



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART V

NSMC, BIC, BIIC ETC.

VALID FROM 02/12/1999

#### **52 North-South Ministerial Council and British-Irish Council.**

- (1) The First Minister and the deputy First Minister acting jointly shall make such nominations of Ministers and junior Ministers (including where appropriate alternative nominations) as they consider necessary to ensure—
  - (a) such cross-community participation in the North-South Ministerial Council as is required by the Belfast Agreement; and
  - (b) such cross-community participation in the British-Irish Council as is so required.
- (2) It shall be a Ministerial responsibility of a Minister or junior Minister nominated under subsection (1)(a) or (b) to participate in the Council concerned in such meetings or activities as are specified in the nomination.
- (3) Without prejudice to the operation of section 24, such a Minister or junior Minister shall act in accordance with any decisions of the Assembly or the Executive Committee which are relevant to his participation in the Council concerned.
- (4) A Minister may in writing authorise a Minister or junior Minister who has been nominated under subsection (1)(a) or (b) to enter into agreements or arrangements in respect of matters for which he is responsible.
- (5) The First Minister and the deputy First Minister acting jointly shall, as far in advance of each meeting of either Council as is reasonably practicable, give to the Executive Committee and to the Assembly the following information in relation to the meeting—
  - (a) the date;

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- (b) the agenda; and
  - (c) nominations made under subsection (1) for the purposes of the meeting.
- (6) A Minister or junior Minister who participates in a meeting of either Council by reason of a nomination under this section shall, as soon as reasonably practicable after the meeting, make a report—
- (a) to the Executive Committee; and
  - (b) to the Assembly.
- (7) A report under subsection (6)(b) shall be made orally unless standing orders authorise it to be made in writing.
- (8) The Northern Ireland contributions towards the expenses of the Councils shall be defrayed as expenses of the Department of Finance and Personnel.
- (9) In this section “participate” shall be construed—
- (a) in relation to the North-South Ministerial Council, in accordance with paragraphs 5 and 6 of Strand Two of the Belfast Agreement;
  - (b) in relation to the British-Irish Council, in accordance with the first paragraph 5 of Strand Three of that Agreement.

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

- C1** S. 52 amended (temp. from 12.2.2000 to 30.5.2000) by 2000 c. 1, s. 1(5); S.I. 2000/396, art. 2, S.I. 2000/1445, art. 2
- C2** S. 52(8): transfer of functions (26.6.2001) by S.R. 2001/229, art. 3

VALID FROM 08/05/2007

**[<sup>F1</sup>52A North-South Ministerial Council and British-Irish Council**

- (1) The First Minister and the deputy First Minister acting jointly shall, as far in advance of each meeting of the North-South Ministerial Council or the British-Irish Council as is reasonably practicable, give to the Executive Committee and to the Assembly the following information in relation to the meeting—
- (a) the date;
  - (b) the agenda; and
  - (c) (once determined under this section) the names of the Ministers or junior Ministers who are to attend the meeting.
- (2) Each Minister or junior Minister who has responsibility (whether or not with another Minister or junior Minister) in relation to any matter included in the agenda for a meeting of either Council (“appropriate Minister”) shall be entitled—
- (a) to attend the meeting; and
  - (b) to participate (see section 52C) in the meeting so far as it relates to that matter.
- (3) An appropriate Minister may nominate another Minister or junior Minister—
- (a) to attend the meeting in place of the appropriate Minister; and

