

*Status: Point in time view as at 01/04/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Cross Heading: Provisions relating to relevant Minister. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 4A

#### DEPARTMENT WITH POLICING AND JUSTICE FUNCTIONS

##### Textual Amendments

- F1** Sch. 4A inserted (11.3.2009) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 17, 31, **Sch. 2** (as amended (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 8, 9, 27, Sch. 5 paras. 8-14, Sch. 6 (with s. 1(3)); S.I. 2007/1397, art. 2 (which amending Act was itself amended (27.3.2007) by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1)) and as amended (11.3.2009) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 44, 53, Sch. 5 paras. 2, 3; S.I. 2009/446, art. 3); S.I. 2009/448, **art. 2**

#### PART 1

#### DEPARTMENT IN THE CHARGE OF MINISTER APPROVED BY RESOLUTION OF ASSEMBLY [<sup>F1</sup>BY VIRTUE OF SECTION 21A(3)]

##### Textual Amendments

- F1** Words in Sch. 4 Pt. 1 heading inserted (12.3.2009) by Northern Ireland Act 2009 (c. 3), ss. 1, 5, **Sch. 1 para. 4(2)**

#### *Provisions relating to relevant Minister*

- 3 (1) Where any of the conditions in paragraphs (b) to (e) of section 18(1) is satisfied—
- (a) the relevant Minister shall (if holding office at the time) cease to hold office; and
  - (b) the relevant Ministerial office shall be filled by applying sub-paragraphs (3) to (6) within a period specified in standing orders.
- (2) The relevant Ministerial office shall be filled by applying sub-paragraphs (3) to (6) before section 18(2) to (6) is applied in relation to the other Ministerial offices.
- (3) The First Minister and the deputy First Minister acting jointly shall nominate a member of the Assembly to hold the relevant Ministerial office.
- (3A) But a member of the Assembly who is a member of a political party may not be nominated unless the nominating officer of the party consents to his nomination within a period specified in standing orders.
- (4) The nomination shall not take effect unless it is approved by a resolution of the Assembly passed with the support of—
- (a) a majority of the members voting on the motion for the resolution;

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- (b) a majority of the designated Nationalists voting; and
  - (c) a majority of the designated Unionists voting.
- (5) If—
- (a) the nomination does not take effect within a period specified in standing orders; or
  - (b) the nominated person does not take up the office for which he has been nominated within that period,
- a further nomination of a member of the Assembly shall be made under sub-paragraph (3).
- (6) Sub-paragraphs (3) to (5) shall be applied as many times as may be necessary to secure that the relevant Ministerial office is filled.
- (7) The holding of office as First Minister or deputy First Minister shall not prevent a person being nominated to hold the relevant Ministerial office.
- (8) The relevant Minister shall not take up office until he has affirmed the terms of the pledge of office.
- (9) The relevant Minister shall cease to hold office if—
- (a) he resigns by notice in writing to the First Minister and the deputy First Minister;
  - (b) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution; or
  - (c) he is dismissed by the First Minister and the deputy First Minister acting jointly and the Presiding Officer is notified of his dismissal; or
  - (d) where consent to his nomination was required under sub-paragraph (3A), he is dismissed by the nominating officer who consented (or that officer's successor) and the Presiding Officer is notified of his dismissal.
- (10) If the relevant Minister ceases to hold office at any time, otherwise than by virtue of sub-paragraph (1), the relevant Ministerial office shall be filled by applying sub-paragraphs (3) to (6) within a period specified in standing orders.
- (10A) If, as a result of the relevant Minister (“the former Minister”) ceasing to hold office and the relevant Ministerial office being filled by virtue of sub-paragraph (10),—
- (a) the total number of Ministerial offices held by members of a political party increases; or
  - (b) the total number of Ministerial offices held by members of a political party decreases,
- all other Northern Ireland Ministers shall cease to hold office and those Ministerial offices shall be filled by applying section 18(2) to (6) within a period specified in standing orders.
- (10B) But sub-paragraph (10A) shall not apply if—
- (a) the former Minister ceased to hold office by virtue of being dismissed by a nominating officer under sub-paragraph (9)(d); and
  - (b) before the relevant Ministerial office was filled, either of the conditions in sub-paragraph (10C) was satisfied in relation to each member of the Assembly who was a member of the political party of the nominating officer.
- (10C) The conditions are that—

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- (a) the First Minister and the deputy First Minister sought to nominate the member under sub-paragraph (3) for the relevant Ministerial office but consent to his nomination was not given in accordance with sub-paragraph (3A); or
- (b) the member was nominated under sub-paragraph (3) for the relevant Ministerial office and the nomination took effect within the period specified in standing orders by virtue of sub-paragraph (5)(a), but the member did not take up the office within that period.

(11) Where—

- (a) the Assembly has resolved under section 30(2) that a political party does not enjoy its confidence; and
- (b) the party's period of exclusion under that provision has not come to an end, no member of that party may be nominated under sub-paragraph (3).

<sup>F2</sup>(12) .....

(13) In this paragraph, a reference to a period of exclusion <sup>F3</sup>... is, in the case of a period of exclusion <sup>F3</sup>... which has been extended, a reference to that period as extended.

(14) In this paragraph “nominating officer” has the same meaning as in section 18.]

**Textual Amendments**

- F2** Sch. 4A para. 3(12) 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(k)(i)(aa)
- F3** Words in Sch. 4A para. 3(13) 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(k)(i)(bb)

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