

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (St Andrews Agreement) Act 2006. (See end of Document for details)*

## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

#### Textual Amendments

- F1** Sch. 1 repealed (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), s. 2(2) (as amended by 2007 c. 4, s. 1(1)), {Sch. 2 para. 7(b)} (with s. 1(3)); S.I. 2007/1397, art. 2

### SCHEDULE 2

Section 2(2)

#### RESTORATION OF DEVOLVED GOVERNMENT ON 26 MARCH 2007

#### Commencement Information

- II** Sch. 2 in force on 26.3.2007 but only in the circumstances specified in, and in accordance with, s. 2 see ss. 2(1)(2), 27(1)

#### *Introduction*

- 1 In this Schedule “the restoration order” means the restoration order made by virtue of section 2(2).

#### *The Ministerial offices*

- 2 (1) Subsections (2) to (7) of section 3 of the 2000 Act do not apply in relation to the restoration order (and, accordingly, no person who immediately before the most recent suspension held an office mentioned in any of those subsections shall resume that office on 26 March 2007).
- (2) On 26 March 2007—
- (a) the First Minister designate shall, subject to sub-paragraph (4), become the First Minister, and
- (b) the deputy First Minister designate shall, subject to sub-paragraph (4), become the deputy First Minister,
- (and section 16A of the 1998 Act does not apply).
- (3) In sub-paragraph (2)—
- “the First Minister designate” means the person whose nomination by virtue of paragraph 3 of Schedule 1 to this Act to hold office as First Minister has effect immediately before 26 March 2007;

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“the deputy First Minister designate” means the person whose nomination by virtue of that paragraph to hold office as deputy First Minister has effect immediately before that date.

- (4) But the persons whose nominations so have effect shall not take up office until each of them has affirmed the terms of the pledge of office (within the meaning given by section 16C(14) of the 1998 Act).
- (5) On 26 March 2007, the Ministerial offices to be held by Northern Ireland Ministers shall be filled by applying section 18(2) to (6) of the 1998 Act (and section 16A of the 1998 Act does not apply).
- (6) But for that purpose, section 18 of that Act shall have effect as if the reference, in the definition of “S” in subsection (5) of that section, to the day on which the Assembly first met following its election were a reference to the first day on which the Transitional Assembly met after 7 March 2007.
- (7) In this paragraph “the most recent suspension” means the most recent suspension of the Northern Ireland Assembly by virtue of section 1 of the 2000 Act.

*Presiding Officer and deputy Presiding Officer*

- 3 (1) The person who is presiding officer of the Transitional Assembly immediately before 26 March 2007 shall be deemed to have been elected as Presiding Officer of the Northern Ireland Assembly under section 39(1) of the 1998 Act on that date (and, accordingly, any person who is a deputy Presiding Officer of the Northern Ireland Assembly immediately before that date shall cease to hold office under section 39(2) of that Act on that date).
- (2) Each person who is a deputy presiding officer of the Transitional Assembly immediately before 26 March 2007 shall be deemed to have been elected as a deputy Presiding Officer of the Northern Ireland Assembly under section 39(1) of the 1998 Act on that date.

*Restoration order: supplementary provisions*

- 4 (1) The provision that may be made by the restoration order by virtue of section 7(2) of the 2000 Act includes provision—
  - (a) for treating things done (or treated as done) under or by virtue of this Act as having been done under or by virtue of the 1998 Act;
  - (b) for treating things done (or treated as done) by or in relation to the Transitional Assembly (or members of that Assembly) as having been done by or in relation to the Northern Ireland Assembly (or members of that Assembly).
- (2) Section 2(3) of the 2000 Act (taking account of review under Validation, Implementation and Review section of Belfast Agreement) does not apply in relation to the restoration order.

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*Modification of section 29(3) of the 1998 Act and paragraph 7(7) of Schedule 1 to the Police (Northern Ireland) Act 2000*

- 5 (1) This paragraph applies in relation to the first occasion on or after 26 March 2007 on which the offices of chairmen and deputy chairmen of the statutory committees are to be filled in accordance with standing orders made under section 29 of the 1998 Act.
- (2) That section (and those standing orders) shall have effect as if the reference, in the definition of “S” in subsection (3) of that section (and in those standing orders), to the day on which the Assembly first met following its election were a reference to the first day on which the Transitional Assembly met after 7 March 2007.
- 6 (1) This paragraph applies in relation to the first occasion on or after 26 March 2007 on which the political members of the Northern Ireland Policing Board are to be nominated in accordance with paragraph 7 of Schedule 1 to the Police (Northern Ireland) Act 2000 (c. 32).
- (2) That paragraph shall have effect as if the reference, in the definition of “S” in subparagraph (7) of that paragraph, to the day on which the Assembly first met following its election were a reference to the first day on which the Transitional Assembly met after 7 March 2007.

