

NORTHERN IRELAND (ST ANDREWS AGREEMENT) ACT 2007

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the [Northern Ireland \(St Andrews Agreement\) Act 2007 \(c. -4\)](#) which received Royal Assent on 27 March 2007. They have been prepared by the Northern Ireland Office in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not appear to require any explanation or comment, none is given.

BACKGROUND AND SUMMARY

3. The purpose of the Act is to extend the deadline for the restoration of the Northern Ireland Assembly and formation of a power-sharing Executive, as set by the Northern Ireland (St Andrews Agreement) Act 2006, to 8 May 2007.
4. The [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c.53\)](#) (“the 2006 Act”) received Royal Assent on 22 November 2006. The 2006 Act gave legislative effect to the St Andrews Agreement and set 26 March 2007 as the deadline for the restoration of the Northern Ireland Assembly. Accordingly, the Northern Ireland Assembly was restored by order at the beginning of 26 March 2007.
5. However, since a power-sharing Executive was not formed by the end of 26 March 2007, the Secretary of State would (but for this Act) have been under a duty under the terms of the 2006 Act to make an order revoking restoration, and Schedule 3 to the 2006 Act would (but for this Act) have come into force on 28 March 2007. Had Schedule 3 come into force, the Northern Ireland Assembly would have been dissolved, the next election postponed indefinitely and most of the changes to the devolved institutions effected by the 2006 Act repealed.
6. Following a further commitment between the Northern Ireland political parties to participate in the power-sharing arrangements agreed at St Andrews, a decision was taken to amend the timetable for restoration of the institutions. On that basis, this Act amends the deadlines provided for under the 2006 Act to facilitate restoration of the Northern Ireland Assembly on 8 May 2007.

TERRITORIAL EXTENT AND APPLICATION

7. The Act extends to the whole of the UK but its practical effect will largely be restricted to Northern Ireland.
8. The Act does not affect the National Assembly for Wales and has no particular effect on Wales.

COMMENTARY ON SECTIONS

Section 1: Modification of the Northern Ireland (St Andrews Agreement) Act 2006

9. [Section 1](#) extends the deadline for restoration of the Northern Ireland Assembly, set at 26 March 2007 in the 2006 Act, to 8 May 2007. It does this by deeming the date of restoration set out in section 2 of the 2006 Act to be (and to have been always) 8 May 2007, and making consequential amendments to the other dates in the 2006 Act that are part of the same framework for either restoration or dissolution of the Northern Ireland Assembly.
10. Subsection (1) does not alter the validity of two matters relating to the Northern Ireland Assembly which were settled before 26 March 2007. Paragraphs 4 and 5 of Schedule 1 to the 2006 Act required the Transitional Assembly to agree before 24 March 2007 a Ministerial Code and Standing Orders for use in the restored Northern Ireland Assembly, after which point, if agreement had not been reached, the Secretary of State would impose a Code or Standing Orders. The Transitional Assembly agreed a Ministerial Code on 20 March 2007 but did not agree amended Standing Orders for the Northern Ireland Assembly. Accordingly, the Secretary of State imposed a set of Standing Orders on 25 March 2007. Under the terms of this Act, the agreed Ministerial Code and the imposed Standing Orders will become the Ministerial Code and Standing Orders of the Northern Ireland Assembly when it is restored on 8 May 2007.
11. Subsection (2) of section 1 identifies the most significant consequences of the modifications made in subsection (1).
12. Subsection (2)(a) provides that the restoration order that took effect on 26 March 2007 shall be deemed not to have been made, with the effect that the Northern Ireland Assembly continues in suspension under the [Northern Ireland Act 2000 \(Suspension of Devolved Government\) Order 2002 \(S.I. 2002/2574\)](#) (which was made in October 2002).
13. Subsection (2)(b) deems Part 2 of, and Schedule 2 to, the 2006 Act (including the amendments and repeals made by them) not to have come into force on 26 March 2007. This preserves the *status quo ante* and, in particular, allows the Transitional Assembly to continue in existence until the Northern Ireland Assembly is restored on 8 May 2007. Subsection (2)(c) provides that the purpose of the Transitional Assembly – to take part in preparations for the restoration of devolved government in Northern Ireland in accordance with the St Andrews Agreement – is to be construed in accordance with the amended timetable provided for in subsection (1).
14. Subsection (2)(d) provides that any revocation order made by the Secretary of State revoking the restoration of devolution shall be deemed not to have been made. Under the terms of the 2006 Act, such a revocation order ought but for this Act to have been made following the failure to select a power-sharing Executive on 26 March 2007. The failure to select the Executive would also have triggered the coming into force on 28 March 2007 of Schedule 3 to the 2006 Act. That would have meant the dissolution of the Assembly, the indefinite postponement of the next election and the repeal of the institutional changes provided for in Part 2 of the 2006 Act. Subsection (2)(e) clarifies that Schedule 3 to the 2006 Act (and the repeals and amendments made by it) did not come into force on 28 March 2007.

COMMENCEMENT

15. The Act came into force on 27 March 2007 (the date of Royal Assent).

HANSARD REFERENCES

16. The following table sets out the dates and Hansard references for each stage of this Act's passage through Parliament.

*These notes refer to the Northern Ireland (St Andrews Agreement)
Act 2007 (c.4) which received Royal Assent on 27 March 2007*

<i>Stage</i>	<i>Date</i>	<i>Hansard reference</i>
<i>House of Commons</i>		
Introduction	27 March 2007	Vol 458 Col 1302
Second Reading	27 March 2007	Vol 458 Cols 1309-1354
Committee and Third Reading	27 March 2007	Vol 458 Col 1354
<i>House of Lords</i>		
Introduction	27 March 2007	Vol 690 Col 1617
Second Reading	27 March 2007	Vol 690 Cols 1617-1635
Committee	27 March 2007	Vol 690 Cols 1635-1636
Report and Third Reading	27 March 2007	Vol 690 Col 1636
Royal Assent – 27 March 2007	House of Lords Hansard Vol 690 Col 1636	
	House of Commons Hansard Vol 458 Col 1395	