



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART IV

#### THE NORTHERN IRELAND ASSEMBLY

**Modifications etc. (not altering text)**

- C1** Pts. II-IV applied in part (1.1.2007) by [The Equality Act \(Sexual Orientation\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/439\)](#), [reg. 53\(6\)](#)

*Elections etc*

### **31 Dates of elections and dissolutions.**

- (1) Subject to subsection (2), the date of the poll for the election of each Assembly shall be the first Thursday in May in the [<sup>F1</sup> fifth] calendar year following that in which its predecessor was elected; and the predecessor shall be dissolved at the beginning of the minimum period which ends with that date.
- [<sup>F2</sup>(2) The date of the poll for the election of the Assembly next following the Assembly elected at the poll on 26 November 2003 shall be 7 March 2007; and the Assembly elected on 26 November 2003 shall be dissolved on 30 January 2007.]
- (3) The Secretary of State may at any time by order direct that the date of the poll for the election of the next Assembly shall, instead of being that specified in subsection (1) [<sup>F3</sup> . . . , be a date specified in the order being a date falling not more than two months before or after the date specified in that subsection.
- (4) An Assembly elected under this section or section 32 shall meet within the period of eight days beginning with the day of the poll at which it is elected.
- (5) For the purposes of subsection (4), a Saturday, a Sunday, Christmas Day, Good Friday and any day which is a bank holiday in Northern Ireland shall be disregarded [<sup>F4</sup> , as shall any day on which section 1 of the Northern Ireland Act 2000 is in force].

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- (6) In this section “minimum period” means a period determined in accordance with an order of the Secretary of State.

#### Textual Amendments

- F1** Word in s. 31(1) substituted (13.3.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\), ss. 7\(1\), 28\(1\)\(c\)](#) (with s. 7(2))
- F2** S. 31(2) substituted (26.1.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\), ss. 3\(1\), 28](#) (with s. 1(3))
- F3** Words in s. 31(3) omitted (20.3.2003) by virtue of [Northern Ireland Assembly Elections Act 2003 \(c. 3\), s. 1\(2\)\(b\)](#)
- F4** Words in s. 31(5) inserted (20.3.2003) by [Northern Ireland Assembly Elections Act 2003 \(c. 3\), s. 1\(2\)\(c\)](#)

## 32 Extraordinary elections.

- (1) If the Assembly passes a resolution that it should be dissolved the Secretary of State shall [<sup>F5</sup>, as soon as practicable,] propose a date for the poll for the election of the next Assembly.
- [<sup>F6</sup>(1A) The proposed date must be within the period of 12 weeks beginning with the day on which the resolution is passed.]
- (2) A resolution under subsection (1) shall not be passed without the support of a number of members of the Assembly which equals or exceeds two thirds of the total number of seats in the Assembly.
- [<sup>F7</sup>(3) If—
- (a) the period mentioned in section 16A(3) ends without the offices of First Minister and deputy First Minister and the Ministerial offices to be held by Northern Ireland Ministers having been filled; or
  - (b) the period mentioned in section 16B(3) ends without the offices of First Minister and deputy First Minister having been filled,
- the Secretary of State shall [<sup>F8</sup>, as soon as practicable,] propose a date for the poll for the election of the next Assembly.]
- [<sup>F9</sup>(3A) The proposed date must be within the period of 12 weeks beginning when the duty in subsection (3) arises.
- (3B) At any time after the first six weeks of the period mentioned in section 16A(3) or 16B(3) but before the end of the period mentioned there, the Secretary of State may, if the offices mentioned there have not yet been filled, propose a date for the poll for the election of the next Assembly.
- (3C) The Secretary of State may exercise the power in subsection (3B) only if the Secretary of State considers that it is necessary to do so in order to give effect to the purpose underlying paragraph 3.15 of Annex C of Part 2 of The New Decade, New Approach Deal so far as it relates to representation.
- (3D) The Assembly may not pass a resolution under subsection (1)—
- (a) during a period when the Secretary of State is under a duty to propose a date under subsection (3), or

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- (b) if the Secretary of State has proposed a date under subsection (3) or (3B) and that date has not yet been reached.
- (3E) The duty in subsection (3) does not arise if—
- (a) the Assembly passes a resolution under subsection (1) during the period mentioned in section 16A(3) or 16B(3), or
  - (b) the Secretary of State proposes a date under subsection (3B) during that period.
- (3F) The Secretary of State may not propose a date under subsection (3B)—
- (a) during a period when the Secretary of State is under a duty to propose a date under subsection (1), or
  - (b) if the Secretary of State has proposed a date under subsection (1) and that date has not yet been reached.
- (3G) Where the Secretary of State has proposed a date under subsection (1), (3) or (3B), the Secretary of State may, before the Assembly has been dissolved—
- (a) propose a different date under that subsection, or
  - (b) in the case of a date proposed under subsection (3B), withdraw the proposal; and an Order in Council under subsection (4) may be amended or revoked accordingly.]
- (4) If the Secretary of State proposes a date under subsection (1) [<sup>F10</sup>, (3) or (3B)], Her Majesty may by Order in Council—
- (a) direct that the date of the poll for the election of the next Assembly shall, instead of being determined in accordance with section 31, be the date proposed; and
  - (b) provide for the Assembly to be dissolved on a date specified in the Order.

#### Textual Amendments

- F5** Words in s. 32(1) inserted (8.2.2022) by Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 (c. 2), ss. 3(2), 9 (with s. 4(4))
- F6** S. 32(1A) inserted (8.2.2022) by Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 (c. 2), ss. 3(3), 9 (with s. 4(4))
- F7** S. 32(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. 4 (with s. 1(3)); S.I. 2007/1397, art. 2
- F8** Words in s. 32(3) inserted (8.2.2022) by Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 (c. 2), ss. 3(4), 9 (with s. 4(4))
- F9** S. 32(3A)-(3G) inserted (8.2.2022) by Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 (c. 2), ss. 3(5), 9 (with s. 4(4))
- F10** Words in s. 32(4) substituted (8.2.2022) by Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 (c. 2), ss. 3(6), 9 (with s. 4(4))

#### Modifications etc. (not altering text)

- C2** S. 32 modified (1.11.2018) by Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 (c. 28), s. 1(3)(5), 10
- C3** S. 32(3)(a) applied (12.3.2009 temp. until 30.4.2012) by Northern Ireland Act 2009 (c. 3), ss. 1, 5, Sch. 1 para. 7(3)(b)

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### 33 Constituencies and numbers of members.