*Repeal of certain provisions of this Act on 26 March 2007*

- 7 The following provisions of this Act are repealed—
- (a) section 1(1) and (2), and
- (b) Schedule 1.

F2F2 SCHEDULE 3

**Textual Amendments**

- F2** Sch. 3 repealed (10.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), s. 2(5) (as amended by 2007 c. 4, s. 1(1)), {Sch. 4 para. 3} (with s. 1(3)); S.I. 2007/1397, art. 2

F2

SCHEDULE 4

Section 2(5)

REPEAL OF THE NORTHERN IRELAND ACT 2000 ON 28 MARCH 2007

**Commencement Information**

- I2** Sch. 4 in force at 28.3.2007 but only in the circumstances specified in, and in accordance with, s. 2 see ss. 2(5), 27(1)

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*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (St Andrews Agreement) Act 2006. (See end of Document for details)*

*Repeal of the 2000 Act on 28 March 2007*

1 The 2000 Act is repealed.

*Repeal of the 2000 Act: supplementary provisions*

- 2 (1) [F3No determination may be made under or by virtue of] section 47 of the 1998 Act in respect of any period of suspension.
- (2) No instrument made during any period of suspension shall be liable to annulment or capable of being revoked in pursuance of a resolution, motion or address of the Northern Ireland Assembly.
- (3) Neither a restoration order nor the repeal of paragraph 1(1) of the Schedule to the 2000 Act shall affect the operation of any Order in Council made before 28 March 2007 under paragraph 1(1) of that Schedule.
- (4) References to Acts of the Northern Ireland Assembly in any enactment or instrument (whether passed or made before or after the coming into force of section 1 of the 2000 Act) are to be read, so far as the context permits, as including references to Orders in Council made under paragraph 1(1) of the Schedule to that Act.
- (5) The repeal of section 6 of the 2000 Act by virtue of paragraph 1 above shall not affect the operation of any order previously made under that section.
- (6) The repeal of section 7 of the 2000 Act by virtue of paragraph 1 above shall not affect the operation of any provision of a restoration order previously made by virtue of subsection (2) of that section.
- (7) The repeal of paragraph 9 of the Schedule to the 2000 Act by virtue of paragraph 1 above shall not affect the operation of any determination or provision previously made by virtue of that paragraph.
- (8) Subsection (4) of section 44 of the 1998 Act shall continue to include, at the end of that subsection, the words “or during a period when section 1 of the Northern Ireland Act 2000 was in force” (notwithstanding the repeal of section 9(3) of the 2000 Act by virtue of paragraph 1 above).
- (9) In this paragraph—  
     “instrument” includes a charter, contract or other document;  
     “period of suspension” means a period when section 1 of the 2000 Act was in force.
- (10) Sub-paragraphs (1) to (8) are not to be taken as limiting the provision that may be made by an order under section 23 of this Act.

**Textual Amendments**

**F3** Words in [Sch. 4 para. 2\(1\)](#) substituted (5.7.2010) by [Northern Ireland Assembly Members Act 2010 \(c. 16\)](#), [ss. 1\(13\)](#), 3(3); S.I. 2010/1726, art. 2

*Repeal of Schedule 3 to this Act on 28 March 2007*

3 Schedule 3 to this Act is repealed.

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## SCHEDULE 5

Section 8

### EXECUTIVE SELECTION: CONSEQUENTIAL AMENDMENTS

#### Commencement Information

- I3** Sch. 5 in force on 26.3.2007 if, and only if, the Secretary of State makes a restoration order by virtue of s. 2(2), see s. 27(4)(5)

#### *Northern Ireland Act 1998 (c. 47)*

- 1 The 1998 Act is amended as follows.
- 2 (1) Section 18 (Northern Ireland Ministers) is amended as follows.
- (2) Omit subsection (1)(a).
- (3) For subsection (13) substitute—
- “(13) In this section “nominating officer”, in relation to a party, means—
- (a) the person registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 as the party's nominating officer; or
- (b) a member of the Assembly nominated by him for the purposes of this section.”
- 3 In section 19A (disqualification for certain offices which may be held by members of the Assembly), in subsection (1), for paragraphs (a) and (b) substitute—
- “(a) be nominated to hold the office of First Minister or deputy First Minister or a Ministerial office to be held by a Northern Ireland Minister.”.
- 4 In section 32 (extraordinary elections), for subsection (3) substitute—
- “(3) If—
- (a) the period mentioned in section 16A(3) ends without the offices of First Minister and deputy First Minister and the Ministerial offices to be held by Northern Ireland Ministers having been filled; or
- (b) the period mentioned in section 16B(3) ends without the offices of First Minister and deputy First Minister having been filled,
- the Secretary of State shall propose a date for the poll for the election of the next Assembly.”
- 5 In section 98(1) (interpretation), in the definition of “the pledge of office”, for “16(10)” substitute “ 16C(14) ”.
- 6 (1) Schedule 12A (effect of application of section 95A(6) or (7)) is amended as follows.
- (2) In paragraph 6(4), for “16(8)” substitute “ 16B(3) to (9) ”.
- (3) In paragraph 7(4), for “16(7)” substitute “ 16B(2) ”.
- (4) In paragraph 8(1)(a), for “the six weeks” substitute “ the period of seven days ”.
- (5) In paragraph 8(3), for “16” substitute “ 16B(3) to (9) ”.
- (6) In paragraph 8(4)—

