

5. Northern Ireland (Entry to Negotiations, etc.) Act, 1996

1996 CHAPTER II

An Act to make provision for elections in Northern Ireland for the purpose of providing delegates from among whom participants in negotiations may be drawn; for a forum constituted by those delegates; for referendums in Northern Ireland; and for connected purposes. [29th April 1996]

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:

The elections

1.--(1) Elections shall be held in Northern Ireland for the purpose of providing delegates from among whom participants in negotiations may be drawn.

(2) Schedule 1 (which makes provision as to the holding of the elections and the provision of delegates) shall have effect.

The negotiations

2.--(1) The negotiations mentioned in section 1 are the negotiations referred to in Command Paper 3232 presented to Parliament on 16th April 1996.

(2) As soon as practicable after the elections, the Secretary of State shall invite the nominating representative of each party for which delegates have been returned in accordance with Schedule 1 to nominate from among those delegates, a team to participate in the negotiations.

(3) The Secretary of State shall refrain from inviting nominations from the nominating representative of a party, and shall exclude delegates already nominated from entering into the negotiations, if and for as long as he considers that requirements set out in paragraphs 8 and 9 of Command Paper 3232 are not met in relation to the party.

(4) The nominating representative of a party may from time to time substitute for any member of the team nominated for that party another delegate returned for that party in accordance with Schedule 1.

The forum

3.--(1) The delegates returned in accordance with Schedule 1 shall constitute a forum for the discussion of issues relevant to promoting dialogue and understanding within Northern Ireland.

(2) The functions of the forum shall be deliberative only.

(3) Accordingly the forum shall not have any legislative, executive or administrative functions, or any power to determine the conduct, course or outcome of the negotiations mentioned in section 1.

(4) But if, in accordance with any rules of procedure adopted by them, the participants in the negotiations refer any matter to the forum, subsection (3) shall not be taken to prevent the forum from considering that matter.

(5) Schedule 2 shall have effect in relation to the forum.

Referendums

4.--(1) The Secretary of State may from time to time by order direct the holding of a referendum for the purpose of obtaining the views of the people of Northern Ireland on any matter relating to Northern Ireland.

(2) An order under subsection (1) shall be made by statutory instrument; but no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.

(3) An order under subsection (1) may include such provision relating to the conduct of the referendum as appears to the Secretary of State expedient, including provision -

- (a) setting out the wording of the question to be put;
- (b) as to the persons entitled to vote;
- (c) applying, with or without modifications, any enactment (and in particular any enactment relating to elections) or any provision made under an enactment.

1973 c.36

(4) Nothing in this section shall be construed as authorising the Secretary of State to direct the holding of a poll otherwise than in accordance with Schedule 1 to the Northern Ireland Constitution Act 1973 in relation to the matters dealt with in section 1 of that Act (status of Northern Ireland as part of United Kingdom).

“Nominating Representative” of a party

5.--(1) In this Act “nominating representative” in relation to a party means the person who at any time appears to the Secretary of State to be the leader of the party or otherwise the most appropriate person to act on behalf of the party for the purposes of this Act.

(2) The Secretary of State shall cause to be published in the Belfast Gazette--

- (a) an initial list of the nominating representatives of the parties listed in Part II of Schedule 1;
- (b) notice of any change in the nominating representative of any of those parties.

Allowances and Secretary of State's expenses

6.--(1) The Secretary of State may pay allowances to delegates returned in accordance with Schedule 1, whether by reference to days on which they attend the forum or participate in negotiations or otherwise.

(2) Any expenses incurred by the Secretary of State in connection with the Elections or otherwise by virtue of this Act shall be paid out of money provided by Parliament.

Duration of Section 3&4

7.--(1) Section 3 shall cease to have effect at the end of May 1997.

(2) The Secretary of State may by order provide that section 3 shall -
(a) continue to have effect, or
(b) come into force again,
until a time, not later than the end of May 1998, specified in the order.

(3) The Secretary of State may by order provide that section 3 shall cease to have effect at a time specified in the order (being a time earlier than the time at which it would cease to have effect by virtue of subsection (1) or (2)).

(4) If it appears to the Secretary of State that the negotiations mentioned in section 1 are concluded or suspended, he shall by order under subsection (3) provide for section 3 to cease to have effect.

(5) Section 4 shall cease to have effect at the end of May 1999.

