EXPLANATORY MEMORANDUM TO

THE NORTHERN IRELAND ASSEMBLY (MINIMUM PERIOD) (AMENDMENT) ORDER 2026

2026 No. 1080

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Sarah Owen MP, Parliamentary Under Secretary of State for Northern Ireland at the Northern Ireland Office, confirms that this Explanatory Memorandum meets the required standard.

2.2 Eleanor Hayden, Deputy Director for Transformation, Constitution and Rights at the Northern Ireland Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Claire McGregor, Head of Elections Policy at the Northern Ireland Office, can be contacted by email at the following address with any queries regarding the instrument: crsg@nio.gov.uk, or by writing to the Northern Ireland Office, Eriskine House, Belfast BT1 4GF.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 By virtue of section 31(1) of the Northern Ireland Act 1998, ordinary general elections to the Northern Ireland Assembly are held on the first Thursday in May every five years. The predecessor Assembly must be dissolved at the start of the minimum period which ends with the date of the poll for the election. The minimum period is set at 26 working days in accordance with the Northern Ireland Assembly (Minimum Period) Order 2010.

4.2 This legislation amends that Order so the minimum period is now set to 30 days, instead of 26 days, on occasions when the polls for the Northern Ireland Assembly election are combined with polls at another election (such as the polls at the Northern Ireland local elections which are due to be held on the first Thursday in May 2027). Rule 2 of the Assembly Election Rules applies when computing the minimum period, so that references to days in the 2010 Order are to working days.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is Northern Ireland.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is Northern Ireland.

5. Policy Context

What is being done and why?

5.1 The law currently requires that the Northern Ireland Assembly and local elections scheduled for 6 May 2027 be conducted as two stand alone elections held on the same day, resulting in a duplication of processes and considerable inefficiencies. The Government is intending to legislate to allow the polls to be combined (draft regulations will be laid before Parliament shortly).

5.2 Combining the polls for the Northern Ireland Assembly and local elections will require significant additional work. There will be a larger volume of candidate nominations; ballot paper printing and production; poll card printing and delivery as well as receiving and processing approximately 60,000 postal votes. Single transferable vote (STV) elections can be more complex than those using other voting systems and it is important that sufficient time is allocated prior to the election to ensure they are delivered effectively.

5.3 These elections will also see a shorter than usual timetable (the statutory period of 26 working days from the notice of election being published until the poll date). In 2027, there are 36 calendar days from dissolution (31 March) to polling day (6 May). This is a shorter timeframe than previous combined STV elections and has the potential to create some operational and legal risks for the Electoral Office of Northern Ireland (EONI).

What was the previous policy, how is this different?

5.4 On the last occasion local and Assembly elections were held on the same day, The Parliamentary Voting and Constituencies Act 2011 modified various rules to enable the polls for those elections to be combined with the poll for the Alternative Vote referendum. In 2011, there were 42 calendar days from the dissolution of the Assembly to the date of the poll in 2011. Without legislative change, the 2027 timetable will be 36 calendar days from dissolution of the Assembly to the date of the poll. The new policy allows the notice of election for the Assembly election to be issued one week earlier and nominations to open earlier on the day after the notice of election is issued. This is intended to mitigate administrative risks to the operation of the elections

6. Legislative and Legal Context

How has the law changed?

6.1 Section 2 of the Northern Ireland Assembly (Minimum Period) Order 2010 currently states “the minimum period for the purpose of section 31(6) of the Northern Ireland Act 1998 (dates of elections and dissolutions) is 26 days.” This instrument amends the legislation to substitute ‘26 days’ with ‘30 days’. It is important to note that this will only apply to combined elections and remains 26 days for non-combined elections.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the desired changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Electoral Commission and the Chief Electoral Officer for Northern Ireland were consulted in writing and were briefed by officials during preparation of this draft

instrument. The Northern Ireland Assembly Speaker's Office was also consulted by officials. All were supportive of this measure.

8. Applicable Guidance

8.1 There is no guidance accompanying these regulations.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no, or no significant impact on the private, voluntary or public sector is foreseen.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the regulations do not apply to businesses, charities or voluntary bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because this is purely a technical change to improve the accessibility of elections in Northern Ireland.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that the Northern Ireland Office will keep the operational risks associated with running a combined election under review, and will assess the impact of an elongated election timetable on mitigating these risks alongside the Electoral Commission and the Chief Electoral Officer for Northern Ireland.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None

12. European Convention on Human Rights

12.1 Sarah Owen MP, Parliamentary Under Secretary of State for Northern Ireland, has made the following statement regarding Human Rights:

"In my view the provisions of the Northern Ireland Assembly (Minimum Period) (Amendment) Order 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").