



# Northern Ireland (St Andrews Agreement) Act 2006

## 2006 CHAPTER 53

### PART 2

#### AMENDMENTS OF THE NORTHERN IRELAND ACT 1998 ETC

##### *Ministerial conduct*

#### **5 The Executive Committee and the Ministerial Code**

(1) In section 20 of the 1998 Act (Executive Committee), after subsection (3) insert—

- “(4) The Committee shall also have the function of discussing and agreeing upon—
- (a) significant or controversial matters that are clearly outside the scope of the agreed programme referred to in paragraph 20 of Strand One of that Agreement;
  - (b) significant or controversial matters that the First Minister and deputy First Minister acting jointly have determined to be matters that should be considered by the Executive Committee.”

(2) After section 28 of the 1998 Act insert—

##### *“Ministerial Code*

#### **28A Ministerial Code**

- (1) Without prejudice to the operation of section 24, a Minister or junior Minister shall act in accordance with the provisions of the Ministerial Code.
- (2) In this section “the Ministerial Code” means—
- (a) the Ministerial Code that becomes the Ministerial Code for the purposes of this section by virtue of paragraph 4 of Schedule 1 to the

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*Status: This is the original version (as it was originally enacted).*

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- Northern Ireland (St Andrews Agreement) Act 2006 (as from time to time amended in accordance with this section); or
- (b) any replacement Ministerial Code prepared and approved in accordance with this section (as from time to time amended in accordance with this section).
- (3) If at any time the Executive Committee—
- (a) prepares draft amendments to the Ministerial Code; or
  - (b) prepares a draft Ministerial Code to replace the Ministerial Code, the First Minister and deputy First Minister acting jointly shall lay the draft amendments or the draft Code before the Assembly for approval.
- (4) A draft Ministerial Code or a draft amendment to the Code—
- (a) shall not be approved by the Assembly without cross-community support; and
  - (b) shall not take effect until so approved.
- (5) The Ministerial Code must include provision for requiring Ministers or junior Ministers to bring to the attention of the Executive Committee any matter that ought, by virtue of section 20(3) or (4), to be considered by the Committee.
- (6) The Ministerial Code must include provision for a procedure to enable any Minister or junior Minister to ask the Executive Committee to determine whether any decision that he is proposing to take, or has taken, relates to a matter that ought, by virtue of section 20(3) or (4), to be considered by the Committee.
- (7) The Ministerial Code must also include provision as to the procedures of the Executive Committee with respect to—
- (a) the taking of decisions; and
  - (b) consideration by the Committee of decision papers that are to be considered by the North-South Ministerial Council or the British-Irish Council.
- (8) The Ministerial Code must in particular provide—
- (a) that it is the duty of the chairmen of the Executive Committee to seek to secure that decisions of the Executive Committee are reached by consensus wherever possible;
  - (b) that, if consensus cannot be reached, a vote may be taken; and
  - (c) that, if any three members of the Executive Committee require the vote on a particular matter which is to be voted on by the Executive Committee to require cross-community support, any vote on that matter in the Executive Committee shall require cross-community support in the Executive Committee.
- (9) The Ministerial Code may include such other provisions as the Executive Committee thinks fit.
- (10) Without prejudice to the operation of section 24, a Minister or junior Minister has no Ministerial authority to take any decision in contravention of a provision of the Ministerial Code made under subsection (5).”