



# Northern Ireland Assembly Disqualification Act 1975

## 1975 CHAPTER 25

### 1 Disqualification of holders of certain offices and places.

(1) Subject to the provisions of this Act, a person is disqualified for membership of the Northern Ireland Assembly who for the time being—

- [<sup>F1</sup>(za) is a member of the House of Commons;]
  - (a) holds any of the judicial offices specified in Part I of Schedule 1 to this Act;
  - (b) is employed in the civil service of the Crown, whether in an established capacity or not, and whether for the whole or part of his time;
  - (c) is a member of any of the regular armed forces of the Crown <sup>F2</sup>...;
  - (d) is a member of any police force maintained by [<sup>F3</sup>a local policing body or] a police authority;
- <sup>F4</sup>(da) .....
- [<sup>F5</sup>(db) is a member of the Dàil Éireann (House of Representatives of Ireland);]
  - (e) is a member of the legislature of any country or territory outside the Commonwealth [<sup>F6</sup>(other than Ireland)]; or
  - (f) holds any office described in Part II or Part III of Schedule 1.

(2) In this section—

“civil service of the Crown” includes the civil service of Northern Ireland <sup>F7</sup>..., Her Majesty’s Diplomatic Service and Her Majesty’s Overseas Civil Service;

“police authority” means any police authority within the meaning of [<sup>F8</sup>the Police Act 1996][<sup>F9</sup>, the Scottish Police Authority], or the [<sup>F10</sup>Northern Ireland Policing Board]; and “member” in relation to a police force means a person employed as a full-time constable;

“regular armed forces of the Crown” means the Royal Navy, [<sup>F11</sup>the Royal Marines, the regular army (as defined by section 374 of the Armed Forces Act 2006) or the Royal Air Force.]

*Status: Point in time view as at 01/04/2016.*

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- (3) Except as provided by this Act, a person shall not be disqualified for membership of the Northern Ireland Assembly by reason of his holding an office or place of profit under the Crown or any other office or place; and a person shall not be disqualified for appointment to or for holding any office or place by reason of his being a member of the Assembly.

#### Textual Amendments

- F1** S. 1(1)(za) inserted (29.3.2016) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), [ss. 3\(1\)](#), [28\(6\)](#)
- F2** Words in s. 1(1)(c) repealed (28.3.2009 for certain purposes and otherwise prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 378](#), [383\(2\)](#), [Sch. 16 para. 69\(a\)](#), [Sch. 17](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059)
- F3** Words in s. 1(1)(d) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [s. 157\(1\)](#), [Sch. 16 para. 124](#); S.I. 2011/3019, [art. 3](#), [Sch. 1](#)
- F4** S. 1(1)(da) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 59](#), [174\(2\)](#), [178\(8\)](#), [Sch. 4 para. 26](#), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), [Sch. paras. 10](#), [12](#), [13\(k\)](#) (subject to [art. 4\(2\)-\(7\)](#))
- F5** S. 1(1)(db) inserted (29.3.2016) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), [ss. 4\(1\)](#), [28\(6\)](#)
- F6** Words in s. 1(1)(e) inserted (30.11.2000) by [2000 c. 42](#), [s. 1](#)
- F7** Words in s. 1(2) omitted (N.I.) (12.4.2010) by virtue of [The Northern Ireland Court Service \(Abolition and Transfer of Functions\) Order \(Northern Ireland\) 2010 \(S.R. 2010/133\)](#), [art. 1](#), [Sch. para. 4](#) (with [arts. 5-7](#))
- F8** Words in s. 1(2) substituted (22.8.1996) by [1996 c. 16](#), [ss. 103](#), [104\(1\)](#), [Sch. 7 Pt. II para. 25](#)
- F9** Words in s. 1(2) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 2 para. 11](#)
- F10** Words in s. 1(2) substituted (4.11.2001) by [2000 c. 32](#), [s. 79\(1\)](#), [Sch. 6 para. 4\(2\)](#); S.I. 2001/396, [art. 2](#), [Sch.](#)
- F11** S. 1(2): words in definition of "regular armed forces of the Crown" substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 378\(1\)](#), [383\(2\)](#), [Sch. 16 para. 69\(b\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

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

- C1** S. 1(1)(c) amended (1.7.1992) by [1992 c. 39](#), [ss. 3\(4\)](#), [5](#)

### [<sup>F12</sup>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—
- is returned at an election as a member of the Northern Ireland Assembly,
  - on being so returned is a candidate for election to the House of Commons, and
  - 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.

