

NORTHERN IRELAND

ASSEMBLY ELECTIONS ACT 2003

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes refer to the Northern Ireland Assembly Elections Act 2003 which received Royal Assent on 20th March 2003. They have been provided by the Northern Ireland Office to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

SUMMARY AND BACKGROUND

3. The purpose of the Act was to postpone the date of the poll for the election of the next Northern Ireland Assembly election from 1st May 2003 to 29th May 2003. The Act also postponed the date for dissolution of the current Assembly from 21st March 2003 to 28th April 2003.
4. The Act followed intensive negotiations at Hillsborough on 3rd and 4th March 2003 between the UK and Irish Governments and Northern Ireland political parties. These negotiations were aimed at restoring power to the devolved institutions in Northern Ireland, which are currently suspended under the terms of the provisions of the Northern Ireland Act 2000, and the full implementation of the Belfast Agreement. The Government's judgment at the end of negotiations was that there was now a shared understanding of how the process could be moved forward, but some issues of difficulty remained to be dealt with; and that all parties needed time to reflect. The Government hopes that a brief postponement of the Assembly election will provide an opportunity for the way forward to be found in advance of elections.

COMMENTARY ON SECTIONS

Section 1: Dates of election, etc

5. This section revokes the Northern Ireland (Date of Next Assembly Poll) Order 2001. It postpones the date of the poll for the election of the next Assembly under the Northern Ireland Act 1998 from 1st May 2003 to 29th May 2003. It also postpones the dissolution date of the Assembly from 21st March 2003 to 28th April 2003.
6. *Subsection (1)* revokes the [Northern Ireland \(Date of Next Assembly Poll\) Order 2001 \(SI 2001/3959\)](#). That Order, made in accordance with the duty under section 32 of the Northern Ireland Act 1998, after the expiry of the six-week limit under section 16(8) for the election of First and Deputy First Ministers, would as the law stood set the election date, rather than section 31(2) of the 1998 Act. In fact, since a First Minister and Deputy First Minister had been elected shortly after the end of the period, it set the date at 1 May 2003, as in the section 31(2) of the Act.

These notes refer to the Northern Ireland Assembly Elections Act 2003 (c.3) which received Royal Assent on 20 March 2003

7. *Subsection (2)* amends section 31 of the [Northern Ireland Act 1998 \(c.47\)](#) which makes provision for dissolution of the Assembly and the timing of ordinary general elections.
8. *Subsection (2)(a)* substitutes a new section 31(2) to the 1998 Act and provides that the date of the poll for the next election of the Assembly shall be 29th May 2003. It also provides that the current elected Assembly shall be dissolved on 28th April 2003.
9. *Subsection (2)(b)* provides that section 31(3) of the 1998 Act does not apply to the poll to be held on 29th May 2003, so removing the power of the Secretary of State to vary the date of the poll.
10. *Subsection (2)(c)* amends section 31(5) of the 1998 Act and adds “any day on which section 1 of the Northern Ireland Act 2000 is in force” to the days that should be disregarded for the purposes of section 31(4). Section 31(4) provides that an Assembly elected under section 31 or 32 of the 1998 Act shall meet within a period of eight days beginning with the day of the poll at which it is elected. This provision therefore has the effect that an Assembly elected on 29th May 2003 will not have to meet within the 8-day period if section 1 of the 2000 Act is in force.
11. *Subsection (3)* applies the following three subsections (4), (5) and (6) to the poll to be held on 29th May 2003 but not to any subsequent election: these were special provisions to cope with the last minute postponement and shortened timetable.
12. *Subsection (4)* amends paragraph 7 of each of Schedules 9 and 10 to the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#) which provide for limits on campaign expenditure and controlled expenditure respectively in relation to Assembly elections. Paragraph 7 of each Schedule is to have effect as if “the relevant period” for the purposes of each paragraph were the period beginning four months before 29th May 2003 and ending on that date, instead of 1st May 2003. The limit applying to campaign expenditure which is incurred by, or on behalf of, a registered party in the relevant period in Northern Ireland is £17,000 for each constituency contested by the party. The limit applying to controlled expenditure which is incurred by, or on behalf of, a recognised third party in the relevant period in Northern Ireland is £15,300.
13. *Subsection (5)* provides that any campaign expenditure or controlled expenditure incurred in connection with the extraordinary general election provided for by the Northern Ireland (Date of Next Assembly Poll) Order 2001 (revoked by subsection (1) of the Act) is only to count towards total expenditure if it was incurred during “the relevant period” as provided for in subsection (3).
14. *Subsection (6)* amends the timetable set out in the Parliamentary Election Rules in Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001. It provides for the publication of the notice of the election to be “not later than the “20th day before the date of the poll” thus compressing the election timetable from 25 days to 20 days for the poll on 29th May 2003.
15. *Subsection (7)* makes explicit that subsection (1) which revokes the Northern Ireland (Date of Next Assembly Poll) 2001 Order, made in fulfilment of the Secretary of State’s duty under section 32 of the 1998 Act to propose an election date, does not revive the duty. The date as fixed by this Act is not intended to be subject to any further changes.

COMMENCEMENT

16. All the provisions of the Act came into force on Royal Assent on 20th March 2003.

<i>Date</i>	<i>Parliamentary Stage</i>	<i>Hansard Reference</i>
17 th March 2003	Commons Second Reading	Columns 641 - 697
17 th March 2003	Commons Committee and Third Reading	Columns 697 - 702

*These notes refer to the Northern Ireland Assembly Elections
Act 2003 (c.3) which received Royal Assent on 20 March 2003*

<i>Date</i>	<i>Parliamentary Stage</i>	<i>Hansard Reference</i>
19 th March 2003	Lords Second Reading	Columns 254 - 264
19 th March 2003	Lords Committee and Third Reading	Column 285