



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART IV

#### THE NORTHERN IRELAND ASSEMBLY

##### *Elections etc*

### **32 Extraordinary elections.**

(1) If the Assembly passes a resolution that it should be dissolved the Secretary of State shall [<sup>F1</sup>, as soon as practicable,] propose a date for the poll for the election of the next Assembly.

[<sup>F2</sup>(1A) The proposed date must be within the period of 12 weeks beginning with the day on which the resolution is passed.]

(2) A resolution under subsection (1) shall not be passed without the support of a number of members of the Assembly which equals or exceeds two thirds of the total number of seats in the Assembly.

[<sup>F3</sup>(3) If—

(a) the period mentioned in section 16A(3) ends without the offices of First Minister and deputy First Minister and the Ministerial offices to be held by Northern Ireland Ministers having been filled; or

(b) the period mentioned in section 16B(3) ends without the offices of First Minister and deputy First Minister having been filled,

the Secretary of State shall [<sup>F4</sup>, as soon as practicable,] propose a date for the poll for the election of the next Assembly.]

[<sup>F5</sup>(3A) The proposed date must be within the period of 12 weeks beginning when the duty in subsection (3) arises.

(3B) At any time after the first six weeks of the period mentioned in section 16A(3) or 16B(3) but before the end of the period mentioned there, the Secretary of State may,

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*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 32. (See end of Document for details)*

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if the offices mentioned there have not yet been filled, propose a date for the poll for the election of the next Assembly.

- (3C) The Secretary of State may exercise the power in subsection (3B) only if the Secretary of State considers that it is necessary to do so in order to give effect to the purpose underlying paragraph 3.15 of Annex C of Part 2 of The New Decade, New Approach Deal so far as it relates to representation.
- (3D) The Assembly may not pass a resolution under subsection (1)—
- (a) during a period when the Secretary of State is under a duty to propose a date under subsection (3), or
  - (b) if the Secretary of State has proposed a date under subsection (3) or (3B) and that date has not yet been reached.
- (3E) The duty in subsection (3) does not arise if—
- (a) the Assembly passes a resolution under subsection (1) during the period mentioned in section 16A(3) or 16B(3), or
  - (b) the Secretary of State proposes a date under subsection (3B) during that period.
- (3F) The Secretary of State may not propose a date under subsection (3B)—
- (a) during a period when the Secretary of State is under a duty to propose a date under subsection (1), or
  - (b) if the Secretary of State has proposed a date under subsection (1) and that date has not yet been reached.
- (3G) Where the Secretary of State has proposed a date under subsection (1), (3) or (3B), the Secretary of State may, before the Assembly has been dissolved—
- (a) propose a different date under that subsection, or
  - (b) in the case of a date proposed under subsection (3B), withdraw the proposal; and an Order in Council under subsection (4) may be amended or revoked accordingly.]

(4) If the Secretary of State proposes a date under subsection (1) [<sup>F6</sup>, (3) or (3B)], Her Majesty may by Order in Council—

    - (a) direct that the date of the poll for the election of the next Assembly shall, instead of being determined in accordance with section 31, be the date proposed; and
    - (b) provide for the Assembly to be dissolved on a date specified in the Order.

#### Textual Amendments

- F1** Words in s. 32(1) inserted (8.2.2022) by Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 (c. 2), ss. 3(2), 9 (with s. 4(4))
- F2** S. 32(1A) inserted (8.2.2022) by Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 (c. 2), ss. 3(3), 9 (with s. 4(4))
- F3** S. 32(3) substituted (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 8, 27(4)(5) (as amended by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1), Sch. 5 para. 4 (with s. 1(3)); S.I. 2007/1397, art. 2
- F4** Words in s. 32(3) inserted (8.2.2022) by Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 (c. 2), ss. 3(4), 9 (with s. 4(4))
- F5** S. 32(3A)-(3G) inserted (8.2.2022) by Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 (c. 2), ss. 3(5), 9 (with s. 4(4))

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**F6** Words in s. 32(4) substituted (8.2.2022) by Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 (c. 2), ss. 3(6), 9 (with s. 4(4))

**Modifications etc. (not altering text)**

**C1** S. 32 modified (1.11.2018) by Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 (c. 28), s. 1(3)(5), 10

**C2** S. 32(3)(a) applied (12.3.2009 temp. until 30.4.2012) by Northern Ireland Act 2009 (c. 3), ss. 1, 5, Sch. 1 para. 7(3)(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 32.