



Northern Ireland Assembly Disqualification Act 1975

CHAPTER 25

*The Act is printed, as amended, pursuant to section 3(2) of the Act.
The amendments are those in force on 1 December 2002.*

*Under the terms of the Northern Ireland Act 1998, this Act has effect as if any reference to the
Assembly established under the Northern Ireland Act 1973 were a reference to the new
Northern Ireland Assembly.*

REPRINT NO. 8

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1975 CHAPTER 25

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REPRINT NO. 8

An Act to consolidate certain enactments relating to disqualification for membership of the Northern Ireland Assembly. [8th May 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Disqualification of holders of certain offices and places

- (1) Subject to the provisions of this Act, a person is disqualified for membership of the Northern Ireland Assembly who for the time being—
- (a) holds any of the judicial offices specified in Part 1 of Schedule 1 to this Act;
 - (b) is employed in the civil service of the Crown, whether in an established capacity or not, and whether for the whole or part of his time;
 - (c) is a member of any of the regular armed forces of the Crown or within section 1(1)(a) of the Army Act 1992 (c. 39);
 - (d) is a member of any police force maintained by a police authority;

- (da) is a member of the National Criminal Intelligence Service or the National Crime Squad;
- (e) is a member of the legislature of any country or territory outside the Commonwealth (other than Ireland); or
- (f) holds any office described in Part 2 or 3 of Schedule 1.

(2) In this section –

“civil service of the Crown” includes the civil service of Northern Ireland, the Northern Ireland Court Service, Her Majesty’s Diplomatic Service and Her Majesty’s Overseas Civil Service;

“police authority” means any police authority within the meaning of the Police Act 1996 (c. 16) or the Police (Scotland) Act 1967 (c. 77), or the Northern Ireland Policing Board; and “member” in relation to a police force means a person employed as a full-time constable;

“regular armed forces of the Crown” means the Royal Navy, the regular forces as defined by section 225 of the Army Act 1955 (c. 18) or the regular air force as defined by section 223 of the Air Force Act 1955 (c. 19).

- (3) Except as provided by this Act, a person shall not be disqualified for membership of the Northern Ireland Assembly by reason of his holding an office or place of profit under the Crown or any other office or place; and a person shall not be disqualified for appointment to or for holding any office or place by reason of his being a member of the Assembly.

2 Reserve and auxiliary forces, etc.

(1) Notwithstanding section 1(1)(c) above –

- (a) a person who is an officer on the retired or emergency list of any of the regular armed forces of the Crown, or who holds an emergency commission in any of those forces, or belongs to any reserve of officers of any of those forces, is not disqualified as a member of those forces; and
- (b) a naval, army, marine or air force pensioner, or former soldier, who is recalled for service for which he is liable as such is not disqualified as a member of the regular armed forces of the Crown.

- (2) A person is not disqualified under section 1(1)(c) above by reason of his being an Admiral of the Fleet, a Field Marshal or a Marshal of the Royal Air Force, if he does not for the time being hold an appointment in the naval, military or air force service of the Crown.

- (3) A person is not disqualified under section 1(1)(b) above by reason of his being a member of the Royal Observer Corps unless he is employed as such for the whole of his time.

3 Power to amend Schedule 1

- (1) If at any time it is resolved by the Northern Ireland Assembly that Schedule 1 to this Act be amended, whether by the addition or omission of any office or the removal of any office from one Part of the Schedule to another, or by altering the description of any office specified therein, Her Majesty may by Order in Council amend that Schedule accordingly.

- (2) A copy of this Act as from time to time amended by Order in Council under this section or by or under any other enactment shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament; and all copies of this Act thereafter to be printed by Her Majesty's printer shall be printed in accordance with the copy so certified.

4 Relaxation of obligation to accept office

- (1) No person being a member of the Northern Ireland Assembly, or for the time being nominated as a candidate for election to the Assembly, shall be required to accept any office or place by virtue of which he would be disqualified by this Act for membership of the Assembly.
- (2) This section does not affect any obligation to serve in the armed forces of the Crown, whether imposed by an enactment or otherwise.

5 [*Repealed*]

6 Short title

This Act may be cited as the Northern Ireland Assembly Disqualification Act 1975.

SCHEDULE 1

Sections 1 and 3

OFFICES DISQUALIFYING FOR MEMBERSHIP

PART 1

JUDICIAL OFFICES

Judge of the High Court of Justice or Court of Appeal.

Judge of the Court of Session.