(6) An order under this section shall be made by statutory instrument; but no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.

Short title

8.--This Act may be cited as the Northern Ireland (Entry to Negotiations, etc) Act 1996.

SCHEDULES

Section 1(2)

SCHEDULE 1 THE ELECTIONS PART I GENERAL *Orders*

1. - (1) The Secretary of State may by order make provision about the elections, and any other provision consequential on or supplementary to this Schedule.

(2) An order under this paragraph may apply, with or without modifications, any enactment (and in particular any enactment relating to elections) or any provision made under an enactment.

(3) An order under this paragraph shall be made by statutory instrument; but no order shall be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.

Return of delegates

2. - (1) Five delegates shall be returned for each of the parliamentary constituencies in Northern Ireland and twenty for Northern Ireland as a whole.

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(2) The constituencies referred to in sub-paragraph (1), and in the following provisions, are those provided for in the Parliamentary Constituencies (Northern Ireland) Order 1995.

Date of poll

3. The poll in the elections shall be held on a date provided for by an order under paragraph 1.

Franchise

4. The persons entitled to vote at the election in a constituency shall be those who both -

- (a) would be entitled to vote as electors at a local election in a district electoral area wholly or partly comprised in the constituency, and
- (b) are registered at an address within the constituency in a register of local electors.

Parties and party lists

5. - (1) The elections shall be conducted on the basis of lists submitted by the nominating representative of parties.

(2) The parties for which lists may be submitted are those set out in Part II of this Schedule.

6. - (1) The nominating representative of each of those parties may (within such time as may be prescribed by an order under paragraph 1) submit to the Chief Electoral Officer for Northern Ireland separate lists of candidates for all or any of the constituencies ("constituency lists").

(2) If a nominating representative submits at least three constituency lists, he may also submit a list of candidates for Northern Ireland as a whole (a "regional list").

Sch1

- (3) The number of candidates on a constituency list must be at least two and not more than five.
- (4) The number of candidates on a regional list must be at least two and not more than ten.
- (5) A constituency list for a party may not include a candidate who is on another constituency list for the party.
- (6) A party's regional list must include at least two candidates who are not on a constituency list for the party.

Method of election

- 7.- (1) Each elector shall have one vote, to be cast for a party named on the ballot paper for the constituency.
- (2) The ballot paper shall show the names of each of the parties for which a constituency list has been submitted for the constituency.

Constituency delegates

8. - (1) For each constituency there shall be calculated -
- (a) the total number of votes given;
- (b) the quota for the constituency;
- (c) the number of votes given for each party.
- (2) The quota for a constituency is -

$$\frac{T}{6} + 1$$

where T is the number of votes given.

9. - (1) If the number of votes given for a party in a constituency equals or exceeds the quota, one of the candidates on the party's constituency list shall be returned from the constituency as a delegate.

(2) But if the number of votes equals or exceeds a multiple of the quota, a correspondingly greater number of candidates shall be returned (up to the number appearing on the list).

10. If the application of paragraph 9 produces fewer than five delegates, then-

(a) there shall be calculated for each party (excluding any whose constituency list has been exhausted) the quotient representing -

$$\frac{V}{N+I}$$

where V is the number of votes given for the party and N is the number of the party's candidates returned as delegates by the previous application of paragraph 9 (or paragraph 9 and this paragraph);

(b) a candidate on the list of the party with the highest quotient shall be returned as a delegate.

11. If the application of paragraph 10 produces fewer than five delegates, it shall be applied again until five delegates have been produced (or all the constituency lists have been exhausted).

12. The order in which the candidates on a party's list are returned for a constituency shall be the order in which they appear on the list.

13. An order under paragraph 1 shall make provision as to the return of delegates in the event of an equality of quotients.

Sch.1

Regional delegates

14. - (1) For each party having a regional list the aggregate number of votes given in all the constituencies shall be calculated.

(2) Two candidates from the regional list of each of the ten parties with the largest aggregate shall be returned as delegates.

15. The order in which the candidates on a party's regional list are returned shall be the order in which they appear on the list, except that a candidate returned at the election for a constituency shall be disregarded.