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- (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).]

#### Textual Amendments

- F12** S. 1A inserted (29.3.2016) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), ss. 3(2), 28(6)

### [<sup>F13</sup>1B Members of the Dàil Èireann

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.]

#### Textual Amendments

- F13** S. 1B inserted (29.3.2016) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), ss. 4(2), 28(6)

## 2 Reserve and auxiliary forces, etc.

- (1) Notwithstanding section 1(1)(c) above—
- (a) a person who is an officer on the retired or emergency list of any of the regular armed forces of Crown, or who holds an emergency commission in any of those forces, or belongs to any reserve of officers of any of those forces, is not disqualified as a member of those forces; and
  - (b) a naval, army, marine or air force pensioner [<sup>F14</sup>,or former soldier,] who is recalled for service for which he is liable as such is not disqualified as a member of the regular armed forces of the Crown.
- (2) A person is not disqualified under section 1(1)(c) above by reason of his being an Admiral of the Fleet, a Field Marshal or a Marshal of the Royal Air Force, if he does not for the time being hold an appointment in the naval, military or air force service of the Crown.
- (3) A person is not disqualified under section 1(1)(b) above by reason of his being a member of the Royal Observer Corps unless he is employed as such for the whole of his time.

#### Textual Amendments

- F14** Words in s. 2(1)(b) inserted (1.4.1997) by 1996 c. 14, s. 131(1), Sch. 10 para. 16 (with s. 72(5)); 1997/305, art. 2(1)

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**3 Power to amend Schedule 1.**

- (1) If at any time it is resolved by Northern Ireland Assembly that Schedule 1 to this Act be amended, whether by the addition or omission of any office or the removal of any office from one Part of the Schedule to another, or by altering the description of any office specified therein, Her Majesty may by Order in Council amend that Schedule accordingly.
- (2) A copy of this Act as from time to time amended by Order in Council under this section or by or under any other enactment shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament; and all copies of this Act thereafter to be printed by Her Majesty’s printer shall be printed in accordance with the copy so certified.

**4 Relaxation of obligation to accept office.**

- (1) No person being a member of the Northern Ireland Assembly, or for the time being nominated as a candidate for election to the Assembly, shall be required to accept any office or place by virtue of which he would be disqualified by this Act for membership of the Assembly.
- (2) This section does not affect any obligation to serve in the armed forces of the Crown, whether imposed by an enactment or otherwise.

**X15 Consequential amendments and repeals.**

<sup>F15</sup>(1) .....

- (2) The enactments specified in Schedule 3 to this Act (which include enactments which were spent before the passing of this Act) are hereby repealed, so far as they apply in relation to disqualification for membership of the Northern Ireland Assembly, to the extent specified in the third column of that Schedule.
- (3) Nothing in the definition of “regular armed forces of the Crown” in section 1(2) above shall be taken to alter the law in force immediately before the passing of this Act in relation to disqualification for membership of the Northern Ireland Assembly.

<b>Editorial Information</b>	
<b>X1</b>	The text of s. 5, Sch. 2 paras. 1, 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991
<b>Textual Amendments</b>	
<b>F15</b>	S. 5(1) repealed (2.12.1999) by 1998 c. 47, s. 100(2), <b>Sch. 15</b> (with s. 95); S.I. 1999/3209, art. 2, <b>Sch.</b>

**6 Short title.**

This Act may be cited as the Northern Ireland Assembly Disqualification Act 1975.

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