



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 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.

- (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.

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) The standing orders shall include provision for the establishment of consultative committees to advise and assist the head of each of the Northern Ireland departments in the formulation of policy with respect to matters within the responsibilities of his department, and a committee may be so established either in relation to a single department or in relation to more than one.
- (5) Standing orders made by virtue of subsection (4) above shall, subject to subsection (6) below, provide for the head of the department or the heads of departments in relation to which a consultative committee is established to be chairman or joint chairmen of that committee and shall make provision for securing that the balance of parties in the Assembly is, so far as practicable, reflected in the membership of the consultative committees taken as a whole.
- (6) Her Majesty may by Order in Council repeal or amend so much of subsection (5) above as relates to the chairmanship of consultative committees and make such consequential or transitional provision in connection with the repeal or amendment as appears to Her Majesty to be necessary or expedient; but the power to make Orders under this subsection (which includes power to vary or revoke a previous Order) shall not be exercisable before the appointed day and no recommendation shall be made to Her Majesty to make such an Order unless a draft of it has been approved by resolution of each House of Parliament.
- (7) The standing orders may provide for enabling a consultative committee to obtain from any department in relation to which it is established such information as the committee may require for the purpose of discharging its functions but shall not enable the committee or any member thereof to have access to any papers of that department.
- (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.

Status: This is the original version (as it was originally enacted).

- (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.

26 Privileges, remuneration, etc.

- (1) The powers, privileges and immunities of the Assembly and of the members and committees thereof shall be the same as those for the time being held and enjoyed by the House of Commons and its members and committees but this subsection has effect subject to section 25(7) above and to any provision made by Measure.
- (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.
- (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) Provision may be made by Order in Council under subsection (2) above for increasing the salary specified in section 1(5) of the Northern Ireland Assembly Act 1973 or for altering the allowances there mentioned but, save as aforesaid, neither that subsection nor subsection (3) above affects any payment to be made under the said section 1(5) to any person by virtue of his membership of the Assembly elected under that Act.
- (9) Subsection (5) above shall, as from the appointed day, apply to any salaries or allowances payable under the said section 1(5).

27 Dissolution and prorogation

- (1) The Assembly elected under the Northern Ireland Assembly Act 1973 shall by virtue of this subsection be dissolved—

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

- (a) if an Order in Council is made under section 2 above before 30th March 1974, on the fourth anniversary of the appointed day;
 - (b) if no Order in Council is so made, on 30th March 1974.
- (2) Any Assembly elected after that mentioned in subsection (1) above shall by virtue of this subsection be dissolved—
 - (a) except where paragraph (b) below applies, on the fourth anniversary of the dissolution of its predecessor;
 - (b) if its predecessor was dissolved by virtue of paragraph (b) of subsection (1) above and no Order in Council is made under section 2 above before the expiration of the period of six months beginning with the day on which it was elected, at the expiration of that period.
- (3) If, apart from this subsection, the date of dissolution under subsection (1)(a) or (2) above would fall on a Saturday, Sunday or public holiday it shall fall on the next subsequent day which is not a Saturday, Sunday or public holiday.
- (4) The Secretary of State may by order direct that any date of dissolution under paragraph (a) of subsection (1) or (2) above shall, instead of being determined in accordance with that paragraph 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.
- (6) In any case in which an Order could be made under subsection (5) above Her Majesty may, instead of or before making an Order under that subsection, by Order in Council prorogue or further prorogue the Assembly.
- (7) If the Assembly is dissolved in accordance with subsection (1)(b) or (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.

28 Constituencies and number of members

- (1) Section 1(2) of the 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 section 2(1) or (3) of the House of Commons (Redistribution of Seats) Act 1949 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 Act of 1949) under section 29 below.
- (4) Section 2(4) and (5) and section 3 of the said Act of 1949 (publication of notice of proposed report of Boundary Commission and implementation of recommendations in report) shall apply to a supplementary report under this section as they apply to a report under that Act.
- (5) An Order in Council under the said Act of 1949 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 amend section 1(1) of the said Act of 1973 by altering the number of members there specified and may amend the Schedule to that Act by altering the name of any of the constituencies there mentioned or the number of members there specified in relation to any constituency.
- (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) The officers of the Boundary Commission for Northern Ireland shall include the Chief Electoral Officer for Northern Ireland as an additional assessor.

29 Elections and franchise

- (1) The following provisions of section 2 of the 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.

30 Disqualification for membership of Assembly

- (1) For section 10 of the House of Commons Disqualification Act 1957 (which applies certain provisions of that Act to the Senate and House of Commons of the Parliament of Northern Ireland) there shall be substituted—

“10 Provisions relating to Northern Ireland Assembly.

- (1) Subject to subsection (2) of this section, the following provisions of this Act, that is to say—
- (a) section 1(1), (3) and (4) and sections 3, 5, 8 and 9 ; and
 - (b) Parts I, II and III of Schedule 1,
- shall apply in relation to the Northern Ireland Assembly as they apply in relation to the House of Commons of the Parliament of the United Kingdom, and references in those provisions to the House of Commons shall be construed accordingly.
- (2) In relation to the Northern Ireland Assembly for Parts II and III of Schedule 1 to this Act there shall be substituted the Parts set out in Schedule 3 to this Act.”
- (2) In Schedule 3 to the said Act of 1957 the heading shall be changed to " Provisions substituted for Parts II and III of Schedule 1 in relation to Northern Ireland Assembly " and all the other provisions of that Schedule except the substituted Parts II and III shall be omitted.
- (3) In section 3 of the Northern Ireland Assembly Act 1973 (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.