



Northern Ireland Act 1998

1998 CHAPTER 47

PART IV

THE NORTHERN IRELAND ASSEMBLY

Disqualification

37 Effect of disqualification and provision for relief.

- (1) Subject to any order made by the Assembly under this section—
 - (a) if any person disqualified by virtue of [^{F1}the Northern Ireland Assembly Disqualification Act 1975 or] section 36 is returned as a member of the Assembly, his return shall be void; and
 - (b) if any person being a member of the Assembly becomes disqualified by virtue of [^{F2}that Act or] that section, his seat shall be vacated.
- (2) If, in a case which falls or is alleged to fall within subsection (1) otherwise than by virtue of section 36(4), it appears to the Assembly—
 - (a) that the grounds of disqualification or alleged disqualification which subsisted or arose at the material time have been removed; and
 - (b) that it is otherwise proper so to do,the Assembly may by order direct that any such disqualification incurred on those grounds at that time shall be disregarded for the purposes of this section.
- (3) No order under subsection (2) shall affect the proceedings on any election petition or any determination of an election court.
- (4) Subsection (1)(b) has effect subject to ^{F3}... section 427 of the ^{M1}Insolvency Act 1986 (bankruptcy etc) [^{F4}and section 31 of the Elections Act 2022 (disqualification of offenders for holding elective office etc)]; and where, in consequence of [^{F5}either of those sections], the seat of a disqualified member of the Assembly has not been vacated—
 - (a) he shall not participate in any proceedings of the Assembly; and

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Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 37. (See end of Document for details)

- (b) any of his other rights and privileges as a member of the Assembly may be withdrawn by a resolution of the Assembly.
- (5) The validity of any proceedings of the Assembly is not affected by the disqualification of any person from being a member of the Assembly or from being a member for the constituency for which he purports to sit.

Textual Amendments

- F1** Words in s. 37(1)(a) inserted (5.5.2016 unless the Northern Ireland Assembly is dissolved at an earlier date) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 3(3)(a)**, 28(6)
- F2** Words in s. 37(1)(b) inserted (5.5.2016 unless the Northern Ireland Assembly is dissolved at an earlier date) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 3(3)(b)**, 28(6)
- F3** Words in s. 37(4) omitted (28.4.2013) by virtue of [Mental Health \(Discrimination\) Act 2013 \(c. 8\)](#), s. 4(1), **Sch. para. 4(1)(a)**
- F4** Words in s. 37(4) inserted (1.11.2023) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), **Sch. 10 para. 5(2)(a)**; [S.I. 2023/1145](#), reg. 3(k)
- F5** Words in s. 37(4) substituted (1.11.2023) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), **Sch. 10 para. 5(2)(b)**; [S.I. 2023/1145](#), reg. 3(k)

Marginal Citations

- M1** 1986 c.45.

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