

*Status: Point in time view as at 08/05/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Cross Heading: Directions under section 30A(2) or (5): the First Minister and deputy First Minister. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 12A

#### EFFECT OF APPLICATION OF SECTION 95A(6) OR (7)

##### Textual Amendments

- F1** Sch. 12A inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), ss. 10(3), 12; S.I. 2004/83, art. 2

##### *Directions under section 30A(2) or (5): the First Minister and deputy First Minister*

- 5 (1) Paragraphs 6 to 8 apply where a direction under section 30A(2) or (5) ceases to have effect under section 95A(6) or (7).
- (2) In those paragraphs—
- “the relevant time” means the time when the direction so ceases to have effect;
- “the relevant offices” means the office of First Minister and the office of deputy First Minister.
- 6 (1) Sub-paragraphs (2) to (4) apply where—
- (a) as respects each of the relevant offices, the person who holds that office immediately before the relevant time did not hold it immediately before the direction was given, and
- (b) as respects at least one of the relevant offices, the person who held that office immediately before the direction was given ceased to hold it by reason of his being excluded by the direction.
- (2) The persons holding the relevant offices immediately before the relevant time shall cease at that time to hold those offices.
- (3) As respects each of the relevant offices, the person (if any) who held that office immediately before the direction was given shall fill the vacancy in that office if—
- (a) he remains eligible to hold that office, and
- (b) the person who held the other of the relevant offices immediately before the direction was given remains eligible to hold it.
- (4) If the vacancies in the relevant offices are filled under sub-paragraph (3), section [<sup>F2</sup>16B(3) to (9)] shall not apply by reason of the operation of sub-paragraph (2).

##### Textual Amendments

- F2** Words in Sch. 12A para. 6(4) 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. 6(2)} (with s. 1(3)); S.I. 2007/1397, art. 2

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- 7 (1) Sub-paragraphs (2) to (4) apply where—
- (a) as respects one of the relevant offices, the person who holds it immediately before the relevant time held it immediately before the direction was given, and
  - (b) as respects the other of the relevant offices—
    - (i) the person who holds it immediately before the relevant time did not hold it immediately before the direction was given, and
    - (ii) the person who held it immediately before the direction was given ceased to hold it by reason of his being excluded by the direction.
- (2) The person who holds the office mentioned in sub-paragraph (1)(b) immediately before the relevant time shall cease at that time to hold that office.
- (3) The person who held that office immediately before the direction was given shall fill the vacancy in that office if he remains eligible to hold that office.
- (4) If the vacancy in that office is filled under sub-paragraph (3), [F316B(2)] shall not apply by reason of the operation of sub-paragraph (2).

#### Textual Amendments

**F3** Words in Sch. 12A para. 7(4) 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. 6(3)} (with s. 1(3)); S.I. 2007/1397, art. 2

- 8 (1) Sub-paragraphs (2) to (4) apply where—
- (a) each of the relevant offices is vacant immediately before the relevant time as a result of having become vacant within [F4the period of seven days] ending with that time, and
  - (b) as respects at least one of the relevant offices, the person who held it immediately before the direction was given ceased to hold it by reason of his being excluded by the direction.
- (2) As respects each of the relevant offices, the person (if any) who held that office immediately before the direction was given shall fill the vacancy in that office if—
- (a) he remains eligible to hold that office, and
  - (b) the person who held the other of the relevant offices immediately before the direction was given remains eligible to hold it.
- (3) If the vacancies in the relevant offices are filled under sub-paragraph (2), no proceedings, or further proceedings, shall be taken under section [F516B(3) to (9)] for the purpose of filling them.
- (4) If those vacancies are not filled under that sub-paragraph, the proceedings [F6under section 16B(3) to (9)] for the purpose of filling them shall be started afresh with the period [F7mentioned in section 16B(3)] being taken for the purposes of this Act to begin with the relevant time.]

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### Textual Amendments

- F4** Words in Sch. 12 para. 8(1)(a) 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. 6(4)} (with s. 1(3)); S.I. 2007/1397, **art. 2**
- F5** Words in Sch. 12A para. 8(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. 6(5)} (with s. 1(3)); S.I. 2007/1397, **art. 2**
- F6** Words in Sch. 12A para 8(4) 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. 6(6)(a)} (with s. 1(3)); S.I. 2007/1397, **art. 2**
- F7** Words in Sch. 12 para. 8(4) 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. 6(6)(b)} (with s. 1(3)); S.I. 2007/1397, **art. 2**

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