



Northern Ireland Act 1998

1998 CHAPTER 47

PART III

EXECUTIVE AUTHORITIES

Miscellaneous

29 Statutory committees.

(1) Standing orders shall make provision—

- (a) for establishing committees of members of the Assembly (“statutory committees”)
 - [^{F1}(i) to advise and assist the First Minister and the deputy First Minister in the formulation of policy with respect to matters within their responsibilities as Ministers jointly in charge of the Office of the First Minister and deputy First Minister, and
 - (ii)]to advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister;
- (b) for enabling a committee to be so established either in relation to a single Northern Ireland Minister or in relation to more than one; and
- (c) conferring on the committees the powers described in paragraph 9 of Strand One of the Belfast Agreement.

(2) Standing orders shall provide that—

- (a) the nominating officer of the political party for which the formula in subsection (3) gives the highest figure may select a statutory committee and nominate as its chairman or deputy chairman a person who is a member of the party and of the Assembly;
- (b) if the nominating officer does not exercise the power conferred by paragraph (a) within a period specified in standing orders, or the nominated person does not take up the selected office within that period, that power

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shall be exercisable instead by the nominating officer of the political party for which the formula in subsection (3) gives the next highest figure; and

- (c) paragraphs (a) and (b) shall be applied as many times as may be necessary to secure that a chairman and deputy chairman are nominated for each of the statutory committees.

- (3) The formula is—

$$\frac{S}{1 + C}$$

where—

S = the number of seats in the Assembly which were held by members of the party on the day on which the Assembly first met following its election;

C = the number of chairmen and deputy chairmen of statutory committees (if any) who are members of the party.

- (4) Standing orders shall provide that, where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the last general election of members of the Assembly.
- (5) Standing orders shall provide that—
- (a) a Minister or junior Minister may not be the chairman or deputy chairman of a statutory committee; and
- (b) in making a selection under the provision made by virtue of subsection (2) (a), a nominating officer shall prefer a committee in which he does not have a party interest to one in which he does.

[^{F2}(5A) A member of the Assembly who is—

- (a) a Minister of the Government of Ireland, or
- (b) chairman or deputy chairman of—
- (i) a committee of the Dáil ĩreann (House of Representatives of Ireland),
- (ii) a committee of the Seanad ĩreann (Senate of Ireland), or
- (iii) a joint committee of the Oireachtas (National Parliament of Ireland),
- may not be the chairman or deputy chairman of a statutory committee.]

- (6) For the purposes of subsection (5) a nominating officer has a party interest in a committee if

- [^{F3}(a) it is established to advise and assist the First Minister and the deputy First Minister and either of those Ministers is a member of his party; or
- (b) it is established to advise and assist a Northern Ireland Minister and that Minister is a member of his party.]

- (7) Standing orders shall provide that a chairman or deputy chairman shall cease to hold office if—

- (a) he resigns by notice in writing to the Presiding Officer;
- (b) he ceases to be a member of the Assembly; or

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- (c) he is dismissed by the nominating officer who nominated him (or that officer's successor) and the Presiding Officer is notified of his dismissal.
- (8) Standing orders shall provide that, where an office of chairman or deputy chairman is vacant, the nominating officer of the party on whose behalf the previous incumbent was nominated may nominate a person to hold the office who is a member of the party and of the Assembly.
- (9) Standing orders shall provide that if—
- (a) the nominating officer does not exercise the power conferred by subsection (8) within a period specified in standing orders; or
 - (b) the nominated person does not take up the selected office within that period, the vacancy shall be filled by applying the provision made by virtue of subsections (2) to (5).
- (10) In this section “nominating officer” has the same meaning as in section 18.