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- (a) for “for an election under section 16” substitute “ under section 16B(3) to (9) ”;
- (b) for “of six weeks mentioned in section 16(8)” substitute “ mentioned in section 16B(3) ”.

*Northern Ireland Act 2000 (c. 1)*

- 7 In section 1 of the 2000 Act (suspension of devolved government in Northern Ireland), in subsection (4), omit “elected”.

*Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33)*

- 8 In Schedule 2 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) (department with policing and justice functions), the inserted Schedule 4A to the 1998 Act is amended as follows.

- 9 After paragraph 1 insert—

*“Modification of section 16A*

- 1A Section 16A(3) shall have effect as if, for paragraph (b) (and the word “and” before it) there were substituted—

- “(aa) once those offices have been filled, the relevant Ministerial office (within the meaning of Part 1 of Schedule 4A) shall be filled by applying paragraph 3(3) to (6) of that Schedule; and
- (b) once that office has been filled, the other Ministerial offices to be held by Northern Ireland Ministers shall be filled by applying section 18(2) to (6).”

- 10 In paragraph 3 (department in the charge of Minister approved by resolution of Assembly: provisions relating to relevant Minister), in sub-paragraph (1), for “(a) to (e)” substitute “ (b) to (e) ”.

- 11 After paragraph 4 insert—

*“Modification of section 16A*

- 4A Section 16A(3) shall have effect as if, for paragraph (b) (and the word “and” before it) there were substituted—

- “(aa) once those offices have been filled, the relevant Ministerial offices (within the meaning of Part 2 of Schedule 4A) shall be filled by applying paragraph 7(3) to (6) of that Schedule; and
- (b) once those offices have been filled, the other Ministerial offices to be held by Northern Ireland Ministers shall be filled by applying section 18(2) to (6).”

- 12 In paragraph 7 (department in the charge of two Ministers: provisions relating to relevant Ministers), in sub-paragraph (1), for “(a) to (e)” substitute “ (b) to (e) ”.

- 13 After paragraph 8 insert—

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*“Modification of section 16A*

- 8A Section 16A(3) shall have effect as if, for paragraph (b) (and the word “and” before it) there were substituted—
- “(aa) once those offices have been filled, the relevant Ministerial office (within the meaning of Part 3 of Schedule 4A) and the relevant junior Ministerial office (within that meaning) shall be filled by applying paragraph 11(3) to (6) of that Schedule; and
- (b) once those offices have been filled, the other Ministerial offices to be held by Northern Ireland Ministers shall be filled by applying section 18(2) to (6).”
- 14 In paragraph 11 (department with rotation between Minister and junior Minister: provisions relating to relevant Minister and relevant junior Minister), in sub-paragraph (1), for “(a) to (e)” substitute “ (b) to (e) ”.

SCHEDULE 6

Section 9

DEPARTMENT WITH POLICING AND JUSTICE FUNCTIONS: NOMINATION ETC OF MINISTERS

**Commencement Information**

- 14** [Sch. 6](#) in force on 26.3.2007 if (and only if) the Secretary of State makes a restoration order by virtue of s. 2(2), see [s. 27\(4\)\(5\)](#)

*Introduction*

- 1 In Schedule 2 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) (department with policing and justice functions), the inserted Schedule 4A to the 1998 Act is amended as follows.

*Department in the charge of Minister approved by resolution of Assembly*

- 2 (1) Paragraph 3 (provisions relating to relevant Minister) is amended as follows.
- (2) After sub-paragraph (3) insert—
- “(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.”
- (3) In sub-paragraph (9), at the end insert “; 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.”
- (4) After sub-paragraph (10) insert—

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“(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—

- (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.”

(5) After sub-paragraph (13) insert—

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

*Department in the charge of two Ministers*

3 (1) Paragraph 7 (provisions relating to relevant Ministers) is amended as follows.

