

NORTHERN IRELAND (ST ANDREWS AGREEMENT) ACT 2007

EXPLANATORY NOTES

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

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

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.