Textual Amendments

- F1** Words in s. 29(1)(a) inserted (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 10(2), 27(4)(5) (as amended by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1)) (with s. 1(3)); S.I. 2007/1397, art. 2
- F2** S. 29(5A) inserted (30.11.2000) by 2000 c. 42, s. 3(1)
- F3** S. 29(6)(a)(b) substituted for words (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 10(3), 27(4)(5) (as amended by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1)) (with s. 1(3)); S.I. 2007/1397, art. 2

Modifications etc. (not altering text)

- C2** S. 29 modified (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 2(2) (as amended by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1)), 27(4)(5) {Sch. 2 para. 5} (with s. 1(3)); S.I. 2007/1397, art. 2
- C3** S. 29(8) applied (12.2.2000) by 2000 c. 1, s. 3(7)(c); S.I. 2000/396, art. 2

[^{F4}29A Committee to review functioning of Assembly and Executive Committee

- (1) Standing orders shall make provision—
- (a) for establishing a committee to examine such matters relating to the functioning of the Assembly and the Executive Committee as may be specified in the standing orders;
 - (b) in relation to the membership of the committee; and
 - (c) for regulating proceedings of the committee.
- (2) Standing orders shall provide for the committee to make reports—
- (a) to the Assembly; and
 - (b) to the Executive Committee.
- (3) The committee shall, by no later than 1 May 2015, make a report on the operation of the provisions of Parts 3 and 4 of this Act—
- (a) to the Secretary of State;
 - (b) to the Assembly; and
 - (c) to the Executive Committee.

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Textual Amendments

- F4** Ss. 29A-29B inserted (8.5.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), **ss. 11(1), 27(4)(5)** (as amended by [Northern Ireland \(St Andrews Agreement\) Act 2007 \(c. 4\)](#), s. 1(1)) (with s. 1(3)); [S.I. 2007/1397](#), **art. 2**

29B Review of operation of sections 16A to 16C

(1) Standing orders shall require the committee established by virtue of section 29A to consider—

- (a) the operation of sections 16A to 16C; and
- (b) in particular, whether to recommend that the Secretary of State should make an order amending this Act and any other enactment so far as may be necessary to secure that they have effect, as from the date of the election of the 2011 Assembly, as if the executive selection amendments had not been made.

(2) In subsection (1)—

“the 2011 Assembly” means the Assembly due to be elected under section 31 in 2011;

“the executive selection amendments” means the amendments made by section 8 of, and paragraphs 1, 2(1) and (2) and 3 to 14 of Schedule 5 to, the Northern Ireland (St Andrews Agreement) Act 2006.]

Textual Amendments

- F4** Ss. 29A-29B inserted (8.5.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), **ss. 11(1), 27(4)(5)** (as amended by [Northern Ireland \(St Andrews Agreement\) Act 2007 \(c. 4\)](#), s. 1(1)) (with s. 1(3)); [S.I. 2007/1397](#), **art. 2**

[^{F5}29C Review of functions relating to judicial appointments and removals

Standing orders shall require one of the committees established by virtue of section 29 or the committee established by virtue of section 29A—

- (a) to review the operation of the amendments made by Schedules 2 to 5 to the Northern Ireland Act 2009,
- (b) to report on its review by a specified date that is before 1 May 2012, and
- (c) to include in its report any recommendations it has for changes to the way in which judicial office holders are appointed and removed.]

Textual Amendments

- F5** [S. 29C](#) inserted (12.4.2010) by [Northern Ireland Act 2009 \(c. 3\)](#), s. 5(7), **Sch. 6 para. 1**; [S.I. 2010/812](#), **art. 2**

30 Exclusion of Ministers from office.

(1) If the Assembly resolves that a Minister or junior Minister no longer enjoys the confidence of the Assembly—

