

These notes refer to the Functioning of Government (Miscellaneous Provisions) Act (Northern Ireland) 2021 (c.3) which received Royal Assent on 22 March 2021

Functioning of Government (Miscellaneous Provisions) Act (Northern Ireland) 2021

EXPLANATORY NOTES

COMMENTARY ON CLAUSES

Section 1: Amendment of the Civil Service (Special Advisers) Act (Northern Ireland) 2013

This section requires the Code of Conduct, established under the 2013 Act, to restrict the management of special advisers by other special advisers to within the Executive Office and to provide that special advisers are subject to the processes and procedures of the disciplinary code operative in the Northern Ireland Civil Service and makes clear there can be no ministerial interference. Ministerial responsibility for special advisers is clearly established by this clause and a statutory duty imposed on the departmental minister and permanent secretary to ensure only the duly appointed special adviser can exercise the functions and privileges of that office. This clause also requires the Code for Appointments, provided for in the 2013 Act, to prescribe that special advisers must not be remunerated above the rate applicable to Grade 5 civil servants and that any appointment made in breach of the code is of no effect.