- (1) The members of the Assembly shall be returned for the parliamentary constituencies in Northern Ireland.
  - (2) Each constituency shall return [<sup>F11</sup>five] members.
  - (3) <sup>M1</sup>An Order in Council under the Parliamentary Constituencies Act 1986 changing a parliamentary constituency in Northern Ireland shall have effect for the purposes of this Act in relation to—
    - [<sup>F12</sup>(a) the first election under section 31 or 32 for which the notice of election, which is required to be published under Assembly Election Rules, is published—
      - (i) on a day after the end of the period of six months beginning with the day on which the Order comes into force, or
      - (ii) if sooner, on or after the day on which Parliament is dissolved prior to the first parliamentary general election in relation to which the Order has effect; and]
    - (b) later elections under that section and by-elections.
- [<sup>F13</sup>(4) In subsection (3), “Assembly Election Rules” means the rules in Schedule 1 to the Representation of the People Act 1983, as applied by Article 3 of, and Schedule 1 to, the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599).]

#### Textual Amendments

- F11** Word in s. 33(2) substituted (22.7.2016 with effect in accordance with s. 1(2)(3) of the amending Act) by [Assembly Members \(Reduction of Numbers\) Act \(Northern Ireland\) 2016 \(c. 29\), s. 1\(1\)](#)
- F12** S. 33(3)(a) substituted (14.12.2020) by [Parliamentary Constituencies Act 2020 \(c. 25\), ss. 12\(2\), 14\(2\)](#) (with s. 13(2))
- F13** S. 33(4) inserted (14.12.2020) by [Parliamentary Constituencies Act 2020 \(c. 25\), ss. 12\(3\), 14\(2\)](#) (with s. 13(2))

#### Marginal Citations

- M1** [1986 c.56.](#)

### 34 Elections and franchise.

- (1) This section applies to elections of members of the Assembly, including by-elections.
- (2) Each vote in the poll at an election shall be a single transferable vote.
- (3) A single transferable vote is a vote—
  - (a) capable of being given so as to indicate the voter’s order of preference for the candidates for election as members for the constituency; and
  - (b) capable of being transferred to the next choice when the vote is not needed to give a prior choice the necessary quota of votes or when a prior choice is eliminated from the list of candidates because of a deficiency in the number of votes given for him.
- (4) The Secretary of State may by order make provision about elections or any matter relating to them.
- (5) In particular, an order under subsection (4) may make—

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- (a) provision as to the persons entitled to vote at an election and the registration of such persons;
  - (b) provision for securing that no person stands as a candidate for more than one constituency at a general election;
  - (c) provision for determining the date of the poll at a by-election;
  - (d) provision about deposits.
- (6) An order under subsection (4) may apply (with or without modifications) any provision of, or made under, any enactment.
- [<sup>F14</sup>(7) An order under subsection (4) may make different provision for different areas about the conduct of elections, including different provision about the registration of persons entitled to vote at an election.]

#### Textual Amendments

**F14** S. 34(7) inserted (13.3.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 23(1), 28(1)(g)**

#### Modifications etc. (not altering text)

**C4** S. 34(4) amended (16.2.2001) by [2000 c. 41, s. 7\(2\)\(h\)](#) (with [s. 156\(6\)](#)); [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. 1**

### 35 Vacancies.

- (1) The Secretary of State may by order make provision for the filling of vacancies occurring in the Assembly's membership.
- (2) Such provision may be made by reference to by-elections or substitutes or such other method of filling vacancies as the Secretary of State thinks fit.
- (3) If a seat becomes vacant, the Presiding Officer shall as soon as reasonably practicable inform the Chief Electoral Officer for Northern Ireland.
- (4) The validity of any proceedings of the Assembly is not affected by any vacancy in its membership.
- (5) An order under subsection (1) may apply (with or without modifications) any provision of, or made under, any enactment.

#### *Disqualification*

### 36 Disqualification.

- (1) The <sup>M2</sup>Northern Ireland Assembly Disqualification Act 1975 shall have effect as if any reference to the Assembly established under section 1 of the <sup>M3</sup>Northern Ireland Assembly Act 1973 were a reference to the Assembly.
- (2) No recommendation shall be made to Her Majesty to make an Order in Council under section 3(1) of the Northern Ireland Assembly Disqualification Act 1975 (power to amend Schedule 1) without the consent of the Secretary of State.

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- (3) A person who is Her Majesty’s Lord-Lieutenant or Lieutenant for a county or county borough in Northern Ireland is disqualified for membership of the Assembly for a constituency comprising the whole or part of the county or county borough.
- (4) A person is disqualified for membership of the Assembly if he is disqualified for membership of the House of Commons otherwise than under the <sup>M4</sup>House of Commons Disqualification Act 1975.
- <sup>F15</sup>(5) . . . . .
- (6) A person is not disqualified for membership of the Assembly by virtue of subsection (4) by reason only that—
- (a) he is a peer <sup>F16</sup>. . . ; or
- [<sup>F17</sup>(b) he is a Lord Spiritual.]
- (7) A person is not disqualified for membership of the Assembly by virtue of subsection (4) by reason only that he is disqualified under section 3 of the Act of Settlement (certain persons born out of the Kingdom) if he is a citizen of the European Union.

#### Textual Amendments

**F15** S. 36(5) repealed (30.11.2000) by [2000 c. 42, s. 4](#)

**F16** Words in s. 36(6)(a) repealed (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 146, 148, Sch. 18 Pt. 5; S.I. 2009/1604, art. 2\(f\)](#)

**F17** S. 36(6)(b) substituted (11.5.2001) by [2001 c. 13, s. 1, Sch. 1 para. 5](#)

#### Modifications etc. (not altering text)

**C5** S. 36(1) applied (20.2.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\), s. 64, Sch. 1 para. 3\(3\)](#)

#### Marginal Citations

**M2** [1975 c.25.](#)

**M3** [1973 c.17.](#)

**M4** [1975 c.24.](#)

### 37 Effect of disqualification and provision for relief.

- (1) Subject to any order made by the Assembly under this section—
- (a) if any person disqualified by virtue of [<sup>F18</sup>the Northern Ireland Assembly Disqualification Act 1975 or] section 36 is returned as a member of the Assembly, his return shall be void; and
- (b) if any person being a member of the Assembly becomes disqualified by virtue of [<sup>F19</sup>that Act or] that section, his seat shall be vacated.
- (2) If, in a case which falls or is alleged to fall within subsection (1) otherwise than by virtue of section 36(4), it appears to the Assembly—
- (a) that the grounds of disqualification or alleged disqualification which subsisted or arose at the material time have been removed; and
- (b) that it is otherwise proper so to do,

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the Assembly may by order direct that any such disqualification incurred on those grounds at that time shall be disregarded for the purposes of this section.

