

These notes refer to the Northern Ireland (Miscellaneous Provisions) Act (c.13) which received Royal Assent on 13 March 2014 (c.13) which received Royal Assent on 13 March 2014

NORTHERN IRELAND (MISCELLANEOUS PROVISIONS) ACT (C.13) WHICH RECEIVED ROYAL ASSENT ON 13 MARCH 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 8: Appointment of Justice Minister

55. This section makes changes to Schedule 4A to the 1998 Act.
56. Subsection (2) sets out the appointment procedure for the Justice Minister post following an Assembly election. Those provisions also apply to the appointment of the Justice Minister in other circumstances (set out in paragraph 3D(2) of that Schedule).
57. The appointment regime in paragraph 3D(4) to (8) provides that the Justice Minister is to be nominated by one or more members of the Assembly and is to be approved by a resolution of the Assembly passed by a cross-community vote (paragraph 3D(4) and (5)). A further nomination can only be made if the initial nomination does not take effect or the nominated person does not take up office within a period specified in standing orders (paragraph 3D(6) and (7) of Schedule 4A). This procedure shall be applied as many times as necessary to secure the office of Justice Minister is filled (paragraph 3D(8)).
58. Subsections (2) and (5) provide for the order in which Ministerial positions are filled. The Justice Minister will now be appointed immediately after the First Minister and deputy First Minister posts are decided upon. This means that the formula for working out the number of Ministerial offices to which each party is entitled can be amended (subsection (3)) to take into account the position of Justice Minister. The effect of this amendment is that the party of which the Justice Minister is a member will no longer have an 'extra' Ministerial position: the Justice Minister post will now be factored into the d'Hondt allocation.
59. Subsection (6) gives a power of veto to the Nominating Officer for the party of which a nominated candidate for the position is a member, by providing that the Nominating Officer must consent to the nomination.
60. Subsection (7) provides for security of tenure. Where the appointed Justice Minister is a member of a political party who was nominated with the consent of a Nominating Officer, that official can now remove the Justice Minister. However, where the Justice Minister is not be a member of a political party, the incumbent can be removed if a motion is raised to that effect by either the FM/dFM acting together, or 30 or more Assembly members, followed by a majority cross-community vote.