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- (a) because he is not committed to non-violence and exclusively peaceful and democratic means; or
 - (b) because of any failure of his to observe any other terms of the pledge of office, he shall be excluded from holding office as a Minister or junior Minister for [^{F6}such period of not less than three months, and not more than twelve months, beginning with the date of the resolution as the resolution may provide] .
- [^{F7}(1A) The Assembly may, before a period of exclusion under subsection (1) ^{F8}... comes to an end, by resolution extend it until the end of such period of not less than three months, and not more than twelve months, beginning with the date of the resolution as the resolution may provide.]
- (2) If the Assembly resolves that a political party does not enjoy the confidence of the Assembly—
- (a) because it is not committed to non-violence and exclusively peaceful and democratic means; or
 - (b) because it is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office, members of that party shall be excluded from holding office as Ministers or junior Ministers for [^{F9}such period of not less than six months, and not more than twelve months, beginning with the date of the resolution as the resolution may provide] .
- [^{F10}(3) The Assembly may, before a period of exclusion under subsection (2) ^{F11}... comes to an end, by resolution extend it until the end of such period of not less than six months, and not more than twelve months, beginning with the date of the resolution as the resolution may provide.]
- (4) A period of exclusion [^{F12}under subsection (1) or (2)] shall come to an end if the Assembly—
- (a) is dissolved; or
 - (b) resolves to bring the exclusion to an end.
- (5) A motion for a resolution under this section shall not be moved unless—
- (a) it is supported by at least 30 members of the Assembly;
 - (b) it is moved by the First Minister and the deputy First Minister acting jointly; or
 - (c) it is moved by the Presiding Officer in pursuance of a notice under subsection (6).
- [^{F13}(6) If the Secretary of State is of the opinion that the Assembly ought to consider a resolution under this section, he shall serve a notice on the Presiding Officer requiring him to move a motion for such a resolution.
- (7) In forming an opinion under subsection (6), the Secretary of State shall in particular take into account [^{F14}each of the following] —
- (a) whether the person or party concerned is committed to the use now and in the future of only democratic and peaceful means to achieve his or its objectives;
 - (b) whether he or it has ceased to be involved in any acts of violence or of preparation for violence;
 - (c) whether he or it is directing or promoting acts of violence by other persons;
 - (d) whether he or it is co-operating fully with any Commission of the kind referred to in section 7 of the Northern Ireland Arms Decommissioning Act 1997 in implementing the Decommissioning section of the Belfast Agreement; ^{F15}...

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^{F16}(e)]

(8) A resolution under this section shall not be passed without cross-community support.

[^{F17}(9) In this section a reference to a period of exclusion under any provision is, in the case of a period of exclusion under that provision which has been extended, a reference to that period as extended.]

Textual Amendments

- F6** Words in s. 30(1) substituted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 4(2), 12**; S.I. 2004/83, **art. 2**
- F7** S. 30(1A) inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 4(3), 12**; S.I. 2004/83, **art. 2**
- F8** Words in s. 30(1A) omitted (1.4.2011) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), **5(c)(i)**
- F9** Words in s. 30(2) substituted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 4(4), 12**; S.I. 2004/83, **art. 2**
- F10** S. 30(3) substituted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 4(5), 12**; S.I. 2004/83, **art. 2**
- F11** Word in s. 30(3) omitted (1.4.2011) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), **5(c)(ii)**
- F12** Words in s. 30(4) inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 4(6), 12**; S.I. 2004/83, **art. 2**
- F13** S. 30(6)(7) substituted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 4(7), 12**; S.I. 2004/83, **art. 2**
- F14** Words in s. 30(7) inserted (1.4.2011) by Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), **arts. 1(2), 5(c)(iii)(aa)**
- F15** Word in s. 30(7)(d) omitted (1.4.2011) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), 5(c)(iii), **(bb)**
- F16** S. 30(7)(e) omitted (1.4.2011) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), 5(c)(iii), **(cc)**
- F17** S. 30(9) inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 4(8), 12**; S.I. 2004/83, **art. 2**

[^{F18}30A Secretary of State's powers in relation to exclusion

[^{F19}(1) This section applies if—

- (a) the Monitoring Commission has, or members of that Commission have under the agreement establishing it, made a report containing a recommendation about steps the Assembly might consider taking;
- (b) the taking of those steps by the Assembly requires the passing by it of a resolution under section 30(1), (1A), (2) or (3) in relation to a Minister, junior Minister or political party; and
- (c) the first motion for a resolution under that provision in relation to the Minister, junior Minister or political party concerned that is put to the vote after the making of the report does not attract cross-community support.