Judge of the High Court of Justice or Court of Appeal in Northern Ireland.

Judge of the Courts-Martial Appeal Court.

Chairman of the Scottish Land Court.

Circuit Judge.

Sheriff Principal or Sheriff (other than Honorary Sheriff) appointed under the Sheriff Courts (Scotland) Act 1907 (c. 51), or Temporary Sheriff Principal or Temporary Sheriff appointed under the Sheriff Courts (Scotland) Act 1971 (c. 58).

County Court Judge or deputy County Court Judge in Northern Ireland.

Member of the Immigration Services Tribunal.

District Judge (Magistrates' Courts) (but not Deputy District Judge Magistrates' Courts).

Stipendiary Magistrate in Scotland.

Resident Magistrate appointed under the Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935 (c. 13 (N.I.)) or the Magistrates' Courts Act (Northern Ireland) 1964 (c. 21 (N.I.)).

Chief or other Child Support Commissioner (excluding a person appointed under paragraph 4 of Schedule 4 to the Child Support Act 1991 (c. 48)).

Chief or other Child Support Commissioner for Northern Ireland (excluding a person appointed under paragraph 4 of Schedule 4 to the Child Support Act 1991 (c. 48)).

Chief or other Social Security Commissioner (not including a deputy Commissioner).

Chief or other Social Security Commissioner for Northern Ireland (not including a deputy Commissioner).

Umpire or Deputy Umpire appointed under Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985 (c. 17) for the purposes of section 9 of that Act.

PART 2

BODIES OF WHICH ALL MEMBERS ARE DISQUALIFIED

The Advisory Board for the Research Councils.

The Agrément Board.

The Aircraft and Shipbuilding Industries Arbitration Tribunal.

An Arbitration Tribunal established under Schedule 3 to the Industry Act 1975 (c. 68).

The Authorised Conveyancing Practitioners Board.

The British Coal Corporation.

The British Railways Board.

British Shipbuilders.

The British Waterways Board.

The Broadcasting Standards Commission.

The Cable Authority.

The Care Council for Wales.

The Central Police Training and Development Authority.

The Channel Four Television Corporation.

The Civil Aviation Authority.

The Coal Authority.

The Commission for Health Improvement.

The Commission for Local Administration in England.

The Commission for Local Administration in Wales.

The Commission for Racial Equality.

The Competition Commission.

The Copyright Tribunal.

The Council for the Regulation of Health Care Professionals.

The Council on Tribunals.

The Criminal Cases Review Commission.

The Crown Agents Holding and Realisation Board.

The Crown Estate Commissioners.

A development agency established under section 1 of the Regional Development Agencies Act 1998 (c. 45).

The Disability Living Allowance Advisory Board.

The Disability Living Allowance Advisory Board for Northern Ireland.

The Disability Rights Commission.

The Electoral Commission.

Enterprise Ulster.

The Environment Agency.

The Equality Commission for Northern Ireland.

The Equal Opportunities Commission.

The Fair Employment Tribunal for Northern Ireland.

The Fire Authority for Northern Ireland.

Food from Britain.

The Food Standards Agency.

The Football Licensing Authority.

The Foreign Compensation Commission.

The General Social Care Council.

The Health and Safety Executive for Northern Ireland.

The Home-Grown Cereals Authority.

The Human Fertilisation and Embryology Authority.

The Immigration Appeal Tribunal.

The Independent Broadcasting Authority.

The Independent Commission for Police Complaints for Northern Ireland.

The Independent Television Commission.

An Industrial Court.

The Industrial Estates Corporations constituted in accordance with the Local
Employment Act 1972 (c. 5).

The Industrial Injuries Advisory Council.

The Information Tribunal.

Invest Northern Ireland.

The Juvenile Justice Board.

The Labour Relations Agency.

The Laganside Corporation.

The Lands Tribunal.

The Lands Tribunal for Northern Ireland.

The Lands Tribunal for Scotland.

The Law Commission.

The Legal Services Commission.

