

An Act Respecting Reasonable Limits for Membership in the House of Assembly

(Assented to the 30th day of October, A.D. 1986)

WHEREAS electors are entitled to be assured that persons seeking election to the House of Assembly and members of the House of Assembly are worthy of the public trust;

AND WHEREAS there is need to prescribe by law reasonable limits for membership in the House of Assembly;

AND WHEREAS section 45 of the Constitution Act, 1982 authorizes the Legislature exclusively to make laws amending the constitution of the Province;

AND WHEREAS it is demonstrably justified in a free and democratic society to prescribe reasonable limits by law;

NOW THEREFORE be it enacted by the Governor and Assembly as follows:

House of Assembly Act amended

1 Chapter 128 of the Revised Statutes, 1967, the House of Assembly Act, is amended by adding immediately following Section 25 thereof the following Sections:

25A (1) A person who stands convicted of an indictable offence that is punishable by imprisonment for a maximum of more than five years is not eligible

(a) to be nominated as a candidate for election as a member of the House; or

(b) to be elected as a member of the House,

for a period of five years from the date of the conviction and, if the sentence imposed for the offence or substituted by a competent authority has not been

fully served at the end of that period, for the further time remaining to be served in that sentence.

(2) Where a conviction is set aside by a competent authority, any disability imposed by this Section is removed.

25B Where a person who is a member of the House is convicted of an indictable offence that is punishable by imprisonment for a maximum of more than five years, that member forthwith ceases to be a member, and the seat of that member is and is deemed to be vacant until an election is held in that electoral district according to law.

25C For greater certainty, Sections 25A and 25B apply in respect of persons convicted before as well as after the coming into force of those Sections.

Expulsion of member

2 The House of Assembly, in the exercise of its historic right to expel a member in appropriate circumstances, hereby expels from the Assembly the member last elected before the coming into force of this Act for the electoral district of Inverness South by reason of his conviction on four counts of using forged documents in respect of money received by him in his capacity as a member, and the seat of that member is and is deemed to be vacant until an election is held in that electoral district according to law.

Historic right of Assembly

3 Nothing in this Act affects or shall be construed to affect the right of the Assembly to expel, suspend or discipline a member according to the practices, rules and procedures of the Assembly or otherwise.