



# 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.

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*Status: This is the original version (as it was originally enacted).*

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- (4) For the purposes of this section, a person who was chosen by 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 so chosen.
- (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.