

Status: Point in time view as at 22/05/2023.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, PART 4. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 6A

EU WITHDRAWAL: DEMOCRATIC CONSENT PROCESS

Textual Amendments

- F1** Sch. 6A inserted (10.12.2020) by [The Protocol on Ireland/Northern Ireland \(Democratic Consent Process\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1500\)](#), regs. 1(2), 2(3)

PART 4

ALTERNATIVE DEMOCRATIC CONSENT PROCESS

Application

11. This Part applies if the offices of the First Minister and the deputy First Minister are vacant (and their functions are not otherwise being exercised by another Northern Ireland Minister in accordance with section 16A(11)) at the beginning of the day on which the Secretary of State is required to give the notification of the start of the democratic consent process in relation to a new continuation period.

Giving the notification of the start of the democratic consent process

12. (1) The Secretary of State must give the notification of the start of the democratic consent process to —
- the Presiding Officer, and
 - the clerk to the Assembly.
- (2) The notification of the start of the democratic consent process must state that the alternative democratic consent process applies.
- (3) As soon as practicable after giving notice under sub-paragraph (1), the Secretary of State must take reasonable steps to provide the members of the Assembly with such explanatory materials as it is reasonable to provide in order to assist them when deciding the question on the motion for a consent resolution.
- (4) In this paragraph “the clerk to the Assembly” means the person who holds or exercises the functions of that office in accordance with the standing orders or practice of the Assembly.

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Presiding Officer to inform members of the Assembly

13. On receipt of a notification of the start of the democratic consent process under this Part, the Presiding Officer must take such steps as the Presiding Officer considers necessary to bring the notification to the attention of the members of the Assembly.

Consent resolution: motion by a member of the Assembly

14. (1) Where the Secretary of State has given a notification of the start of the democratic consent process under this Part in relation to a new continuation period, any member of the Assembly may table notice of a motion for a consent resolution which relates to the new continuation period.
- (2) Sub-paragraph (1) does not prevent any other members of the Assembly—
- (a) from adding their names to the notice of the motion that has been tabled, or
 - (b) having done so, from moving the motion,
- in accordance with the standing orders or practice of the Assembly.

Consent resolution: requirement to consider motion

15. (1) This paragraph applies in either of the following cases.
- (2) Case A is where—
- (a) the Secretary of State gives a notification of the start of the democratic consent process under this Part in relation to a new continuation period, and
 - (b) before the start of the final one month of the current period, no member of the Assembly has tabled notice of a motion for a consent resolution which relates to the new continuation period.
- (3) Case B is where—
- (a) the Secretary of State gives a notification of the start of the democratic consent process under this Part in relation to a new continuation period,
 - (b) before the start of the final one month of the current period, a member of the Assembly tables notice of a motion for a consent resolution which relates to the new continuation period, and
 - (c) before the start of the final 25 days of the current period, the question on that motion is not decided by the Assembly.
- (4) The Assembly must sit at noon on the required sitting day (whether or not the Assembly would otherwise be sitting on that day, or at that time, and whether or not that day falls during a recess).
- (5) If, before the start of the required sitting day, a member of the Assembly has not tabled notice of a motion for a consent resolution which relates to the new continuation period, the Presiding Officer must table such a motion.
- (6) Sub-paragraph (5) does not prevent any other members of the Assembly—
- (a) from adding their names to the notice of the motion that has been tabled as soon as practicable on that day, or
 - (b) having done so, from moving the motion,
- in accordance with the standing orders or practice of the Assembly.

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- (7) The fact that a motion tabled by the Presiding Officer in accordance with sub-paragraph (5) is tabled on the required sitting day does not prevent the motion from being proceeded with on that day in accordance with this paragraph.
- (8) The motion for the consent resolution is to be proceeded with in the Assembly on the required sitting day—
 - (a) as the first business on that day; or
 - (b) where the election of the Presiding Officer or any deputy or deputies is, by virtue of this Act, any other enactment or the standing orders of the Assembly, required to be the first business on that day, as the first business after the election of the Presiding Officer or deputy or deputies.
- (9) The Presiding Officer must move the motion for the consent resolution if no other member of the Assembly moves it when it is required to be proceeded with in accordance with sub-paragraph (8).
- (10) The question on the motion for the consent resolution (if not already put) is to be put—
 - (a) at 6:00pm on the required sitting day, if the motion is proceeded with as the first business on the required sitting day (in accordance with sub-paragraph (8)(a));
 - (b) six hours after the motion is moved, if the motion is proceeded with as the first business after the election of the Presiding Officer or the deputy or deputies on the required sitting day (in accordance with sub-paragraph (8)(b)).
- (11) The Assembly may not be adjourned on the required sitting day until after the declaration of the result of the division or vote on the question on the motion for the consent resolution.
- (12) Accordingly, no motion for the adjournment of the debate on the motion for the consent resolution, or of the Assembly, may be taken on the required sitting day until after the declaration of that result.
- (13) If the question on the motion for the consent resolution is not put as required by sub-paragraph (10), and is not put at any later time on the required sitting day, then—
 - (a) the earliest day after that day that is not an excluded day is to be regarded as the required sitting day for the purposes of this paragraph, and
 - (b) sub-paragraphs (4) to (12) and this sub-paragraph are to apply again accordingly.
- (14) This paragraph has effect subject to paragraph 16.
- (15) In this paragraph and paragraph 16—

“excluded day” means—

 - (a) Saturday,
 - (b) Sunday,
 - (c) Christmas Day,
 - (d) Good Friday, and
 - (e) any day that is a public holiday in Northern Ireland;

“required sitting day” means the earliest day during the final 25 days of the current period that is not an excluded day.

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Election of an interim Presiding Officer

16. (1) This paragraph applies if on the required sitting day—
 - (a) the election of a Presiding Officer or any deputy or deputies is, by virtue of this Act, any other enactment or the standing orders of the Assembly, required to be the first business on that day, and
 - (b) the Assembly does not elect from among its members a Presiding Officer or any deputy or deputies.
- (2) The Assembly must elect from among its members an interim Presiding Officer.
- (3) Neither section 39 nor section 42 applies to the election of the interim Presiding Officer (nor is the election of any deputy or deputies required).
- (4) Accordingly, the interim Presiding Officer is to be elected by a majority of those members of the Assembly voting.
- (5) The proceedings for the election of an interim Presiding Officer are to be chaired by the oldest member of the Assembly present.
- (6) But if the oldest member present is also seeking election as interim Presiding Officer then the next oldest member present is to chair the proceedings instead, and so on.
- (7) An interim Presiding Officer—
 - (a) holds office only for the purposes of business relating to a motion for a consent resolution which relates to the new continuation period, and
 - (b) ceases to hold office once written notification of the matters mentioned in paragraph 19(2) has been given to the Secretary of State.
- (8) Standing orders may make further provision in connection with the election of an interim Presiding Officer.
- (9) In its application in a case where this paragraph applies, paragraph 15 has effect as if—
 - (a) the following were substituted for paragraph 15(8)—

“(8) The motion for the consent resolution is to be proceeded with as the first business after the election of the interim Presiding Officer.”;
 - (b) the reference to the Presiding Officer in paragraph 15(9) were a reference to the interim Presiding Officer;
 - (c) the following were substituted for paragraph 15(10)—

“(10) The question on the motion for the consent resolution (if not already put) is to be put six hours after the motion is moved.”.
- (10) In sub-paragraph (1) the reference to “the required sitting day” is to the first such day.]

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