- The Livestock and Meat Commission for Northern Ireland.
- The Low Pay Commission appointed under section 8(9) of the National Minimum Wage Act 1998 (c. 39).
- The Medicines Commission and any committee established under section 4 of the Medicines Act 1968 (c. 67).
- The Mental Health Commission for Northern Ireland.
- The Mental Health Review Tribunal for Northern Ireland constituted under the Mental Health Act (Northern Ireland) 1961 (c. 15 (N.I.)).
- The Metrication Board.
- The Ministry of Defence (Army Department) Teachers Selection Board.
- A National Broadcasting Council.
- The National Care Standards Commission.
- The National Lottery Commission.
- The National Research Development Corporation.
- A New Town Commission established under the New Towns Act (Northern Ireland) 1965 (c. 13 (N.I.)).
- The Northern Ireland Housing Executive.
- The Northern Ireland Practice and Education Council for Nursing and Midwifery.
- The Northern Ireland Social Care Council.
- The Occupational Pensions Regulatory Authority.
- The Office of Communications.
- The Oil and Pipelines Agency.
- A Panel of Chairmen of Reinstatement Committees constituted under Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985 (c. 17) for the purposes of section 8 of that Act.
- The Panel of Official Arbitrators constituted for the purposes of the Acquisition of Land (Assessment of Compensation) Act 1919 (c. 57).
- The Parades Commission for Northern Ireland.
- A Pensions Appeal Tribunal.
- The Pensions Compensation Board.
- The Planning Appeals Commission in Northern Ireland.
- The Police Complaints Authority.
- The Probation Board for Northern Ireland.
- The Radio Authority.
- The Restrictive Practices Court.
- The Review Board for Government Contracts.

A Rural Development Board in Northern Ireland.
The Scottish Committee of the Council on Tribunals.
The Scottish Environment Protection Agency.
The Scottish Land Court.
The Scottish Law Commission.
The Sea Fish Industry Authority.
The Sea Fish Licence Tribunal.
The Service Authority for the National Crime Squad.
The Service Authority for the National Criminal Intelligence Service.
The Social Security Advisory Committee.
The Staff Commission for Wales (Comisiwn Staff Cymru).
The Standards Board for England.
The Strategic Rail Authority.
The Transport Tribunal.
A tribunal established under Article 3 of the Industrial Tribunals (Northern Ireland) Order 1996 (S.I. 1996/1921 (N.I. 18)) including any panel constituted for the purpose of such tribunal.
The Tribunal established under section 91 of the Northern Ireland Act 1998 (c. 47).
The Tribunal established under section 65 of the Regulation of Investigatory Powers Act 2000 (c. 23).
The Tribunal established under Part II of the Wireless Telegraphy Act 1949 (c. 54).
The United Kingdom Atomic Energy Authority.
The University Grants Committee.
The Urban Regeneration Agency.
A Value Added Tax Tribunal.
The Water Appeals Commission for Northern Ireland.

PART 3

OTHER DISQUALIFYING OFFICES

Additional Commissioner of the Commission for Racial Equality.
Additional Commissioner of the Equal Opportunities Commission.
Additional Commissioner of the Equality Commission for Northern Ireland.
Adjudicating medical practitioner or specially qualified adjudicating medical practitioner.
Adjudicator appointed for the purposes of the Immigration and Asylum Act 1999 (c. 33).

Agent for Northern Ireland in Great Britain.

Ambassador representing Her Majesty's Government in the United Kingdom.

Arbitrator or other person appointed to hear a dispute under the Drainage (Northern Ireland) Order 1973 (S.I. 1973/69 (N.I. 1)).

Assembly Ombudsman for Northern Ireland.

Assistant Electoral Commissioners.

Asylum Support Adjudicator.

Auditor of the Civil List.

Boundary Commissioner or Assistant Boundary Commissioner appointed under Schedule 1 to the Parliamentary Constituencies Act 1986 (c. 56).

Certification Officer for Northern Ireland.

Chairman of the Advisory Committee on Distinction Awards in Northern Ireland.

Chairman or vice-chairman of the Arts Council of Northern Ireland.

Chairman of the Board of Trustees of the National Museums and Galleries of Northern Ireland.

Chairman or Director General of the British Council.

Chairman of the Consumer Committee for Electricity appointed under Article 7 of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1)).

Chairman of a customer service committee maintained under section 28 of the Water Industry Act 1991 (c. 56).

Chairman of the Fisheries Conservancy Board for Northern Ireland.

Chairman and deputy chairman of the General Consumer Council for Northern Ireland.

Chairman or any member, not being also an employee, of a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)).

Chairman or non-executive director of a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)).

Chairman of the Local Government Staff Commission for Northern Ireland.

Paid Chairman of an industrial training board constituted under the Industrial Training (Northern Ireland) Order 1984 (S.I. 1984/1159 (N.I. 9)) or of a committee appointed under that Order.

Chairman of the National Endowment for Science, Technology and the Arts (“NESTA”) and, if in receipt of remuneration, any other member of NESTA.