- (3) No order under subsection (2) shall affect the proceedings on any election petition or any determination of an election court.
- (4) Subsection (1)(b) has effect subject to <sup>F20</sup>... section 427 of the <sup>M5</sup>Insolvency Act 1986 (bankruptcy etc); and where, in consequence of [<sup>F21</sup>that section] , the seat of a disqualified member of the Assembly has not been vacated—
  - (a) he shall not participate in any proceedings of the Assembly; and
  - (b) any of his other rights and privileges as a member of the Assembly may be withdrawn by a resolution of the Assembly.
- (5) The validity of any proceedings of the Assembly is not affected by the disqualification of any person from being a member of the Assembly or from being a member for the constituency for which he purports to sit.

#### Textual Amendments

- F18** Words in s. 37(1)(a) inserted (5.5.2016 unless the Northern Ireland Assembly is dissolved at an earlier date) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\), ss. 3\(3\)\(a\), 28\(6\)](#)
- F19** Words in s. 37(1)(b) inserted (5.5.2016 unless the Northern Ireland Assembly is dissolved at an earlier date) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\), ss. 3\(3\)\(b\), 28\(6\)](#)
- F20** Words in s. 37(4) omitted (28.4.2013) by virtue of [Mental Health \(Discrimination\) Act 2013 \(c. 8\), s. 4\(1\), Sch. para. 4\(1\)\(a\)](#)
- F21** Words in s. 37(4) substituted (28.4.2013) by [Mental Health \(Discrimination\) Act 2013 \(c. 8\), s. 4\(1\), Sch. para. 4\(1\)\(b\)](#)

#### Marginal Citations

- M5** 1986 c.45.

### 38 Disqualification: judicial proceedings.

- (1) Any person who claims that a person purporting to be a member of the Assembly—
  - (a) is disqualified; or
  - (b) was disqualified when, or at any time since, he was returned,may apply to the High Court of Justice in Northern Ireland for a declaration to that effect.
- (2) On an application—
  - (a) the person in respect of whom the application is made shall be the respondent;
  - (b) the applicant shall give such security for costs, not exceeding £5,000, as the court may direct; and
  - (c) the decision of the court shall be final.
- (3) A declaration made in accordance with this section shall be certified in writing to the Secretary of State by the court.
- (4) No such declaration shall be made in respect of a person on any grounds if an order has been made by the Assembly under subsection (2) of section 37 directing that any disqualification incurred by him on those grounds shall be disregarded for the purposes of that section.

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- (5) No declaration shall be made in respect of any person on grounds which subsisted when he was elected if an election petition is pending or has been tried in which his disqualification on those grounds is or was in issue.
- (6) The Secretary of State may by order substitute for the amount specified in subsection (2)(b) such other amount as may be specified in the order.

### *Presiding Officer and Commission*

#### **39 Presiding Officer.**

- (1) Each Assembly shall as its first business elect from among its members a Presiding Officer and deputies.
- (2) A person elected Presiding Officer or deputy shall hold office until the conclusion of the next election for Presiding Officer under subsection (1) unless—
  - (a) he previously resigns;
  - (b) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution; or
  - (c) the Assembly elects from among its members a person to hold office as Presiding Officer or deputy in his place.
- (3) If the Presiding Officer or a deputy ceases to hold office (otherwise than under subsection (2)(c)) before the Assembly is dissolved, the Assembly shall elect another from among its members to fill his place.
- (4) The Presiding Officer’s functions may be exercised by a deputy if the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act.
- (5) The Presiding Officer may (subject to standing orders) authorise a deputy to exercise functions on his behalf.
- (6) Standing orders may include provision as to the participation (including voting) of the Presiding Officer and deputies in the proceedings of the Assembly.
- (7) A person shall not be elected under subsections (1) to (3) without cross-community support.

#### **40 Commission.**

- (1) There shall be a body corporate, to be known as the Northern Ireland Assembly Commission (“the Commission”), to perform—
  - (a) the functions conferred on the Commission by virtue of any enactment; and
  - (b) any functions conferred on the Commission by resolution of the Assembly.
- (2) The members of the Commission shall be—
  - (a) the Presiding Officer; and
  - (b) the prescribed number of members of the Assembly appointed in accordance with standing orders.
- (3) In subsection (2) “the prescribed number” means 5 or such other number as may be prescribed by standing orders.



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- [<sup>F22</sup>(3A) 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 Éireann (House of Representatives of Ireland),
    - (ii) a committee of the Seanad Éireann (Senate of Ireland), or
    - (iii) a joint committee of the Oireachtas (National Parliament of Ireland),
- may not be appointed as a member of the Commission.]
- (4) The Commission shall provide the Assembly, or ensure that the Assembly is provided, with the property, staff and services required for the Assembly's purposes.
  - (5) The Assembly may give special or general directions to the Commission for the purpose of or in connection with the exercise of the Commission's functions.
  - (6) Proceedings by or against the Assembly (other than proceedings on the Crown side of the Queen's Bench Division) shall be instituted by or against the Commission on behalf of the Assembly.
  - (7) Any property or liabilities acquired or incurred in relation to matters within the general responsibility of the Commission to which (apart from this subsection) the Assembly would be entitled or subject shall be treated for all purposes as property or liabilities of the Commission.
  - (8) Any expenses of the Commission shall be defrayed out of money appropriated by Act of the Assembly.
  - (9) Any sums received by the Commission shall be paid into the Consolidated Fund of Northern Ireland, subject to any provision made by Act of the Assembly for the disposal of or accounting for such sums.
  - (10) Schedule 5 (which makes further provision about the Commission) shall have effect.

#### Textual Amendments

**F22** S. 40(3A) inserted (30.11.2000) by 2000 c. 42, s. 3(2)

#### Commencement Information

**II** S. 40 wholly in force at 2.12.1999; s. 40 not in force at Royal Assent see s. 101(3); s. 40(10) in force for specified purposes at 28.10.1999 by S.I. 1999/2936, art. 2; s. 40(1)-(9) in force and s. 40(10) in force at 2.12.1999 insofar as not already in force by S.I. 1999/3209, art. 2, Sch.

*Proceedings etc.*

#### [<sup>F23</sup>40A Undertaking by members

- (1) A member of the Assembly shall not—
    - (a) participate in any proceedings of the Assembly, or
    - (b) have any of the other rights and privileges enjoyed by members of the Assembly who have taken their seats,
- until he or she has given the following undertaking:

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“I undertake:

- to support the rule of law unequivocally in word and deed and to support all efforts to uphold it;
- to work collectively with the other members of the Assembly to achieve a society free of paramilitarism;
- to challenge all paramilitary activity and associated criminality;
- to call for, and to work together with the other members of the Assembly to achieve, the disbandment of all paramilitary organisations and their structures;
- to challenge paramilitary attempts to control communities;
- to support those who are determined to make the transition away from paramilitarism;
- to accept no authority, direction or control on my political activities other than my democratic mandate alongside my own personal and party judgment.”

