



Northern Ireland Constitution Act 1973

1973 CHAPTER 36

PART IV

THE NORTHERN IRELAND ASSEMBLY

24 Presiding officer and Clerk of the Assembly.

- (1) The Assembly elected under the ^{M1}Northern Ireland Assembly Act 1973, and every Assembly subsequently elected, shall as its first business elect one of its members to be the presiding officer of the Assembly.
- (2) The person so elected shall hold office until the dissolution of the Assembly unless he previously resigns or ceases to be a member of the Assembly or is removed from office by resolution of the Assembly; and if the presiding officer vacates his office before the expiration of his term of office the Assembly shall elect another person to fill his place for the remainder of that term.
- (3) There shall be a Clerk to the Assembly appointed by Her Majesty on the recommendation of the Secretary of State.
- (4) The Clerk to the Assembly shall, with the consent of the Ministry of Finance for Northern Ireland as to numbers, appoint such other officers and servants of the Assembly as he considers requisite.
- (5) The remuneration of the Clerk to the Assembly shall be such as may be determined by the Ministry of Finance for Northern Ireland; and the remuneration and conditions of service of the other officers and servants of the Assembly shall be such as may be determined by the Clerk to the Assembly with the consent of that Ministry.
- (6) The remuneration of the Clerk to the Assembly shall be charged on and paid out of the Consolidated Fund of Northern Ireland and the remuneration of the other officers and servants of the Assembly shall be defrayed out of moneys appropriated by Measure.
- (7) The Clerk to the Assembly shall act as presiding officer while that office is vacant pending an election under subsection (1) or (2) above.

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- (8) Any functions of the Clerk to the Assembly (including functions under section 5 above or under subsection (7) above) may, if the office of Clerk is vacant or the Clerk is for any reason unable to act, be discharged by any other officer for the time being discharging the duties of the Clerk.

Marginal Citations
M1 1973 c. 17.

25 Procedure.

- (1) The Assembly shall make standing orders for regulating its procedure.
- (2) The standing orders shall include provision—
 - (a) for general debate of a proposed Measure with an opportunity for members to vote on its general principles;
 - (b) for the consideration of, and an opportunity for members to vote on, the details of a proposed Measure; and
 - (c) for a final stage at which a proposed Measure can be passed or rejected but not amended.
- (3) The standing orders shall include provision for the procedure to be adopted where the Secretary of State has withheld his consent to a proposed Measure under subsection (3) of section 5 above or has referred a proposed Measure back to the Assembly for further consideration.
- (4) ^{F1}
- (8) The standing orders shall include provision for the examination by a committee of the Assembly of the manner in which moneys charged on or appropriated out of the Consolidated Fund of Northern Ireland have been applied.
- (9) The Secretary of State may give directions for regulating the procedure of the Assembly so far as he considers requisite pending the making of standing orders by the Assembly.
- (10) Subsection (8) above does not apply to the application of moneys before the appointed day.

Textual Amendments
F1 Ss. 13(4), 25(4)–(7), 26(8)(9) and 27(1) repealed by Northern Ireland Act 1982 (c. 38, SIF 29:3), Sch. 3

26 Privileges, remuneration, etc.

[^{F2}(1) Subject to subsection (1A) below and to any provision made by Measure, the powers, privileges and immunities of the Assembly and of its members and committees shall be the same as those for the time being held and enjoyed by the House of Commons and its members and committees.

(1A) Neither the Assembly nor its committees shall have power—

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- (a) to require any person to give evidence, or to produce any papers, relating to any matter other than one in respect of which the Assembly has power to pass a Measure not requiring the consent of the Secretary of State; or
 - (b) to require any person to give evidence, or to produce any papers, relating to any matter which is or has been within his responsibility as a Minister of the government of the United Kingdom or as an officer of a department under the control of any such Minister.]
- (2) There shall be paid to each member of the Assembly such salary and allowances as may be prescribed by Order in Council; and provision may be made by Order in Council for the payment of pensions to or in respect of persons who have been members of the Assembly.
- [^{F3}(2A) An Order in Council under subsection (2) above increasing the salaries or allowances payable to members of the Assembly may be made with retrospective effect.]
- (3) Any salary or allowances payable to a member by virtue of an Order in Council under subsection (2) above shall accrue from the date on which he is returned as a member but shall not be payable unless he takes his seat in the manner prescribed by standing orders.
- (4) Special provision may be made by Order in Council under subsection (2) above in respect of the member who is the presiding officer of the Assembly and in respect of such other members (if any) as may be elected by the Assembly to discharge other functions in relation to the Assembly.
- (5) Any salaries or allowances payable by virtue of an Order under subsection (2) above, and any sums required by such an Order relating to pensions to be paid out of public funds, shall be defrayed out of moneys appropriated for that purpose by Measure.
- (6) Any Order in Council under subsection (2) above may be varied or revoked by a subsequent Order.
- (7) A member of the Assembly may resign his seat by giving notice in writing to the presiding officer of the Assembly; and if a seat becomes vacant by resignation, death or disqualification the presiding officer shall as soon as practicable inform the Assembly thereof.
- (8) ^{F4}

