

Northern Ireland Assembly submission of 2 December 2022

PE1949/B: Review the rules concerning Dual Mandate MSPs

Thank you for your correspondence of 14 November 2022 in which you advised that the Citizen Participation and Public Petitions Committee of the Scottish Parliament had agreed to write to the Northern Ireland Assembly to enquire about the deliberative processes that led to the introduction of legislation that prevents dual mandates in Northern Ireland.

The legislation that prevents a member of the Northern Ireland Assembly (“MLA”) from simultaneously being a member of the House of Commons or the Dáil Éireann (the lower house of the Irish Parliament) is the [Northern Ireland Assembly Disqualification Act 1975](#), as amended by sections 3 to 5 of the [Northern Ireland \(Miscellaneous Provisions\) Act 2014](#).

This legislation was passed by the UK Parliament, and the Northern Ireland Assembly did not have a role in scrutinising the legislation. Pre-legislative scrutiny of the Bill was carried out by the UK Parliament’s Northern Ireland Affairs Committee following the publication of a draft Bill by the UK Government - the [Explanatory Notes](#) to the 2014 Act provide more detail.

It may be, therefore, that the Northern Ireland Affairs Committee could provide you with detail of any deliberative processes that led to the introduction of this legislation.

There is no legislation that prevents an MLA from simultaneously being a member of the House of Lords.

The legislation that prevents MLAs (and other legislators) from simultaneously being councillors in Northern Ireland is section 3 of the [Local Government Act \(Northern Ireland\) 2014](#).

This legislation was introduced as a Bill in the Assembly 2013 by the then Minister of the Environment. Scrutiny of the Bill was carried out by

the then Committee for the Environment. The [Committee's report](#) on its scrutiny of the Bill includes detail of engagement that it carried out with stakeholders on the Bill's proposals.

The Northern Ireland Assembly is not currently meeting and therefore there are no committees of the Assembly who could offer the Citizen Participation and Public Petitions Committee a view on any issues that have been encountered in the implementation of this legislation.

I hope this information is of assistance to the Citizen Participation and Public Petitions Committee.

Yours sincerely

Clerk to the Assembly/Chief Executive