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- (b) to participate in the meeting so far as it relates to matters for which the appropriate Minister has responsibility,  
but a person may not be nominated under this subsection without his consent.
- (4) Each appropriate Minister shall notify the First Minister and the deputy First Minister, as soon as reasonably practicable and in any event no later than 10 days before the date of the meeting, that—
- (a) he intends to attend the meeting;
  - (b) he does not intend to attend the meeting but has nominated another person under subsection (3) to attend in his place; or
  - (c) he does not intend to attend the meeting and he does not intend, or has not been able, to make such a nomination,
- and a notification under paragraph (b) shall include the name of the person nominated.
- (5) If the appropriate Minister gives a notification under subsection (4)(c) (or if the First Minister and the deputy First Minister receive no notification from him under subsection (4)), the First Minister and the deputy First Minister acting jointly shall nominate a Minister or junior Minister—
- (a) to attend the meeting in place of the appropriate Minister; and
  - (b) to participate in the meeting so far as it relates to matters for which the appropriate Minister has responsibility.
- (6) In relation to a matter for which the First Minister and the deputy First Minister are the appropriate Ministers—
- (a) the notification to be made by each of them under subsection (4) shall be made to the other; and
  - (b) if either of them (“A”) gives a notification under subsection (4)(c) (or if the other (“B”) receives no notification from A under subsection (4)), B (acting alone) shall make the nomination under subsection (5) in relation to A.
- (7) The First Minister and the deputy First Minister acting jointly shall make such nominations (or further nominations) of Ministers and junior Ministers (including where appropriate alternative nominations) as they consider necessary to ensure such cross-community participation in either Council as is required by the Belfast Agreement.
- (8) Subsection (9) applies in relation to any matter included in the agenda for a meeting of either Council if—
- (a) the First Minister and the deputy First Minister are not the appropriate Ministers in relation to the matter; but
  - (b) the matter is one that ought, by virtue of section 20(3) or (4), to be considered by the Executive Committee.
- (9) The First Minister and the deputy First Minister acting jointly shall also be entitled—
- (a) to attend the meeting; and
  - (b) to participate in the meeting so far as it relates to that matter.
- (10) In this section “day” does not include a Saturday, a Sunday, Christmas Day, Good Friday and any day which is a bank holiday in Northern Ireland.

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### Textual Amendments

- F1** Ss. 52A-52C substituted for s. 52 (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 12, 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

VALID FROM 08/05/2007

### 52B Section 52A: duty to attend Council meetings etc

- (1) It shall be a Ministerial responsibility of—
  - (a) each appropriate Minister; or
  - (b) if a Minister or junior Minister is nominated under section 52A(3) or (5) to attend a meeting of the North-South Ministerial Council or the British-Irish Council in place of an appropriate Minister, that Minister or junior Minister, to participate in the meeting so far as it relates to matters for which the appropriate Minister has responsibility.
- (2) It shall be a Ministerial responsibility of a Minister or junior Minister nominated to attend a meeting of either Council under section 52A(7) to participate in the meeting so far as specified in the nomination.
- (3) Each appropriate Minister shall give to—
  - (a) a person nominated under section 52A(3) or (5) to attend a meeting of either Council in his place; or
  - (b) a person nominated under section 52A(7) to participate in a meeting of either Council so far as specified in the nomination,
 such information as may be necessary to enable the person's full participation in the meeting.
- (4) But if the appropriate Minister does not give sufficient information under subsection (3) to enable the person's full participation in the meeting—
  - (a) the First Minister and the deputy First Minister acting jointly may request the necessary information; and
  - (b) if they do so, the appropriate Minister must give that information to the person nominated.
- (5) A person nominated under section 52A(3) or (5) may enter into agreements or arrangements in respect of matters for which the appropriate Minister is (or the appropriate Ministers are) responsible.
- (6) Without prejudice to the operation of section 24, a Minister or junior Minister attending a meeting of either Council by virtue of any provision of section 52A or this section shall act in accordance with any decisions of the Assembly or the Executive Committee (by virtue of section 20) which are relevant to his participation in the Council concerned.
- (7) In this section “appropriate Minister”, in relation to a meeting of the North-South Ministerial Council or the British-Irish Council, has the same meaning as in section 52A.

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### Textual Amendments

- F1** Ss. 52A-52C substituted for s. 52 (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 12, 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

VALID FROM 08/05/2007

### 52C Sections 52A and 52B: supplementary

- (1) If any question arises under section 52A or 52B as to which Minister or junior Minister has responsibility for any matter, the First Minister and the deputy First Minister acting jointly shall determine that question.
- (2) A Minister or junior Minister who participates in a meeting of either the North-South Ministerial Council or the British-Irish Council by virtue of any provision of section 52A or 52B shall, as soon as reasonably practicable after the meeting, make a report—
  - (a) to the Executive Committee; and
  - (b) to the Assembly.
- (3) A report under subsection (2)(b) shall be made orally unless standing orders authorise it to be made in writing.
- (4) The Northern Ireland contributions towards the expenses of the Councils shall be defrayed as expenses of the Office of the First Minister and deputy First Minister.
- (5) In sections 52A and 52B and this section “participate” shall be construed—
  - (a) in relation to the North-South Ministerial Council, in accordance with paragraphs 5 and 6 of Strand Two of the Belfast Agreement;
  - (b) in relation to the British-Irish Council, in accordance with the first paragraph 5 of Strand Three of that Agreement.]