Textual Amendments	
F2	S. 26(1)(1A) substituted for S. 26(1) by Northern Ireland Act 1982 (c. 38, SIF 29:3), Sch. 2 para. 3(2)
F3	S. 26(2A) inserted by Northern Ireland Act 1982 (c. 38, SIF 29:3), Sch. 2 para. 3(3)
F4	Ss. 13(4), 25(4)–(7), 26(8)(9) and 27(1) repealed by Northern Ireland Act 1982 (c. 38, SIF 29:3), Sch. 3
Modifications etc. (not altering text)	
C1	S. 26(1) excluded by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 6(4), 13(6)
C2	S.26(1A)(b) amended by Northern Ireland Act 1982 (c. 38, SIF 29:3), Sch. 2 para. 4

27 Dissolution and prorogation.

- (1) ^{F5}

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- [^{F6}(2) Any Assembly elected following the dissolution of its predecessor by Order in Council shall by virtue of this sub-section be dissolved on the fourth anniversary of the day appointed for the election of the members of that Assembly; and any Assembly elected otherwise than as aforesaid shall by virtue of this subsection be dissolved on the fourth anniversary of the dissolution of its predecessor.
- (3) If, apart from this subsection, the date of dissolution under subsection (2) above would fall on a Saturday, Sunday, public holiday or bank holiday it shall fall on the next subsequent day which is not a Saturday, Sunday, public holiday or bank holiday.
- In this subsection “bank holiday” means a day which by virtue of the ^{M2}Banking and Financial Dealings Act 1971 is a bank holiday in Northern Ireland.
- (4) The Secretary of State may by order direct that any date of dissolution under subsection (2) above shall, instead of being determined in accordance with that subsection and subsection (3) above, be a date specified in the order, being a date falling not more than two months before or after the date so determined.]]
- (5) If it appears to Her Majesty that the composition of the Assembly is such that it is not possible for the Secretary of State to make appointments under section 8 above which comply with the requirements of subsection (4) of that section and that it is in the public interest that the Assembly should be dissolved, Her Majesty, after taking into account any vote or resolution of the Assembly which appears to Her Majesty to be relevant, may by Order in Council direct that the date of dissolution for the Assembly, instead of being determined in accordance with the foregoing provisions of this section, shall be such earlier date as may be specified in the Order.
- [^{F7}(6) Her Majesty may by Order in Council prorogue or further prorogue the Assembly.]
- (7) If the Assembly is dissolved in accordance with subsection . . . ^{F8} (5) above Her Majesty may by Order in Council appoint a day for the election of members of a new Assembly; and the first meeting of the new Assembly shall be held on such day as the Secretary of State may by order direct.
- (8) An Order in Council under this section may be varied or revoked by a subsequent Order and, except in the case of an Order proroguing the Assembly for a period of four months or less and not extending a previous period of prorogation, no recommendation shall be made to Her Majesty to make an Order under this section unless a draft of it has been approved by resolution of each House of Parliament.
- (9) Any power of the Secretary of State to make an order under subsection (4) or (7) above includes power to vary or revoke a previous order and, in the case of an order under subsection (4), shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) An Order in Council under this section proroguing the Assembly shall specify the period of prorogation and the Assembly shall meet at the expiration of that period but without prejudice to the power of Her Majesty to recall it earlier and subject to any further prorogation or any dissolution by or under this section before the expiration of that period.

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Textual Amendments

- F5** Ss. 13(4), 25(4)–(7), 26(8)(9) and 27(1) repealed by Northern Ireland Act 1982 (c. 38, SIF 29:3), **Sch. 3**
- F6** S. 27(2)–(4) substituted by Northern Ireland Act 1982 (c. 38, SIF 29:3), **Sch. 2 para. 5(2)**
- F7** S. 27(6) substituted by Northern Ireland Act 1982 (c. 38, SIF 29:3), **Sch. 2 para. 5(3)**
- F8** Words repealed by Northern Ireland Act 1982 (c. 38, SIF 29:3), **Sch. 3**

Modifications etc. (not altering text)

- C3** Power to exclude s. 27 conferred by Northern Ireland Act 1982 (c. 38, SIF 29:3), **s. 5(1)**
- C4** S. 27 excluded by S.I. 1986/1036, **art. 2**
- C5** S. 27(7) extended by Northern Ireland Act 1974 (c. 28, SIF 29:3), **s. 1(1)**

Marginal Citations

- M2** 1971 c. 80.

