

*These notes refer to the Northern Ireland Act 2006  
(c.17) which received Royal Assent on 8th May 2006*

# NORTHERN IRELAND ACT 2006

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## EXPLANATORY NOTES

### SUMMARY

3. The Northern Ireland institutions, including the Northern Ireland Assembly, have been suspended since October 2002. The Government's proposals, incorporated in this Act, involve bringing together Assembly members to participate in a process to select a Northern Ireland Executive, comprising a First Minister, a deputy First Minister and Northern Ireland Ministers. If the process is successful, full restoration of devolved government will take place.
4. The Act makes provision in relation to tasks of the Assembly members ("the Assembly"), the consequences of selecting an Executive, and the consequences of not doing so.
5. The Assembly members' key task will be to elect people to hold the offices of First and deputy First Ministers ("FM/DFM") and to ensure that the remaining Ministerial portfolios are filled. The Secretary of State may also refer other matters to them to support preparations for devolution.
6. If Assembly members are successful in electing the FM/DFM and nominating Northern Ireland Ministers before 25<sup>th</sup> November 2006 (and if all those elected or nominated affirm the terms of the pledge of office) the Secretary of State will be able to make an order for full restoration of the devolved institutions. The Secretary of State will make the "restoration order" under the [Northern Ireland Act 2000 \(c.1\)](#) ("the 2000 Act"), which provides the statutory basis for the current suspension. The FM/DFM and other Ministers will then take up office and full restoration of the institutions will take place. The 2000 Act will be repealed on the day after the order takes effect. In order to provide for the institutions to operate on a stable basis for a reasonable period, the Act provides that the next Northern Ireland Assembly elections, currently scheduled for May 2007, will be postponed to May 2008.
7. In the event of failure to elect the FM/DFM and nominate Northern Ireland Ministers (and have them affirm the terms of the pledge of office) before 25<sup>th</sup> November 2006, the Act provides for the immediate indefinite postponement of the May 2007 election (although the Secretary of State would be able to reschedule the election for sometime after this date). The Assembly, as provided for by the Act, would cease to exist on 25<sup>th</sup> November and the Northern Ireland Assembly elected on 26<sup>th</sup> November 2003 would be dissolved either in May 2007 (the scheduled date of the next Northern Ireland Assembly election), or at an earlier date if the Secretary of State made an order for this purpose. This reflects Government policy that a further election to a body that is not sitting should not be held. The Government's intention is that members of the Northern Ireland Assembly would cease to be paid (under provisions of the 2000 Act rather than under this Act). Direct rule under the 2000 Act would remain in place.