- (2) Standing orders shall provide for the procedure for giving the undertaking.
- (3) The procedure may not specify a day or period of time after which members are prohibited from giving the undertaking.
- (4) Subsection (1) applies to a person on each occasion when he or she becomes a member of the Assembly.]

#### Textual Amendments

**F23** S. 40A inserted (4.5.2016) by [Northern Ireland \(Stormont Agreement and Implementation Plan\) Act 2016 \(c. 13\)](#), [ss. 8\(1\), 11\(2\)](#) (with [Sch. 2](#))

#### **41 Standing orders.**

- (1) The proceedings of the Assembly shall be regulated by standing orders.
- (2) Standing orders shall not be made, amended or repealed without cross-community support.
- (3) Schedule 6 (which makes provision as to how certain matters are to be dealt with by standing orders) shall have effect.

#### **[<sup>F24</sup>42 Petitions of concern.**

- (1) If a petition expressing concern about a matter which is to be voted on by the Assembly is—
  - (a) presented to the Assembly by 30 members, and
  - (b) on the day after the consideration period, confirmed by 30 members,
 the vote on that matter requires cross-community support.
- (2) If such a petition is presented, the vote on the matter to which it relates may not take place until after the day mentioned in subsection (1)(b).

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- (3) The members presenting or confirming a petition must include—
- (a) one member who belongs to a political party and one member who belongs to a different political party,
  - (b) one member who belongs to a political party and one member who does not belong to a political party and did not belong to a political party when returned as a member of the Assembly, or
  - (c) two members who do not belong to a political party and did not belong to a political party when returned as members of the Assembly.
- (4) A matter may not be the subject of a petition if it—
- (a) concerns a sanction in relation to the conduct of a Minister or other member of the Assembly;
  - (b) concerns the vote on the general principles of a Bill referred to in section 13(1)(a);
  - (c) is a matter specified in standing orders made under subsection (6)(c).
- (5) A petition under this section may not be presented or confirmed by the Presiding Officer or a deputy Presiding Officer.
- (6) Standing orders must—
- (a) make provision with respect to the procedure to be followed in presenting and confirming a petition under this section (which may include provision specifying a minimum period between the presentation of the petition and the time when the vote on the matter to which it relates would take place if not postponed by the petition);
  - (b) provide that the matter to which a petition under this section relates may be referred, in accordance with paragraphs 11 and 13 of Strand One of the Belfast Agreement, to the committee established under section 13(3)(a);
  - (c) specify further matters that may not be the subject of a petition under this section, for the purposes of fully implementing paragraph 2.2.4 of Annex B of Part 2 of The New Decade, New Approach Deal;
  - (d) make provision for such steps to be taken during the consideration period as may be necessary for the purposes of fully implementing paragraph 2.2.7 of Annex B of Part 2 of The New Decade, New Approach Deal.
- (7) If the day mentioned in paragraph (b) of subsection (1) is not a working day that paragraph is to be read as referring to the next day that is a working day.
- (8) In this section—
- “the consideration period” means the period of 14 days beginning with the day on which the petition is presented;
  - “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in Northern Ireland.]

#### **Textual Amendments**

**F24** S. 42 substituted (8.2.2022) by [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022 \(c. 2\), ss. 6, 9](#)

*Status: Point in time view as at 06/12/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Part IV. (See end of Document for details)*

### 43 Members' interests.

- (1) Standing orders shall include provision for a register of interests of members of the Assembly, and for—
  - (a) registrable interests (as defined in standing orders) to be registered in it; and
  - (b) the register to be published and made available for public inspection.
- (2) Standing orders shall include provision requiring that any member of the Assembly who has—
  - (a) a financial interest (as defined in standing orders) in any matter; or
  - (b) any other interest, or an interest of any other kind, specified in standing orders in any matter,declares that interest before taking part in any proceedings of the Assembly relating to that matter.
- (3) Standing orders made in pursuance of subsection (1) or (2) may include provision for preventing or restricting the participation in proceedings of the Assembly of a member with a registrable interest, or an interest mentioned in subsection (2), in a matter to which the proceedings relate.
- (4) Standing orders shall include provision prohibiting a member of the Assembly from—
  - (a) advocating or initiating any cause or matter on behalf of any person, by any means specified in standing orders, in consideration of any payment or benefit in kind of a description so specified; or
  - (b) urging, in consideration of any such payment or benefit in kind, any other member of the Assembly to advocate or initiate any cause or matter on behalf of any person by any such means.
- (5) Standing orders may include provision—
  - (a) for excluding from proceedings of the Assembly any member who fails to comply with, or contravenes, any provision made in pursuance of subsections (1) to (4); and
  - (b) for withdrawing his rights and privileges as a member for the period of his exclusion.
- (6) Any member of the Assembly who—
  - (a) takes part in any proceedings of the Assembly without having complied with, or in contravention of, any provision made in pursuance of subsections (1) to (3); or
  - (b) contravenes any provision made in pursuance of subsection (4),is guilty of an offence.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (8) Proceedings for an offence under subsection (6) shall not be taken without the consent of the Director of Public Prosecutions for Northern Ireland.

#### Modifications etc. (not altering text)

- C6 S. 43 applied (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), ss. 25\(4\), 87\(1\); S.R. 2010/113, art. 2, Sch. para. 5](#)

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#### **44 Power to call for witnesses and documents.**

- (1) The Assembly may require any person—
  - (a) to attend its proceedings for the purpose of giving evidence; or
  - (b) to produce documents in his custody or under his control, relating to any of the matters mentioned in subsection (2).
- (2) Those matters are—
  - (a) transferred matters concerning Northern Ireland;
  - (b) other matters in relation to which statutory functions are exercisable by Ministers or the Northern Ireland departments.
- (3) The power in subsection (1) is exercisable in relation to a person outside Northern Ireland only in connection with the discharge by him of functions relating to matters within subsection (2).
- (4) That power is not exercisable in relation to a person who is or has been a Minister of the Crown, or a person who is or has been in Crown employment within the meaning of Article 236 of the <sup>M6</sup>Employment Rights (Northern Ireland) Order 1996, in connection with the discharge of any functions prior to the appointed day [<sup>F25</sup>or during a period when section 1 of the Northern Ireland Act 2000 was in force].

[<sup>F26</sup>(4A) That power is not exercisable in relation to a person mentioned in subsection (4) in connection with the discharge, during a relevant period, of a function which relates to a matter which is a transferred matter by virtue of an Order under section 4.

For this purpose “relevant period” means a period when the matter was not a transferred matter.