Chairman of the National Lottery Charities Board and, if in receipt of remuneration, any other member of that Board.

Chairman of the New Opportunities Fund and, if in receipt of remuneration, any other member of that Fund.

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- Chairman of the Northern Ireland Central Services Agency for the Health and Social Services.
- Chairman of the Northern Ireland Tourist Board.
- Chairman or director of the Northern Ireland Transport Holding Company, or of any company which is a subsidiary of that Company.
- Any Chairman of the Plant Varieties and Seeds Tribunal.
- Chairman of the Scottish Legal Aid Board.
- Chairman of the Staff Commission for Education and Library Boards in Northern Ireland.
- Chief Electoral Officer or Deputy Electoral Officer for Northern Ireland.
- Children's Commissioner for Wales.
- Clerk of the Crown and Peace in Northern Ireland.
- Clerk or deputy clerk of a district council in Northern Ireland.
- Clerk or Assistant Clerk of Petty Sessions in Northern Ireland.
- The Commissioner for Local Administration in Scotland.
- Commissioner or Assistant Commissioner appointed under section 50(1) or (2) of, or Schedule 4 to, the Local Government Act (Northern Ireland) 1972 (c. 9 (N.I.)).
- Commissioner of the City of London Police.
- Commissioner appointed under section 67(1) of the Police (Northern Ireland) Act 2000 (c. 32).
- Comptroller and Auditor General.
- Comptroller and Auditor-General for Northern Ireland.
- Coroner or deputy coroner appointed for any district in Northern Ireland.
- Correspondent appointed by the Commissioners of Customs and Excise.
- Crown Solicitor for Northern Ireland.
- Deputy Electoral Commissioners.
- Director of the British Sugar Corporation Limited appointed by the Ministers as defined by section 17 of the Sugar Act 1956 (c. 48).
- Director of Cable and Wireless Limited nominated by a Minister of the Crown or government department.
- Director of any of the following –
- (a) a company which for the time being holds a licence under Chapter I of Part I of the Transport Act 2000 (c. 38) (a licence company);
 - (b) a company of which a licence company is a subsidiary (within the meaning given by section 736(1) of the Companies Act 1985 (c. 6) or Article 4(1) of the Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I. 6)));
 - (c) a company which is a subsidiary (within the meaning so given) of a licence company.

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- Director of the Commonwealth Development Corporation nominated or appointed by the Secretary of State.
- Director of a company for the time being holding an appointment under Chapter I of Part II of the Water Industry Act 1991 (c. 56) or of such a company's holding company, being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown.
- Director of Harland and Wolff Limited.
- Director of Short Brothers Limited.
- Director appointed at a salary of the National Building Agency.
- Director of a publicly owned successor company (within the meaning of the Atomic Energy Authority Act 1995 (c. 37)).
- Director, or Deputy Director, of Public Prosecutions for Northern Ireland.
- Director of S.B. (Realisations) Limited nominated or appointed by a Minister of the Crown or government department.
- Director or receiver appointed by the Department or Ministry of Finance for Northern Ireland of any company.
- Director of the successor company (within the meaning of the Airports Act 1986 (c. 31)) being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown.
- Director of the successor company (within the meaning of Part V of the Airports (Northern Ireland) Order 1994 (S.I. 1994/426 (N.I. 1))), being a director nominated or appointed by a Northern Ireland department or by a person acting on behalf of a Northern Ireland department.
- Director of the successor company (within the meaning of the British Steel Act 1988 (c. 35)) being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown.
- Director of the successor company (within the meaning of the British Technology Group Act 1991 (c. 66)) being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown.
- Director of the successor company (within the meaning of the Crown Agents Act 1995 (c. 24)) being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown.
- Director of the successor company (within the meaning of Part II of the Electricity Act 1989 (c. 29)), being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown.
- Director of a successor company (within the meaning of Part III of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I. 1))), being a director nominated or appointed by a Northern Ireland department or by a person acting on behalf of a Northern Ireland department.
- Director of the successor company (within the meaning of the Gas Act 1986 (c. 44)), being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown.
- Director of the successor company (within the meaning of Part V of the Telecommunications Act 1984 (c. 12)), being a director nominated or

appointed by a Minister of the Crown or by a person acting on behalf of the Crown.

Director of the Holding Company referred to in the Transport Act 1962 (c. 46) .

Director General of Electricity Supply for Northern Ireland.

Director General of Fair Trading.

Director General of Gas for Northern Ireland.