### Textual Amendments

- F1** Ss. 52A-52C substituted for s. 52 (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 12, 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

VALID FROM 02/12/1999

### 53 Agreements etc. by persons participating in Councils.

- (1) This section applies to any agreement or arrangement entered into by a Minister or junior Minister participating, by reason of a nomination under section 52, in a meeting of the North-South Ministerial Council or the British-Irish Council.
- (2) Provision may be made by Act of the Assembly for giving effect to any agreement or arrangement to which this section applies, including provision—

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- (a) for transferring to any body designated by or constituted under the agreement or arrangement any functions which would otherwise be exercisable by any Minister or Northern Ireland department;
  - (b) for transferring to a Minister or Northern Ireland department any functions which would otherwise be exercisable by any authority outside Northern Ireland.
- (3) Subsection (2) has effect notwithstanding anything in subsection (2)(a) of section 6; but it does not affect—
- (a) the operation of subsection (2)(b) to (f) of that section; or
  - (b) the operation of section 8 or 15 in relation to the enactment of any Act of the Assembly.
- (4) No agreement or arrangement to which this section applies entered into for the establishment after the appointed day of an implementation body shall come into operation without the approval of the Assembly.
- (5) In subsection (4) “implementation body” means a body for implementing, on the basis mentioned in paragraph 11 of Strand Two of the Belfast Agreement, policies agreed in the North-South Ministerial Council.

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

- C3** S. 53 amended (*temp.* 12.2.2000 - 30.5.2000) by 2000 c. 1, s. 1(5); S.I. 2000/396, art. 2; S.I. 2000/1445, art. 2

VALID FROM 02/12/1999

**54 British-Irish Intergovernmental Conference.**

- (1) This section applies where excepted or reserved matters relating to Northern Ireland are to be discussed at a meeting of the British-Irish Intergovernmental Conference.
- (2) The First Minister and the deputy First Minister acting jointly shall ensure that there is such cross-community attendance by Ministers and junior Ministers at the meeting as is required by the Belfast Agreement.

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

- C4** S. 54 amended (*temp.* 12.2.2000 - 30.5.2000) by 2000 c. 1, s. 1(5); S.I. 2000/396, art. 2; S.I. 2000/1445, art. 2

**55 Implementation bodies.**

- (1) The Secretary of State may make an order about any body—
  - (a) which he considers to be an implementation body; and
  - (b) which is, or is to be, established on or before the appointed day.

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- (2) An order under this section may make any such provision as may be made (after the appointed day) by Act of the Assembly and may in particular—
- (a) confer on the body the legal capacities of a body corporate;
  - (b) confer on the body any function which the Secretary of State considers necessary or expedient for the purpose for which it is, or is to be, established;
  - (c) confer on a Northern Ireland department power to make grants to the body out of money appropriated by Act of the Assembly;
  - (d) make provision as to the accounting and audit arrangements which are to apply in relation to the body; and
  - (e) make consequential or supplementary provisions, including provisions amending or repealing any Northern Ireland legislation, or any instrument made under such legislation.
- (3) In this section “implementation body” means a body for implementing, on the basis mentioned in paragraph 11 of Strand Two of the Belfast Agreement, policies agreed in the North-South Ministerial Council.

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

- C5 S. 55(2)(b) amended (temp. 12.2.2000 - 30.5.2000) by 2000 c. 1, s. 1(7); S.I. 2000/396, art. 2, S.I. 2000/1445, art. 2

VALID FROM 02/12/1999

**[<sup>F2</sup>56 Civic Forum.**

- (1) The First Minister and the deputy First Minister acting jointly shall make arrangements for obtaining from the Forum its views on social, economic and cultural matters.
- (2) The arrangements so made shall not take effect until after they have been approved by the Assembly.
- (3) The expenses of the Forum shall be defrayed as expenses of the Department of Finance and Personnel.
- (4) In this section “the Forum” means the consultative Civic Forum established in pursuance of paragraph 34 of Strand One of the Belfast Agreement by the First Minister and the deputy First Minister acting jointly.]

**Textual Amendments**

- F2 S. 56 ceases to have effect (temp. from 12.2.2000 to 30.5.2000) by virtue of 2000 c. 1, s. 1(8), Sch. para. 4(d); S.I. 2000/396, art. 2, S.I. 2000/1445, art. 2

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

- C6 S. 56(3): transfer of functions (26.6.2001) by S.R. 2001/229, art. 3

**Status:**

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**Changes to legislation:**

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