- (4B) That power is not exercisable in relation to a person mentioned in subsection (4) in connection with the discharge, during a relevant period, of a statutory function which—
- (a) is exercisable by a Minister or a Northern Ireland department; but
  - (b) was at any time exercisable by a Minister of the Crown.

For this purpose “relevant period” means a period when the statutory function was exercisable by a Minister of the Crown.]

- (5) That power is not exercisable in relation to—
  - (a) a person discharging functions of any body whose functions relate to excepted matters, in connection with the discharge by him of those functions;
  - (b) a person discharging functions of any body whose functions relate to reserved matters, in connection with the discharge by him of those functions;
  - (c) a judge of any court or a member of any tribunal which exercises the judicial power of the State.
- (6) That power may be exercised by a committee of the Assembly only if the committee is expressly authorised to do so by standing orders.
- (7) The Presiding Officer shall give the person in question notice in writing specifying—
  - (a) the time and place at which the person is to attend and the particular matters relating to which he is required to give evidence; or

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- (b) the documents, or types of documents, which he is to produce, the date by which he is to produce them and the particular matters to which they are to relate.
- (8) Such notice shall be given—
- (a) in the case of an individual, by sending it, by registered post or the recorded delivery service, addressed to him at his usual or last known address or, where he has given an address for service, at that address;
- (b) in any other case, by sending it, by registered post or the recorded delivery service, addressed to the person at the person’s registered or principal office.
- (9) A person is not obliged under this section to answer any question or produce any document which he would be entitled to refuse to answer or produce in proceedings in a court in Northern Ireland.
- (10) In this section “statutory functions” means functions conferred by virtue of any enactment.

#### Textual Amendments

- F25** Words in s. 44(4) inserted (12.2.2000) by 2000 c. 1, s. 9(3); S.I. 2000/396, art. 2
- F26** S. 44(4A)(4B) inserted (11.3.2009) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 18, 31; S.I. 2009/448, art. 2

#### Modifications etc. (not altering text)

- C7** S. 44(1) excluded (29.10.2021) by Digital Economy Act 2017 (c. 30), ss. 99(9)(a), 118(6); S.I. 2021/1170, reg. 2
- C8** S. 44(2) excluded (29.10.2021) by Digital Economy Act 2017 (c. 30), ss. 99(9)(b), 118(6); S.I. 2021/1170, reg. 2
- C9** S. 44(3) excluded (29.10.2021) by Digital Economy Act 2017 (c. 30), ss. 99(9)(b), 118(6); S.I. 2021/1170, reg. 2
- C10** Amendment in s. 44(4) continued (10.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 2(2)(5), 27(4)(5) (as amended by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1)), {Sch. 4 para. 2(8)} (with Sch. 4 para. 2(10)); S.I. 2007/1397, art. 2
- C11** S. 44(5)(b) excluded (29.10.2021) by Digital Economy Act 2017 (c. 30), ss. 99(9)(b), 118(6); S.I. 2021/1170, reg. 2

#### Marginal Citations

- M6** S.I. 1996/1919 (N.I.16).

## 45 Witnesses and documents: offences.

- (1) Subject to subsection (9) of section 44, any person to whom a notice under subsection (7) of that section has been given who—
- (a) refuses or fails to attend proceedings as required by the notice;
- (b) refuses or fails, when attending proceedings as required by the notice, to answer any question relating to the matters specified in the notice;
- (c) deliberately alters, suppresses, conceals or destroys any document which he is required to produce by the notice; or
- (d) refuses or fails to produce any such document,

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is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a period not exceeding three months.

- (2) It is a defence for a person charged with an offence under subsection (1)(a), (b) or (d) to prove that he had a reasonable excuse for the refusal or failure.
- (3) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
  - (a) a director, manager, secretary or other similar officer of the body corporate; or
  - (b) any person who was purporting to act in any such capacity,he, as well as the body corporate, is guilty of that offence and liable to be proceeded against accordingly.
- (4) Proceedings for an offence under this section shall not be taken without the consent of the Director of Public Prosecutions for Northern Ireland.
- (5) For the purposes of section 44 and this section, a person shall be taken to comply with a requirement to produce a document if he produces a copy of, or an extract of the relevant part of, the document.

#### **46 Witnesses: oaths.**

- (1) The Presiding Officer or such other person as may be authorised by standing orders may—
  - (a) administer an oath to any person giving evidence in proceedings of the Assembly; and
  - (b) require him to take the oath.
- (2) Any person who refuses to take an oath when required to do so under subsection (1) (b) is guilty of an offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a period not exceeding three months.

#### *Remuneration and pensions*

#### **47 Remuneration of members.**

- (1) The Assembly shall pay to members of the Assembly such salaries as [<sup>F27</sup>may from time to time be determined] .
- (2) The Assembly may pay to members of the Assembly such allowances as [<sup>F28</sup>may from time to time be determined] .

[<sup>F29</sup>(2A) The Assembly may make provision—

- (a) determining the salaries or allowances payable to members of the Assembly under this section, or
- (b) providing for those salaries or allowances to be determined by a person other than the Assembly in accordance with the provision.

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(2B) Different provision may be made for different cases (for example, provision for higher salaries to be payable to Ministers or other office holders).]

<sup>F30</sup>(3) .....

[<sup>F31</sup>(4) Provision under subsection (2A) must ensure that, if a salary is payable to a member of the Assembly (“M”) as a member of [<sup>F32</sup>the House of Lords] or as a member of the European Parliament—

- (a) if M does not hold an office within subsection (9A), no salary is payable to M under this section;
- (b) if M holds an office within subsection (9A), the salary which would otherwise be payable to M under this section is reduced by the appropriate amount.

(4A) The appropriate amount is the amount of the salary payable under this section to members of the Assembly generally.]

<sup>F33</sup>(5) .....

<sup>F34</sup>(6) .....

<sup>F35</sup>(7) .....

(8) Standing orders must include provision for the publication of every determination [<sup>F36</sup>of salaries or allowances by provision under subsection (2A)(a)] .

[<sup>F37</sup>(8A) Provision under subsection (2A)(b) must include provision for the publication of every determination of salaries or allowances under that provision.]

(9) For the purposes of this section—

- (a) a person’s membership of the Assembly begins on the day on which he takes his seat in accordance with standing orders; and
- (b) a person’s holding of [<sup>F38</sup>an office within subsection (9A)] begins on the day on which he takes up office.

[<sup>F39</sup>(9A) An office is within this subsection if the salary payable under this section to a member of the Assembly holding the office is higher than the salary payable under this section to members of the Assembly generally.]