28 Constituencies and number of members.

- (1) Section 1(2) of the ^{M3}Northern Ireland Assembly Act 1973 and the Schedule to that Act (which provide for the members of the Assembly to be returned for the constituencies in Northern Ireland which would return members to the Parliament of the United Kingdom if a general election were held at the passing of that Act and specifies the number of members to be returned by each constituency) shall apply also in relation to any subsequent election of members of the Assembly and, subject to subsection (6) below, shall so apply as if for the reference to the passing of that Act there were substituted a reference to the date on which the election is held.
- (2) Where the Boundary Commission for Northern Ireland submit to the Secretary of State a report under [^{F9}section 3(1) or (3) of the Parliamentary Constituencies Act 1986] showing the constituencies into which the whole of, or any area in, Northern Ireland should be divided they shall submit therewith a supplementary report showing the number of members which they recommend should be returned to the Assembly by each of those constituencies.
- (3) The recommendations in a supplementary report shall not be such as substantially to alter the number of members specified in section 1(1) of the said Act of 1973 (total number of members of Assembly); and those recommendations shall be such as to secure, so far as practicable, that the ratio of the electorate of each constituency to the number of members to be returned by that constituency is the same in every constituency.
- In this subsection “the electorate”, in relation to a constituency, means the number of persons whose names appear on the register of electors for that constituency in force on the enumeration date (as defined in Schedule 2 to the said [^{F10}Act of 1986]) under section 29 below.
- (4) [^{F11}Sections 3(4) and (5), 4 and 5(1) (implementation of recommendations in report of Boundary Commission and publication of notice of proposed report)] shall apply to a supplementary report under this section as they apply to a report under that Act.
- [^{F12}(5) An Order in Council under the said Act of 1986 for giving effect, with or without modifications, to the recommendations contained in a report or supplementary report of the Boundary Commission for Northern Ireland may make amendments

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consequential on giving effect to those recommendations in section 1(1) of and in the Schedule to the said Act of 1973.]

[^{F12}(6) Any provision of an Order in Council under the said Act of 1949 altering the boundaries of any constituency in Northern Ireland or the number of members specified in the said section 1(1) or the said Schedule in relation to any constituency shall not affect any election to the Assembly before the next general election to the Assembly or affect the constitution of the Assembly then in being.]

(7) ^{F13}

Textual Amendments

F9 Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, **Sch. 3 para. 1(2)**

F10 Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, **Sch. 3 para.1(3)**

F11 Words substituted by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, **Sch. 3 para. 1(4)**

F12 [S. 28\(5\)](#) substituted by virtue of [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 7, **Sch. 3 para. 1(5)** (s. 28(5)(6) were substituted by [House of Commons \(Redistribution of Seats\) Act 1979 \(c.15, SIF 42\)](#), **s. 1(5)** and that s. 1(5) was repealed by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 8(1), **Sch. 4**: s. 28(6) as now set out in this Act is in the form in which it was originally enacted.)

F13 [S. 28\(7\)](#) repealed by [Parliamentary Constituencies Act 1986 \(c. 56, SIF 42\)](#), s. 8, **Sch. 4**

Marginal Citations

M3 [1973 c. 17.](#)

29 Elections and franchise.

(1) The following provisions of section 2 of the ^{M4}Northern Ireland Assembly Act 1973, that is to say—

- (a) subsection (3) (voting in poll for election under that Act to be by single transferable vote);
- (b) subsection (4) (deposits by candidates at that election);
- (c) subsection (5) (power of Secretary of State by order to make provision as to the conduct etc. of that election);

shall apply also to any subsequent election of members of the Assembly, including bye-elections.

(2) The provision that may be made by an order under subsection (5) of the said section 2 as extended by this section shall include provision for determining, subject to section 27(7) above, the date of the poll for any such subsequent election, provision as to the persons entitled to vote at any such election and the registration of such persons and provision for such other matters relating to any such election as the Secretary of State thinks necessary or expedient.

Marginal Citations

M4 [1973 c. 17.](#)

30 (1) ^{F14}

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- (3) In section 3 of the ^{M5} Northern Ireland Assembly Act (disqualification for membership of Assembly) in subsection (1) for the words from “a person is disqualified for membership of the Assembly” onwards there shall be substituted the words “a person is disqualified for membership of the Assembly if he is disqualified for membership of the Commons House of the Parliament of the United Kingdom otherwise than by the House of Commons Disqualification Act 1957” and in subsection (3) of that section references to a disqualification imposed by that section shall include references to a disqualification imposed by the said Act of 1957 as amended by this section.

Textual Amendments

- F14** S. 30(1)(2) repealed by [Northern Ireland Assembly Disqualification Act 1975 \(c. 25, SIF 29:3\)](#), **Sch. 3 Pt. I**

Modifications etc. (not altering text)

- C6** The text of ss. 30(3), 41(1) and Sch. 6 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.

Marginal Citations

- M5** 1973 c. 17.

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