(2) Where this section applies because of the failure of a motion for a resolution under section 30(1), the Secretary of State may by direction exclude the Minister or junior Minister concerned from holding office as a Minister or junior Minister for such period

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- of not less than three months, and not more than twelve months, beginning with the date of the direction as the direction may provide (subject to subsection (4)).
- (3) Where this section applies because of the failure of a motion for a resolution under section 30(1A), the Secretary of State may, before the period of exclusion to which the motion related comes to an end, by direction extend it until the end of such period of not less than three months, and not more than twelve months, beginning with the date of the direction as the direction may provide (subject to subsection (4)).
- (4) The Secretary of State may exercise the power under subsection (2) or (3) only if he is satisfied that the Minister or junior Minister concerned—
- (a) is not committed to non-violence and exclusively peaceful and democratic means; or
 - (b) has failed to observe any other terms of the pledge of office.
- (5) Where this section applies because of the failure of a motion for a resolution under section 30(2), the Secretary of State may by direction exclude members of the political party concerned from holding office as Ministers or junior Ministers for such period of not less than six months, and not more than twelve months, beginning with the date of the direction as the direction may provide (subject to subsection (7)).
- (6) Where this section applies because of the failure of a motion for a resolution under section 30(3), the Secretary of State may, before the period of exclusion to which the motion related comes to an end, by direction extend it until the end of such period of not less than six months, and not more than twelve months, beginning with the date of the direction as the direction may provide (subject to subsection (7)).
- (7) The Secretary of State may exercise the power under subsection (5) or (6) only if he is satisfied that the political party concerned—
- (a) is not committed to non-violence and exclusively peaceful and democratic means; or
 - (b) is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office.
- (8) A period of exclusion under subsection (2) or (5) shall come to an end if—
- (a) the Secretary of State by direction so provides; or
 - (b) the Assembly is dissolved.
- (9) In subsection (1)(a) “the Monitoring Commission” means the Commission mentioned in section 1 of the Northern Ireland (Monitoring Commission etc.) Act 2003.
- (10) In this section a reference to a period of exclusion under any provision is, in the case of a period of exclusion under that provision which has been extended, a reference to that period as extended.]]

Textual Amendments

- F18** S. 30A inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), ss. 5(1), 12; S.I. 2004/83, art. 2
- F19** S. 30A ceases to have effect (31.3.2011 at the end of the day) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), s. 12(2)(3); S.I. 2011/978, art. 2

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[^{F20}**30B Secretary of State’s powers in exceptional circumstances**

- (1) ^{F21}...Under exceptional circumstances the Secretary of State may by direction temporarily exclude a Minister or junior Minister.
- (2) An exclusion under subsection (1) shall only remain in effect until either—
- ^{F22}(a)
- (b) the Assembly has considered a resolution under section 30(1) or (2); or
- (c) a period of two weeks has elapsed.
- (3) In subsection (1) “exceptional circumstances” include where—
- ^{F23}(a)
- (b) there is insufficient time for the Assembly to consider a resolution under section 30(1) or (2).
- (4) A direction made under this section shall be in writing and shall be laid before Parliament after the direction is given.]

Textual Amendments

- F20** S. 30B inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), ss. 6, 12; S.I. 2004/83, art. 2
- F21** Words in s. 30B(1) omitted (1.4.2011) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), 5(d)(i)
- F22** S. 30B(2)(a) omitted (1.4.2011) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), 5(d)(ii)
- F23** S. 30B(3)(a) omitted (1.4.2011) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), 5(d)(iii)

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