



Northern Ireland Act 1998

1998 CHAPTER 47

PART III

EXECUTIVE AUTHORITIES

Miscellaneous

30 Exclusion of Ministers from office.

- (1) If the Assembly resolves that a Minister or junior Minister no longer enjoys the confidence of the Assembly—
- (a) because he is not committed to non-violence and exclusively peaceful and democratic means; or
 - (b) because of any failure of his to observe any other terms of the pledge of office, he shall be excluded from holding office as a Minister or junior Minister for [^{F1}such period of not less than three months, and not more than twelve months, beginning with the date of the resolution as the resolution may provide] .

[^{F2}(1A) The Assembly may, before a period of exclusion under subsection (1) [^{F3}or section 30A(2)] comes to an end, by resolution extend it until the end of such period of not less than three months, and not more than twelve months, beginning with the date of the resolution as the resolution may provide.]

- (2) If the Assembly resolves that a political party does not enjoy the confidence of the Assembly—
- (a) because it is not committed to non-violence and exclusively peaceful and democratic means; or
 - (b) because it is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office, members of that party shall be excluded from holding office as Ministers or junior Ministers for [^{F4}such period of not less than six months, and not more than twelve months, beginning with the date of the resolution as the resolution may provide] .

Status: Point in time view as at 07/01/2004. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 30. (See end of Document for details)

- [^{F5}(3) The Assembly may, before a period of exclusion under subsection (2) [^{F6}or section 30A(5)] comes to an end, by resolution extend it until the end of such period of not less than six months, and not more than twelve months, beginning with the date of the resolution as the resolution may provide.]
- (4) A period of exclusion [^{F7}under subsection (1) or (2)] shall come to an end if the Assembly—
- (a) is dissolved; or
 - (b) resolves to bring the exclusion to an end.
- (5) A motion for a resolution under this section shall not be moved unless—
- (a) it is supported by at least 30 members of the Assembly;
 - (b) it is moved by the First Minister and the deputy First Minister acting jointly; or
 - (c) it is moved by the Presiding Officer in pursuance of a notice under subsection (6).
- [^{F8}(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—
- (a) whether the person or party concerned is committed to the use now and in the future of only democratic and peaceful means to achieve his or its objectives;
 - (b) whether he or it has ceased to be involved in any acts of violence or of preparation for violence;
 - (c) whether he or it is directing or promoting acts of violence by other persons;
 - (d) whether he or it is co-operating fully with any Commission of the kind referred to in section 7 of the Northern Ireland Arms Decommissioning Act 1997 in implementing the Decommissioning section of the Belfast Agreement; and
 - (e) any recommendation about steps the Assembly might consider taking which is contained in a report—
 - (i) made by the Commission mentioned in section 1 of the Northern Ireland (Monitoring Commission etc.) Act 2003, or
 - (ii) made under the agreement establishing that Commission by members of that Commission.]
- (8) A resolution under this section shall not be passed without cross-community support.
- [^{F9}(9) In this section a reference to a period of exclusion under any provision is, in the case of a period of exclusion under that provision which has been extended, a reference to that period as extended.]

Textual Amendments

- F1** Words in s. 30(1) substituted (7.1.2004) by [Northern Ireland \(Monitoring Commission etc.\) Act 2003 \(c. 25\), ss. 4\(2\), 12; S.I. 2004/83, art. 2](#)
- F2** S. 30(1A) inserted (7.1.2004) by [Northern Ireland \(Monitoring Commission etc.\) Act 2003 \(c. 25\), ss. 4\(3\), 12; S.I. 2004/83, art. 2](#)
- F3** Words in s. 30(1A) inserted (7.1.2004) by [Northern Ireland \(Monitoring Commission etc.\) Act 2003 \(c. 25\), ss. 5\(6\)\(a\), 12; S.I. 2004/83, art. 2](#)

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- F4** Words in s. 30(2) substituted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 4(4)**, 12; S.I. 2004/83, **art. 2**
- F5** S. 30(3) substituted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 4(5)**, 12; S.I. 2004/83, **art. 2**
- F6** Words in s. 30(3) inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 5(6)(b)**, 12; S.I. 2004/83, **art. 2**
- F7** Words in s. 30(4) inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 4(6)**, 12; S.I. 2004/83, **art. 2**
- F8** S. 30(6)(7) substituted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 4(7)**, 12; S.I. 2004/83, **art. 2**
- F9** S. 30(9) inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 4(8)**, 12; S.I. 2004/83, **art. 2**

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Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 30.