Assembly who are Ministers of the Government of Ireland or chairman or deputy chairman of committees

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of the Irish legislature may not hold certain offices connected to the Northern Ireland Assembly.

13. *Subsection (1)* amends section 29 of the 1998 Act (statutory committees) so as to provide that a member of the Assembly who holds an office mentioned in paragraph 12 above may not be the chairman or deputy chairman of a statutory committee of the Assembly.

Section 29 of the 1998 Act provides that standing orders shall make provision for the establishing of committees of the Assembly to be known as *statutory committees* and for the nomination of *chairmen and deputy chairmen* to them. The function of the statutory committees is to advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister.

14. *Subsection (2)* amends section 40 of the 1998 Act (which makes provision as to the Northern Ireland Assembly Commission) so as to provide that a member of the Assembly who holds an office mentioned in paragraph 12 above may not be appointed as a member of the Commission.

Subsection (2) of section 40 of the 1998 Act provides that the members of the *Commission* shall be the Presiding Officer of the Assembly and the prescribed number of members of the Assembly appointed in accordance with standing orders.

Section 4: Consequential repeal

15. As a result of the amendments made by section 1, section 36(5) of the 1998 Act is no longer needed and is repealed.

Commencement

16. The Act came into effect immediately on Royal Assent.