

*Changes to legislation:* There are currently no known outstanding effects for the Northern Ireland (St Andrews Agreement) Act 2006, SCHEDULE 6. (See end of Document for details)

## SCHEDULES

### SCHEDULE 6 U.K.

Section 9

#### DEPARTMENT WITH POLICING AND JUSTICE FUNCTIONS: NOMINATION ETC OF MINISTERS

##### Commencement Information

- II** [Sch. 6](#) in force on 26.3.2007 if (and only if) the Secretary of State makes a restoration order by virtue of s. 2(2), see [s. 27\(4\)\(5\)](#)

##### *Introduction*

- 1 In Schedule 2 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) (department with policing and justice functions), the inserted Schedule 4A to the 1998 Act is amended as follows.

##### *Department in the charge of Minister approved by resolution of Assembly*

- 2 (1) Paragraph 3 (provisions relating to relevant Minister) is amended as follows.
- (2) After sub-paragraph (3) insert—
- “(3A) But a member of the Assembly who is a member of a political party may not be nominated unless the nominating officer of the party consents to his nomination within a period specified in standing orders.”
- (3) In sub-paragraph (9), at the end insert “; or
- (d) where consent to his nomination was required under sub-paragraph (3A), he is dismissed by the nominating officer who consented (or that officer's successor) and the Presiding Officer is notified of his dismissal.”
- (4) After sub-paragraph (10) insert—
- “(10A) If, as a result of the relevant Minister (“the former Minister”) ceasing to hold office and the relevant Ministerial office being filled by virtue of sub-paragraph (10),—
- (a) the total number of Ministerial offices held by members of a political party increases; or
- (b) the total number of Ministerial offices held by members of a political party decreases,
- all other Northern Ireland Ministers shall cease to hold office and those Ministerial offices shall be filled by applying section 18(2) to (6) within a period specified in standing orders.
- (10B) But sub-paragraph (10A) shall not apply if—

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- (a) the former Minister ceased to hold office by virtue of being dismissed by a nominating officer under sub-paragraph (9)(d); and
- (b) before the relevant Ministerial office was filled, either of the conditions in sub-paragraph (10C) was satisfied in relation to each member of the Assembly who was a member of the political party of the nominating officer.

(10C) The conditions are that—

- (a) the First Minister and the deputy First Minister sought to nominate the member under sub-paragraph (3) for the relevant Ministerial office but consent to his nomination was not given in accordance with sub-paragraph (3A); or
- (b) the member was nominated under sub-paragraph (3) for the relevant Ministerial office and the nomination took effect within the period specified in standing orders by virtue of sub-paragraph (5)(a), but the member did not take up the office within that period.”

(5) After sub-paragraph (13) insert—

“(14) In this paragraph “nominating officer” has the same meaning as in section 18.”

*Department in the charge of two Ministers*

3 (1) Paragraph 7 (provisions relating to relevant Ministers) is amended as follows.

(2) After sub-paragraph (3) insert—

“(3A) But a member of the Assembly who is a member of a political party may not be nominated unless the nominating officer of the party consents to his nomination within a period specified in standing orders.”

(3) In sub-paragraph (9), at the end insert “; or

- (d) where consent to his nomination was required under sub-paragraph (3A), he is dismissed by the nominating officer who consented (or that officer's successor) and the Presiding Officer is notified of his dismissal.”

(4) After sub-paragraph (10) insert—

“(10A) If, as a result of the relevant Ministers (“the former Ministers”) ceasing to hold office and the relevant Ministerial offices being filled by virtue of sub-paragraph (10)(b),—

- (a) the total number of Ministerial offices held by members of a political party increases; or
- (b) the total number of Ministerial offices held by members of a political party decreases,

all other Northern Ireland Ministers shall cease to hold office and those Ministerial offices shall be filled by applying section 18(2) to (6) within a period specified in standing orders.

(10B) But sub-paragraph (10A) shall not apply if—

- (a) either of the former Ministers ceased to hold office by virtue of being dismissed by a nominating officer under sub-paragraph (9)(d); and

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- (b) before the relevant Ministerial offices were filled, either of the conditions in sub-paragraph (10C) was satisfied in relation to each member of the Assembly who was a member of the political party of the nominating officer concerned.

(10C) The conditions are that—

- (a) the First Minister and the deputy First Minister sought to nominate the member under sub-paragraph (3) for one of the relevant Ministerial offices but consent to his nomination was not given in accordance with sub-paragraph (3A); or
- (b) the member was nominated under sub-paragraph (3) for one of the relevant Ministerial offices and the nomination took effect within the period specified in standing orders by virtue of sub-paragraph (5) (a), but the member did not take up the office within that period.”

(5) After sub-paragraph (13) insert—

“(14) In this paragraph “nominating officer” has the same meaning as in section 18.”

*Department with rotation between Minister and junior Minister*

4 (1) Paragraph 11 (provisions relating to relevant Minister and relevant junior Minister) is amended as follows.

(2) After sub-paragraph (3) insert—

“(3A) But a member of the Assembly who is a member of a political party may not be nominated unless the nominating officer of the party consents to his nomination within a period specified in standing orders.”

(3) In sub-paragraph (9), at the end insert “; or

- (d) where consent to his nomination was required under sub-paragraph (3A), he is dismissed by the nominating officer who consented (or that officer's successor) and the Presiding Officer is notified of his dismissal.”

(4) After sub-paragraph (11) insert—

“(11A) If, as a result of the relevant Minister (“the former Minister”) and the relevant junior Minister (“the former junior Minister”) ceasing to hold office and the relevant Ministerial office and the relevant junior Ministerial office being filled by virtue of sub-paragraph (11)(b),—

- (a) the total number of Ministerial offices or junior Ministerial offices held by members of a political party increases; or
- (b) the total number of Ministerial offices or junior Ministerial offices held by members of a political party decreases,

all other Northern Ireland Ministers shall cease to hold office and those Ministerial offices shall be filled by applying section 18(2) to (6) within a period specified in standing orders.

(11B) But sub-paragraph (11A) shall not apply if—

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- (a) the former Minister or the former junior Minister ceased to hold office by virtue of being dismissed by a nominating officer under sub-paragraph (9)(d); and
- (b) before the relevant Ministerial office and the relevant junior Ministerial office were filled, either of the conditions in sub-paragraph (11C) was satisfied in relation to each member of the Assembly who was a member of the political party of the nominating officer concerned.

(11C) The conditions are that—

- (a) the First Minister and the deputy First Minister sought to nominate the member under sub-paragraph (3) for the appropriate office, but consent to his nomination was not given in accordance with sub-paragraph (3A); or
- (b) the member was nominated under sub-paragraph (3) for the appropriate office and the nomination took effect within the period specified in standing orders by virtue of sub-paragraph (5)(a), but the member did not take up the office within that period.

(11D) In sub-paragraph (11C) “the appropriate office” means—

- (a) in relation to a person who was a member of the political party of the nominating officer who dismissed the former Minister, the relevant Ministerial office;
- (b) in relation to a person who was a member of the political party of the nominating officer who dismissed the former junior Minister, the relevant junior Ministerial office.”

(5) After sub-paragraph (14) insert—

“(15) In this paragraph “nominating officer” has the same meaning as in section 18.”

**Changes to legislation:**

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