(10) For the purposes of this section, a person who is a member of the Assembly immediately before the Assembly is dissolved shall be treated—

- (a) if he continues to hold [<sup>F40</sup>office as a Minister or junior Minister, as Presiding Officer or deputy or as a member of the Northern Ireland Assembly Commission] , as if he were a member of the Assembly until the end of the day on which he ceases to hold the office; and
- (b) if he does not fall within paragraph (a) but is nominated as a candidate at the subsequent general election, as if he were a member of the Assembly until the end of the day of the poll for that election.

[<sup>F41</sup>(10A) The provision which may be made by the Assembly for the purposes of this section includes provision—

- (a) by a resolution of the Assembly conferring functions on the Northern Ireland Assembly Commission, or
- (b) by an Act of the Assembly (which may include provision establishing an office or body, provision conferring functions on an office-holder or body and ancillary provision).]



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- (11) Any expenditure incurred by the Assembly under this section shall be defrayed out of money appropriated by Act of the Assembly.

#### Textual Amendments

- F27** Words in s. 47(1) substituted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(2), 3(3)**; S.I. 2010/1726, art. 2
- F28** Words in s. 47(2) substituted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(2), 3(3)**; S.I. 2010/1726, art. 2
- F29** S. 47(2A)(2B) inserted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(3), 3(3)** (with s. 1(14)); S.I. 2010/1726, art. 2
- F30** S. 47(3) omitted (5.7.2010) by virtue of Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(4), 3(3)**; S.I. 2010/1726, art. 2
- F31** S. 47(4)(4A) substituted for s. 47(4) (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(5), 3(3)** (with s. 1(14)); S.I. 2010/1726, art. 2
- F32** Words in s. 47(4) substituted (5.5.2016 unless the Northern Ireland Assembly is dissolved at an earlier date) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), **ss. 3(4), 28(6)**
- F33** S. 47(5) omitted (5.7.2010) by virtue of Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(4), 3(3)**; S.I. 2010/1726, art. 2
- F34** S. 47(6) omitted (5.7.2010) by virtue of Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(4), 3(3)**; S.I. 2010/1726, art. 2
- F35** S. 47(7) omitted (5.7.2010) by virtue of Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(6), 3(3)**; S.I. 2010/1726, art. 2
- F36** Words in s. 47(8) substituted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(7), 3(3)**; S.I. 2010/1726, art. 2
- F37** S. 47(8A) inserted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(8), 3(3)**; S.I. 2010/1726, art. 2
- F38** Words in s. 47(9)(b) substituted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(9), 3(3)**; S.I. 2010/1726, art. 2
- F39** S. 47(9A) inserted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(10), 3(3)**; S.I. 2010/1726, art. 2
- F40** Words in s. 47(10)(a) substituted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(11), 3(3)**; S.I. 2010/1726, art. 2
- F41** S. 47(10A) inserted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(12), 3(3)**; S.I. 2010/1726, art. 2

#### Modifications etc. (not altering text)

- C12** S. 47: Functions of Assembly made exercisable by Secretary of State (*temp.* 12.2.2000 - 30.5.2000) by 2000 c. 1, s. 1(8), **Sch. para. 9(1)**; S.I. 2000/396, **art. 2**, S.I. 2000/1445, art. 2
- C13** S. 47 restricted (30.5.2000) by 2000 c. 1, s. 3(8)-(10) (as inserted by S.I. 2000/1446, **art. 2(2)**)  
S. 47 restricted (12.2.2000) by 2000 c. 1, s. 1(8), **Sch. para. 9(3)**; S.I. 2000/396, **art. 2**
- C14** S. 47 modified (15.5.2003) by Northern Ireland Assembly (Elections and Periods of Suspension) Act 2003 (c.12), **s. 4**
- C15** S. 47 modified (26.1.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), **ss. 4, 27** (with s. 1(3)); S.I. 2007/92, **art. 2**
- C16** S. 47 modified (28.3.2018) by Northern Ireland Assembly Members (Pay) Act 2018 (c. 7), **ss. 1(1), 2(2)** (with s. 1(3))
- C17** S. 47 modified (6.12.2022) by Northern Ireland (Executive Formation etc) Act 2022 (c. 48), **ss. 10(1)(a)(6), 14(2)**
- C18** S. 47(9)(a) modified (4.12.2003) by The Northern Ireland Act 1998 (Modification) Order 2003 (S.I. 2003/3039), **art. 2**

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#### [<sup>F42</sup>47A Resolutions about reduction of remuneration

- (1) If, in relation to the salary payable under section 47 to a Minister or junior Minister, the Assembly resolves that the whole or a specified part of the salary payable for a specified period shall not be payable—
  - (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, the salary payable to him under that section shall be reduced accordingly.
- (2) If, in relation to the salaries payable under section 47 to members of the Assembly who are members of a particular political party, the Assembly resolves that the whole or a specified part of the salaries payable for a specified period shall not be payable—
  - (a) because that party 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, the salaries payable to them under that section shall be reduced accordingly.
- (3) The Assembly may, before the end of the period by reference to which a reduction under subsection (1) or (2) falls to be made, by resolution extend that period.
- <sup>F43</sup>(4) .....
- (5) The period by reference to which a reduction under subsection (1) or (2) falls to be made shall come to an end if the Assembly—
  - (a) is dissolved; or
  - (b) resolves to bring the reduction to an end.
- (6) 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 (7).
- (7) 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.
- (8) In forming an opinion under subsection (7), the Secretary of State shall in particular take into account the matters listed in section 30(7).
- (9) A resolution under this section shall not be passed without cross-community support.
- (10) In this section a reference to—
  - (a) the period by reference to which a reduction under subsection (1) or (2) falls to be made, <sup>F44</sup>...
  - <sup>F44</sup>(b) .....  
is, where the period has been extended, a reference to the period as extended.

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*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Part IV. (See end of Document for details)*

#### Textual Amendments

- F42** Ss. 47A-47C inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), ss. 7(1), 12; S.I. 2004/83, art. 2
- F43** S. 47A(4) 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(e)(i)
- F44** S. 47A(10)(b) and preceding word 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(e)(ii)

### 47B Secretary of State's powers in relation to reduction of remuneration

- [<sup>F45</sup>(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 47A(1), (2), (3) or (4) 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 47A(1), the Secretary of State may, in relation to the salary payable under section 47 to the Minister or junior Minister concerned, by direction provide that the whole or a specified part of the salary payable for a specified period shall not be payable (subject to subsection (4)).
- (3) Where this section applies because of—
- (a) the failure of a motion for a resolution under section 47A(3) to extend a period by reference to which a reduction under section 47A(1) falls to be made, or
  - (b) the failure of a motion for a resolution under section 47A(4) to extend a period by reference to which provision for non-payability under subsection (2) applies,
- the Secretary of State may, before the end of that period, by direction extend that period (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 47A(2), the Secretary of State may, in relation to the salaries payable under section 47 to members of the Assembly who are members of the political party concerned, by direction provide that the whole or a specified part of the salaries payable for a specified period shall not be payable (subject to subsection (7)).
- (6) Where this section applies because of—
- (a) the failure of a motion for a resolution under section 47A(3) to extend a period by reference to which a reduction under section 47A(2) falls to be made, or

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- (b) the failure of a motion for a resolution under section 47A(4) to extend a period by reference to which provision for non-payability under subsection (5) applies,
- the Secretary of State may, before the end of that period, by direction extend that period (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) The period by reference to which provision for non-payability under subsection (2) or (5) applies 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) the period by reference to which provision for non-payability under subsection (2) or (5) applies, or
- (b) the period by reference to which a reduction under section 47A(1) or (2) falls to be made,
- is, where the period has been extended, a reference to the period as extended.]

