



Northern Ireland (Miscellaneous Provisions) Act 2014

2014 CHAPTER 13

Northern Ireland Assembly

3 MPs to be disqualified for membership of Assembly

(1) In section 1(1) of the Northern Ireland Assembly Disqualification Act 1975 (disqualification of holders of certain offices etc), before paragraph (a) insert—
“(za) is a member of the House of Commons;”.

(2) After section 1 of that Act insert—

“1A Members of the House of Commons

(1) A person returned at an election as a member of the Northern Ireland Assembly is not disqualified under section 1(1)(za) at any time in the period of 8 days beginning with the day the person is so returned.

(2) Subsection (3) applies where a person—

(a) is returned at an election as a member of the Northern Ireland Assembly,

(b) on being so returned is a candidate for election to the House of Commons, and

(c) is subsequently returned at that election as a member of that House.

(3) The person is not disqualified under section 1(1)(za) at any time in the period of 8 days beginning with the day the person is returned as a member of the House of Commons.

(4) A person is a “candidate for election to the House of Commons” if the person’s nomination paper for election as a member of the House of Commons has been delivered to the returning officer under rule 6 of Schedule 1 to the Representation of the People Act 1983 (parliamentary election rules).”

- (3) In section 37(1) of the Northern Ireland Act 1998 (effect of disqualification)—
- (a) in paragraph (a), after “by virtue of” insert “the Northern Ireland Assembly Disqualification Act 1975 or”;
 - (b) in paragraph (b), after “by virtue of” insert “that Act or”.
- (4) In section 47(4) of that Act (remuneration of members), for “either House of Parliament” substitute “the House of Lords”.

4 **Members of the Dáil Éireann to be disqualified for membership of Assembly**

- (1) In section 1(1) of the Northern Ireland Assembly Disqualification Act 1975 (disqualification of holders of certain offices etc), before paragraph (e) insert—
- “(db) is a member of the Dáil Éireann (House of Representatives of Ireland);”.
- (2) After section 1A of that Act (as inserted by section 3) insert—

“1B Members of the Dáil Éireann

A person returned at an election as a member of the Northern Ireland Assembly is not disqualified under section 1(1)(db) at any time in the period of 8 days beginning with the day the person is so returned.”

5 **Statements by prospective members of Assembly**

- (1) The Northern Ireland Assembly (Elections) Order 2001 ([S.I. 2001/2599](#)) is amended as follows.
- (2) In article 6 (vacancies filled by substitutes)—
- (a) in paragraph (2), for the words from “state in writing” to the end substitute “make a statement of readiness”;
 - (b) in paragraph (3)—
 - (i) in sub-paragraph (a)(ii), for the words from “in writing” to “Assembly” substitute “of readiness”;
 - (ii) in sub-paragraph (b), for “is not willing or able to be so returned” substitute “will not make a statement of readiness”;
 - (c) in paragraph (4)—
 - (i) for “states in writing” substitute “makes a statement of readiness”;
 - (ii) omit “that he is willing and able to be returned as a member of the Assembly”;
 - (d) in paragraph (5)—
 - (i) in the opening words: after “a statement” insert “of readiness”; and omit “that he is willing and able to be returned as a member of the Assembly”;
 - (ii) in sub-paragraph (a), for “is not willing and able to be so returned” substitute “will not make a statement of readiness”;
 - (iii) in sub-paragraph (b), for “in writing that he is willing and able to be so returned” substitute “of readiness”;
 - (e) after paragraph (6) insert—

- “(7) In this article and article 6B “statement of readiness” means a statement in writing by a person (“P”)—
- (a) that P is willing and able to be returned as a member of the Assembly,
 - (b) that P is aware of the provisions of the Northern Ireland Assembly Disqualification Act 1975 and section 36 of the Northern Ireland Act 1998, and
 - (c) that P is, to the best of P’s knowledge and belief, not disqualified for membership of the Assembly.”
- (3) In article 6B (vacancies arising during an Assembly term: members of registered parties)—
- (a) in paragraph (3), for the words “in writing” to the end substitute “with—
 - (a) a statement of readiness, or
 - (b) a statement in writing that he will not make a statement of readiness.”;
 - (b) for paragraph (4)(a) and (b) substitute—
 - “(a) does not respond within such period as the Officer considers reasonable with a statement of the kind mentioned in paragraph (3)(a) or (b), or
 - (b) responds within such a period with a statement of the kind mentioned in paragraph (3)(b).”;
 - (c) in paragraph (6), for the words from “does” to “Assembly” substitute “responds within such period as the Officer considers reasonable with a statement of the kind mentioned in paragraph (3)(a)”.
- (4) Schedule 1 (application with modifications of provisions of the Representation of the People Act 1983 etc) is amended as follows.
- (5) In the entry for section 65A (false statements in nomination papers etc), in the second column, insert “For subsection (1B)(c) substitute—
- (c) that he is, to the best of his knowledge and belief, not disqualified for membership of the Assembly, or
 - (d) that he is, to the best of his knowledge and belief, disqualified for membership of the Assembly only under section 1(1)(za) or (db) of the Northern Ireland Assembly Disqualification Act 1975 (disqualification of MPs or members of the Dáil Éireann).”.

(6) In the entry for rule 8 of the parliamentary elections rules (consent to nomination), in the second column, for the first sentence substitute “For paragraph (3)(b) substitute—

 - (b) shall state that he is aware of the provisions of the Northern Ireland Assembly Disqualification Act 1975 and section 36 of the Northern Ireland Act 1998; and
 - (ba) shall state either—
 - (i) that he is, to the best of his knowledge and belief, not disqualified for membership of the Assembly, or
 - (ii) that he is, to the best of his knowledge and belief, disqualified for membership of the Assembly only under section 1(1)(za) or (db) of the Northern Ireland Assembly Disqualification Act 1975 (disqualification of MPs or members of the Dáil Éireann); and”.

6 Reduction in size of Assembly to be reserved matter

(1) The Northern Ireland Act 1998 is amended as follows.

(2) In Schedule 3 (reserved matters), after paragraph 7 insert—

“7A The alteration of the number of members of the Assembly returned for each constituency.

This paragraph does not include—

- (a) the alteration of that number to a number lower than five or higher than six, or
- (b) the provision of different numbers for different constituencies.”

(3) After section 7 insert—

“7A Cross-community support required for Bill altering size of Assembly

(1) The Assembly shall not pass a relevant Bill without cross-community support.

(2) In this section—

“pass”, in relation to a Bill, means pass at the stage in the Assembly’s proceedings at which the Bill falls finally to be passed or rejected;

“relevant Bill” means a Bill containing a provision which deals with a matter falling within a description specified in paragraph 7A of Schedule 3 (size of Assembly).”

(4) In section 14 (submission by Secretary of State), after subsection (3) insert—

“(3A) The Secretary of State shall not submit a Bill for Royal Assent if the Assembly has passed the Bill in contravention of section 7A (cross-community support required for Bill altering size of Assembly).”

(5) In section 53(3)(b) (agreements etc by person participating in Councils), after “section” insert “7A,”.

7 Extension of term of Assembly

(1) In section 31(1) of the Northern Ireland Act 1998 (dates of elections and dissolutions), for “fourth” substitute “fifth”.

(2) The amendment made by subsection (1) has effect in relation to the determination of the date of the poll for the election of the Assembly next following the Assembly elected at the poll on 5 May 2011 (as well as its successors).