(2) After sub-paragraph (3) insert—

“(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.”

(3) In sub-paragraph (9), at the end insert “; 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.”

(4) After sub-paragraph (10) insert—



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“(10A) If, as a result of the relevant Ministers (“the former Ministers”) ceasing to hold office and the relevant Ministerial offices being filled by virtue of sub-paragraph (10)(b),—

- (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) either of the former Ministers ceased to hold office by virtue of being dismissed by a nominating officer under sub-paragraph (9)(d); and
- (b) before the relevant Ministerial offices were 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 concerned.

(10C) The conditions are that—

- (a) the First Minister and the deputy First Minister sought to nominate the member under sub-paragraph (3) for one of the relevant Ministerial offices 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 one of the relevant Ministerial offices 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.”

(5) After sub-paragraph (13) insert—

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

*Department with rotation between Minister and junior Minister*

4 (1) Paragraph 11 (provisions relating to relevant Minister and relevant junior Minister) is amended as follows.

(2) After sub-paragraph (3) insert—

“(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.”

(3) In sub-paragraph (9), at the end insert “; 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.”

(4) After sub-paragraph (11) insert—

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“(11A) If, as a result of the relevant Minister (“the former Minister”) and the relevant junior Minister (“the former junior Minister”) ceasing to hold office and the relevant Ministerial office and the relevant junior Ministerial office being filled by virtue of sub-paragraph (11)(b),—

- (a) the total number of Ministerial offices or junior Ministerial offices held by members of a political party increases; or
- (b) the total number of Ministerial offices or junior 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.

(11B) But sub-paragraph (11A) shall not apply if—

- (a) the former Minister or the former junior 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 and the relevant junior Ministerial office were filled, either of the conditions in sub-paragraph (11C) was satisfied in relation to each member of the Assembly who was a member of the political party of the nominating officer concerned.

(11C) The conditions are that—

- (a) the First Minister and the deputy First Minister sought to nominate the member under sub-paragraph (3) for the appropriate 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 appropriate 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.

(11D) In sub-paragraph (11C) “the appropriate office” means—

- (a) in relation to a person who was a member of the political party of the nominating officer who dismissed the former Minister, the relevant Ministerial office;
- (b) in relation to a person who was a member of the political party of the nominating officer who dismissed the former junior Minister, the relevant junior Ministerial office.”

(5) After sub-paragraph (14) insert—

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

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## SCHEDULE 7

Section 19

### MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 2

#### Commencement Information

- I5** [Sch. 7](#) in force on 26.3.2007 if, and only if, the Secretary of State makes a restoration order by virtue of s. 2(2) see [s. 27\(4\)\(5\)](#)

#### *Northern Ireland Act 1998 (c. 47)*

- 1 The 1998 Act is amended as follows.
- 2 In section 53 (agreements etc., by persons participating in North-South Ministerial Council and British-Irish Council), in subsection (1), for “a nomination under section 52” substitute “ any provision of section 52A or 52B ”.
- 3 In section 98 (interpretation), in subsection (1), insert the following definition at the appropriate place—  
““the St Andrews Agreement” means the agreement reached on 13 October 2006 at multi-party talks on Northern Ireland held at St Andrews;”.
- 4 (1) Schedule 2 (excepted matters) is amended as follows.
- (2) In paragraph 3(b)(i), for “a nomination under section 52” substitute “ any provision of section 52A or 52B ”.
- (3) In paragraph 22—  
(a) in sub-paragraph (b), for “and 28” substitute “ , 28, 28A, 28B, 28D and 28E ”;  
(b) in sub-paragraph (d), for “52” substitute “ 52A to 52C ”.
- 5 In Schedule 3 (reserved matters), in paragraph 42(a), for “and 28” substitute “ , 28, 28A and 28B ”.

#### *Northern Ireland Act 2000 (c. 1)*

- 6 In section 1 of the 2000 Act (suspension of devolved government in Northern Ireland), in subsection (5), for “section 52” substitute “ section 52A, 52B ”.

## F<sup>4</sup>SCHEDULE 8

Section 20(1)

#### Textual Amendments

- F4** [Sch. 8](#) repealed (1.4.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(3), [Sch. 8 Pt. 2](#); [S.R. 2012/142](#), art. 2(e)

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<sup>F5</sup>SCHEDULE 9

Section 20(2)

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**Textual Amendments**

**F5** Sch. 9 repealed (1.4.2012) by Justice Act (Northern Ireland) 2011 (c. 24), s. 111(3), **Sch. 8 Pt. 2**; S.R. 2012/142, art. 2(e)

**Status:**

Point in time view as at 01/04/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland (St Andrews Agreement) Act 2006.