#### Textual Amendments

**F42** Ss. 47A-47C inserted (7.1.2004) by [Northern Ireland \(Monitoring Commission etc.\) Act 2003 \(c. 25\)](#), [ss. 7\(1\), 12](#); [S.I. 2004/83](#), [art. 2](#)

**F45** S. 47B 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](#)

#### Modifications etc. (not altering text)

**C19** S. 47B modified (temp.) (21.4.2004) by [The Northern Ireland Act 1998 and Northern Ireland Act 2000 \(Modification\) Order 2004 \(S.I. 2004/1164\)](#), [art. 2](#)

### 47C [F46Section 47A]: specified periods and extensions

- (1) A period specified under section 47A(1) or (2) <sup>F47</sup>...—
- (a) shall begin no earlier than the end of the day when the resolution or direction specifying it is passed or given;
- (b) shall begin no later than the end of the period of one month beginning with that day; and
- (c) shall not be longer than 12 months.
- (2) The power under section 47A(3) <sup>F48</sup>... to extend a period is a power to extend it until the end of such period of not more than 12 months beginning with the date of the resolution, <sup>F48</sup>..., by which the power is exercised as the resolution <sup>F48</sup>... may provide.]

*Status: Point in time view as at 06/12/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Part IV. (See end of Document for details)*

### Textual Amendments

- F42** Ss. 47A-47C inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 7(1), 12**; S.I. 2004/83, **art. 2**
- F46** Words in s. 47C title substituted (1.4.2011) by Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), **arts. 1(2), 5(f)(iii)**
- F47** Words in s. 47C(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(f)(i)**
- F48** Words in s. 47C(2) 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(f)(ii)**

## 48 Pensions of members.

- (1) The Assembly may make provision for the payment of pensions, gratuities or allowances to, or in respect of, any person who—
- has ceased to be a member of the Assembly; or
  - has ceased to hold [<sup>F49</sup>an office within subsection (1A)] but continues to be a member of the Assembly.

[<sup>F50</sup>(1A) An office is within this subsection if the salary payable under section 47 to a member of the Assembly holding the office is higher than the salary payable under that section to members of the Assembly generally.]

- (2) Such provision may, in particular, include provision for—
- contributions or payments towards provision for such pensions, gratuities or allowances;
  - the establishment and administration (whether by the Commission or otherwise) of one or more pension schemes.

[<sup>F51</sup>(2A) Where any salary payable to a person under section 47 is not payable because of [<sup>F52</sup>section 47A], any provision made under this section for the payment of pensions which has effect in relation to him shall apply as if the salary were payable.]

- (3) In this section—
- “the Commission” means the Northern Ireland Assembly Commission;
- “provision” includes provision—
- by an Act of the Assembly [<sup>F53</sup>(which may include provision establishing an office or body, provision conferring functions on an office-holder or body and ancillary provision)] ; or
  - by a resolution of the Assembly conferring functions on the Commission.

- (4) Any expenditure incurred by the Assembly under this section shall be defrayed out of money appropriated by Act of the Assembly.

### Extent Information

- E1** S. 48: functions of Assembly made exercisable by Secretary of State (temp. from 12.2.2000 to 30.5.2000) by 2000 c. 1, s. 1(8), **Sch. para. 9(1)**; S.I. 2000/396, **art. 2**; S.I. 2000/1445, **art. 2**

*Status: Point in time view as at 06/12/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Part IV. (See end of Document for details)*

### Textual Amendments

- F49** Words in s. 48(1)(b) substituted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 2(2), 3(3)**; S.I. 2010/1726, art. 2
- F50** S. 48(1A) inserted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 2(3), 3(3)**; S.I. 2010/1726, art. 2
- F51** S. 48(2A) inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 7(2), 12**; S.I. 2004/83, art. 2
- F52** Words in s. 48(2A) substituted (1.4.2011) by Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), **5(g)**
- F53** Words in s. 48(3) inserted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 2(4), 3(3)**; S.I. 2010/1726, art. 2

### Modifications etc. (not altering text)

- C20** S. 48 restricted (12.2.2000) by 2000 c. 1, s. 1(8), **Sch. para. 9(3)**; S.I. 2000/396, art. 2
- C21** S. 48 applied (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), **ss. 23(5), 87(1)**; S.R. 2010/113, art. 2, **Sch. para. 3**
- C22** S. 48 modified (28.3.2018) by Northern Ireland Assembly Members (Pay) Act 2018 (c. 7), **ss. 1(2), 2(2)** (with s. 1(3))
- C23** S. 48 modified (6.12.2022) by Northern Ireland (Executive Formation etc) Act 2022 (c. 48), **ss. 10(1)(b)(6), 14(2)** (with s. 10(5))

### Miscellaneous

#### 49 Letters Patent etc.

- (1) Her Majesty may by Order in Council make provision as to—
- (a) the form and manner of preparation; and
  - (b) the publication,
- of Letters Patent signed with Her Majesty's own hand signifying Her Assent to a Bill passed by the Assembly.
- (2) If the First Minister and the deputy First Minister acting jointly so direct, impressions with the same device as the Great Seal of Northern Ireland shall be taken in such manner, of such size and on such material as is specified in the direction.
- (3) Each such impression—
- (a) shall be known as a Wafer Great Seal of Northern Ireland; and
  - (b) shall be kept in accordance with directions of the First Minister and the deputy First Minister acting jointly.
- (4) If a Wafer Great Seal of Northern Ireland has been applied to Letters Patent mentioned in subsection (1), the document has the same validity as if it had passed under the Great Seal of Northern Ireland.

