



Elected Authorities (Northern Ireland) Act 1989

1989 CHAPTER 3

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

7 Application to the High Court.

- (1) Any one or more of the persons specified in subsection (2) below may apply to the High Court for a determination that a person has acted in breach of the terms of a declaration against terrorism made by him.
- (2) The persons referred to in subsection (1) above are—
 - (a) in relation to a member of a district council—
 - (i) the district council,
 - (ii) any person who would be entitled to vote at an election to that council held on the date of the application, and
 - (iii) any other member of that council, and
 - (b) in relation to a member of the Northern Ireland Assembly—
 - (i) any person who would be entitled to vote at an election to the Assembly held in the member's constituency on the date of the application, and
 - (ii) any other member of the Assembly.
- (3) For the purposes of this section, a person who was nominated—
 - (a) after the passing of this Act as a candidate for election to the office of member of a district council, or
 - (b) after the coming into force of section 5 of this Act as a candidate for election to the office of member of the Northern Ireland Assembly,shall be conclusively presumed to have made a declaration in the form set out in Part I of Schedule 2 to this Act at the time of the nomination.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Elected Authorities (Northern Ireland) Act 1989. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (4) For the purposes of this section, a person who was [^{F1}returned to] a district council after the passing of this Act to fill a casual vacancy in the council shall be conclusively presumed to have made a declaration in the form set out in Part II of Schedule 2 of this Act in relation to that vacancy before he was [^{F2}so returned].
- (5) Where on an application under this section the High Court is satisfied that the person to whom the application relates has acted in breach of the terms of a declaration against terrorism made by him, the court may make a determination accordingly.
- (6) In this section—
- (a) “declaration against terrorism” means a declaration required for the purposes of section 3, 4 or 5 of this Act, and
 - (b) references to acting in breach of the terms of such a declaration shall be construed in accordance with section 6 of this Act.

Textual Amendments

- F1** Words in s. 7(4) substituted (1.4.2010) by [The Electoral Law Act \(Northern Ireland\) 1962 \(Amendment\) Order 2010 \(S.I. 2010/1178\)](#), arts. 1(2), **5(8)(a)**
- F2** Words in s. 7(4) substituted (1.4.2010) by [The Electoral Law Act \(Northern Ireland\) 1962 \(Amendment\) Order 2010 \(S.I. 2010/1178\)](#), arts. 1(2), **5(8)(b)**

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Elected Authorities (Northern Ireland) Act 1989. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

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\(5\)\(a\)](#)