16. An order under paragraph 1 shall make provision as to the return of delegates in the event of an equality of votes.

Disqualification

17. A person is disqualified for being on a constituency or regional list if -

1983 c.2

(a) he is a person to whom section 3 of the Representation of the People Act 1983 applies (disfranchisement of offenders in prison), or

(b) he is authorised to be detained on the ground (however formulated) that he is suffering from mental illness, or

(c) he is not of voting age within the meaning of section 1 of that Act.

Amendment of lists, and vacancies

18. - (1) A person's name shall be treated as removed from a party's constituency or regional list if he dies or is disqualified or if the Secretary of State receives a written request for removal from -

- (a) that person, or
- (b) the party's nominating representative.

(2) A person whose name is treated as removed from a list shall (if he is one) cease to be a delegate or a member of a team nominated under section 2(2) or (4)

19. - (1) This paragraph shall apply where a person ceases to be a delegate in accordance with paragraph 18.

(2) Where the delegate was appointed from a party's constituency list, there shall be returned as a delegate in his place-

- (a) the next person on the list who is not a delegate, or
- (b) if there is no such person, the next person on the party's regional list who is not a delegate.

(3) Where the delegate was appointed from a regional list, there shall be returned as a delegate in his place the next person on that list who is not a delegate.

(4) A vacancy which can not be filled by the application of sub-paragraph (2) or (3) shall remain unfilled.

20. Where a party ceases to exist, any persons on its list who are delegates or members of a team nominated under section 2(2) or (4) shall cease to be so.

Part II THE PARTIES

Alliance Party
British Ulster Unionist Party
Communist Party of Ireland
Conservative Party
Democratic Left
Democratic Partnership
Democratic Unionist - DUP
Green Party
Independent Chambers
Independent Democratic Unionist Party
Independent Kerr
Independent McCaffrey
Independent McGrath
Independent McMullen
Independent Sinclair
Independent Templeton
Labour
Natural Law Party
No Going Back
Northern Ireland Party (NIP)
Northern Ireland Womens' Coalition
Progressive Unionist Party (PUP)
Sinn Féin
Social Democratic and Labour Party (SDLP)
UK Unionist Party - Robert McCartney
Ulster Christian Democratic Party
Ulster Democratic Party (UDP)
Ulster Independence
Ulster Independent Voice
Ulster Unionist Party (UUP)
Workers' Party

Sch 1

**SCHEDULE 2
THE FORUM**

Section 3(5)

Chairman

1. - (1) There shall be a chairman of the forum

(2) The chairman shall be elected by the members, but until the first election has taken place he shall be a member nominated by the Secretary of State.

Meetings

2. - (1) The first meeting of the forum shall be at a time decided by the Secretary of State.

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(2) The time decided under sub-paragraph (1) shall be -

(a) after the commencement of negotiations within section 2, and

(b) within, or as soon as possible after the expiry of, the period of four weeks beginning with the date of the poll in the elections.

(3) Subsequent meetings shall be at times determined by the members of the forum.

(4) But the forum shall not meet at any time notified by the Secretary of State to the chairman as being a time when, in the opinion of the Secretary of State, it would not be appropriate for the forum to meet because negotiations within section 2 are intended to take place, but the Secretary of State shall not prevent the holding of a meeting for more than four consecutive weeks.

Procedure

3.- (1) Subject to the provisions of this Schedule, the proceedings of the forum (and of any committee it may establish) shall be conducted in accordance with rules of procedure determined by the members of the forum and approved by the Secretary of State.

(2) The rules of procedure of the forum shall include provision for a quorum.

(3) Until rules of procedure have been determined and approved under sub-paragraph (1) proceedings shall be conducted in accordance with rules determined by the Secretary of State and notified by him to the Chairman.

(4) In exercising his functions under sub-paragraphs (1) and (3) above, the Secretary of State shall make every effort to insure that the rules of procedure of the forum facilitate the promotion of dialogue, understanding and consensus across the communities of Northern Ireland.

4. - A decision on the election or removal of a chairman or the adoption or alteration of rules of procedure shall not be regarded as taken by the members unless -

(a) no member present has objected to it, or

(b) it is approved on a vote by at least 75 per cent of those voting.

Privilege

5. - A written or oral statement made by a member of the forum in or for the purposes of the forum (or any committee it may establish) shall be privileged from action for defamation unless it is proved to have been made with malice.

Miscellaneous

6. The Secretary of State shall provide for the forum the service of such staff, the use of such premises and such other facilities as he thinks appropriate.

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