### Commencement Information

- I2** S. 49 wholly in force at 2.12.1999; s. 49 not in force at Royal Assent see s. 101(3); s. 49(1) in force at 1.3.1999 by S.I. 1999/340, art. 2(3), **Sch. Pt. 3**; s. 49(2)-(4) in force at 2.12.1999 by S.I. 1999/3209, art. 2, **Sch.**

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*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Part IV. (See end of Document for details)*

## 50 Privilege.

- (1) For the purposes of the law of defamation, absolute privilege shall attach to—
  - (a) the making of a statement in proceedings of the Assembly; and
  - (b) the publication of a statement under the Assembly’s authority.
- (2) A person is not guilty of contempt of court under the strict liability rule as the publisher of any matter—
  - (a) in the course of proceedings of the Assembly which relate to a Bill or subordinate legislation; or
  - (b) to the extent that it consists of a fair and accurate report of such proceedings which is made in good faith.
- (3) In this section—

“statement” has the same meaning as in the <sup>M7</sup>Defamation Act 1996;  
“the strict liability rule” has the same meaning as in the <sup>M8</sup>Contempt of Court Act 1981.

### Marginal Citations

M7 1996 c.31.

M8 1981 c.49.

## 51 Resignation of members.

A member of the Assembly may at any time resign his seat by notice in writing to the Presiding Officer.

### [<sup>F54</sup>51A Resolutions about reduction of financial assistance

- (1) If the Assembly resolves that the whole or a specified part of any financial assistance payable for a specified period under the Financial Assistance for Political Parties Act (Northern Ireland) 2000 to a particular political party shall not be payable—
  - (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, the financial assistance payable to it under that Act shall be reduced accordingly.
- (2) The Assembly may, before the end of the period by reference to which a reduction under subsection (1) falls to be made, by resolution extend that period.
- <sup>F55</sup>(3) .....
- (4) The period by reference to which a reduction under subsection (1) falls to be made shall come to an end if the Assembly—
  - (a) is dissolved; or
  - (b) resolves to bring the reduction 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

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- (c) it is moved by the Presiding Officer in pursuance of a notice under subsection (6).
- (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 the matters listed in section 30(7).
- (8) A resolution under this section shall not be passed without cross-community support.
- (9) In this section a reference to—
- (a) the period by reference to which a reduction under subsection (1) falls to be made,<sup>F56</sup> ...
  - <sup>F56</sup>(b) .....  
is, where the period has been extended, a reference to the period as extended.

#### Textual Amendments

- F54** Ss. 51A-51C inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003, {ss. 8}, 12; [S.I. 2004/83, art. 2](#)
- F55** S. 51A(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(h)(i)**
- F56** S. 51A(9)(b) and preceding word 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(h)(ii)**

### 51B Secretary of State's powers in relation to reduction of financial assistance

- [<sup>F57</sup>(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 51A(1), (2) or (3) in relation to a political party; and
  - (c) the first motion for a resolution under that provision in relation to the 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 51A(1), the Secretary of State may by direction provide that the whole or a specified part of any financial assistance payable for a specified period under the Financial Assistance for Political Parties Act (Northern Ireland) 2000 to the political party concerned shall not be payable (subject to subsection (5)).
- (3) Where this section applies because of the failure of a motion for a resolution under section 51A(2) to extend the period by reference to which a reduction under section 51A(1) falls to be made, the Secretary of State may, before the end of that period, by direction extend that period (subject to subsection (5)).
- (4) Where this section applies because of the failure of a motion for a resolution under section 51A(3) to extend the period by reference to which provision for non-payability



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- under subsection (2) applies, the Secretary of State may, before the end of that period, by direction extend that period (subject to subsection (5)).
- (5) The Secretary of State may exercise the power under subsection (2), (3) or (4) 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.
- (6) The period by reference to which provision for non-payability under subsection (2) applies shall come to an end if—
- (a) the Secretary of State by direction so provides; or
  - (b) the Assembly is dissolved.
- (7) In subsection (1)(a) “the Monitoring Commission” means the Commission mentioned in section 1 of the Northern Ireland (Monitoring Commission etc.) Act 2003.
- (8) In this section a reference to—
- (a) the period by reference to which provision for non-payability under subsection (2) applies, or
  - (b) the period by reference to which a reduction under section 51A(1) falls to be made,
- is, where the period has been extended, a reference to the period as extended.]

#### Textual Amendments

**F54** Ss. 51A-51C inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003, {ss. 8}, 12; S.I. 2004/83, [art. 2](#)

**F57** S. 51B 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](#)

#### Modifications etc. (not altering text)

**C24** S. 51B modified (temp.) (21.4.2004) by [The Northern Ireland Act 1998 and Northern Ireland Act 2000 \(Modification\) Order 2004 \(S.I. 2004/1164\)](#), [art. 3](#)

### 51C <sup>F58</sup>Section 51A] : specified periods and extensions

- (1) A period specified under section 51A(1)<sup>F59</sup>...—
- (a) shall begin no earlier than the end of the day when the resolution or direction specifying it is passed or given;
  - (b) shall begin no later than the end of the financial year in which that day falls; and
  - (c) shall not be longer than 12 months.
- (2) The power under section 51A(2)<sup>F60</sup>... to extend a period is a power to extend it until the end of such period of not more than 12 months beginning with the date of the resolution,<sup>F60</sup>..., by which the power is exercised as the resolution<sup>F60</sup>... may provide.]

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*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Part IV. (See end of Document for details)*

#### Textual Amendments

- F54** Ss. 51A-51C inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003, {ss. 8}, 12; S.I. 2004/83, **art. 2**
- F58** Words in s. 51C title substituted (1.4.2011) by Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), **5(i)(iii)**
- F59** Words in s. 51C(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(i)(i)**
- F60** Words in s. 51C(2) 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(i)(ii)**

#### [<sup>F61</sup>51D Censure resolutions

- (1) This section applies to the following resolutions of the Assembly—
- (a) a resolution censuring a Minister or junior Minister—
    - (i) because he is not committed to non-violence and exclusively peaceful and democratic means; or
    - (ii) because of any failure of his to observe any other terms of the pledge of office;
  - (b) a resolution censuring a political party—
    - (i) because it is not committed to non-violence and exclusively peaceful and democratic means; or
    - (ii) 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.
- (2) A motion for a resolution to which this section applies 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 (3).
- (3) If the Secretary of State is of the opinion that the Assembly ought to consider a resolution to which this section applies, he shall serve a notice on the Presiding Officer requiring him to move a motion for such a resolution.
- (4) In forming an opinion under subsection (3), the Secretary of State shall in particular take into account the matters listed in section 30(7).
- (5) A resolution to which this section applies shall not be passed without cross-community support.]

#### Textual Amendments

- F61** S. 51D inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 9**, 12; S.I. 2004/83, **art. 2**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Act 1998, Part IV.