Director General of Telecommunications.

Director General of Water Services.

Examiner or member of a board of interviewers appointed by the Civil Service Commissioners.

Examiner for entrance examination to, or member of a board of interviewers for entrance to, the civil service of Northern Ireland.

Governor of the British Broadcasting Corporation.

Governor, Deputy Governor or Director of the Bank of England.

Governor, Lieutenant Governor and Secretary, or Captain of Invalids of Chelsea Hospital.

Governor, Medical Officer or other officer or member of the staff of a prison to which the Prison Act (Northern Ireland) 1953 (c. 18 (N.I.)) applies.

Health Service Commissioner for England.

Health Service Commissioner for Scotland.

Health Service Commissioner for Wales.

Her Majesty's Chief Inspector of Schools in England.

Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.

High Commissioner representing Her Majesty's Government in the United Kingdom.

The Immigration Services Commissioner.

The Deputy Immigration Services Commissioner.

Independent Assessor of Military Complaints Procedures in Northern Ireland.

Independent person appointed under section 7(3) or section 8(4) of the Caravans Act (Northern Ireland) 1963 (c. 17 (N.I.)).

The Information Commissioner.

The International Rail Regulator.

Judge Advocate of the Fleet.

Judge Advocate General, Vice Judge Advocate General, or Assistant Judge Advocate General.

Juries Officer.

- Lay observers appointed under Article 42 of the Solicitors (Northern Ireland) Order 1976 (S.I. 1976/582 (N.I. 12)).
- The Legal Services Ombudsman.
- Life Sentence Review Commissioner.
- Member of an Agricultural Marketing Board appointed by the Minister under Schedule 2 to the Agricultural Marketing Act 1958 (c. 47).
- Member of the staff of the Electoral Commission.
- Member of the governing body of the Financial Services Authority.
- Any member, in receipt of remuneration, of a panel of persons who may be selected to act as members of the Financial Services and Markets Tribunal.
- Any member of the Insolvency Practitioners Tribunal in receipt of remuneration.
- Member appointed by the Minister of Agriculture, Fisheries and Food of the Agricultural Wages Board for England and Wales or of an agricultural wages committee established under the Agricultural Wages Act 1948 (c. 47) or chairman of such a committee.
- Member of the Monetary Policy Committee of the Bank of England appointed under section 13(2)(b) or (c) of the Bank of England Act 1998 (c. 11).
- Any member of the Police Information Technology Organisation in receipt of remuneration.
- Any member of the Residuary Body for Wales (Corff Gweddilliol Cymru) in receipt of remuneration.
- Member appointed by the Secretary of State of the Scottish Agricultural Wages Board.
- Member of a panel of persons appointed under Article 7 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)).
- Member appointed by the Head of the Department of Agriculture of an Agricultural Marketing Board constituted under Part II of the Agricultural Marketing (Northern Ireland) Order 1982 (S.I. 1982/1080 (N.I. 12)).
- Member appointed by the Head of the Department or Minister of Agriculture for Northern Ireland of the Agricultural Wages Board for Northern Ireland.
- Member of the staff of the Children's Commissioner for Wales.
- Member of the staff of the National Audit Office.
- Member of the staff of the Northern Ireland Audit Office.
- Member of a panel of valuers appointed at an annual salary under section 4 of the Inland Revenue Regulation Act 1890 (c. 21).
- Northern Ireland Commissioner for Complaints.
- Northern Ireland Human Rights Commissioner.
- Officer or other member of the County Court service within the meaning of the County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.)).
- Officer or servant of the Crown Estate Commissioners.

Officer of the Supreme Court being the holder of any office listed in any Part of Schedule 2 to the Supreme Court Act 1981 (c. 54) or a district registrar, or assistant district registrar, of the High Court.

Parliamentary Commissioner for Administration.

President of appeal tribunals (within the meaning of Chapter I of Part II of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) appointed under Article 6 of that Order.

Receiver for the Metropolitan Police District.

Registrar or Assistant Registrar appointed under section 6 or section 7 of the County Courts Act 1984 (c. 28).

Registrar of the Privy Council.

Registrar of Public Lending Right.

Sentence Review Commissioner.

Standing Counsel to any department of Her Majesty's Government in the United Kingdom.

Statutory officer appointed under section 70 of the Judicature (Northern Ireland) Act 1978 (c. 23).

Substitution Officer of the Royal Air Force.

Technical Adviser to the Commissioners of Customs and Excise.

Traffic Director for London.

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