



# Northern Ireland (Executive Formation etc) Act 2022

## 2022 CHAPTER 48

### *Northern Ireland Assembly pay*

#### **10 Power to determine salaries and other benefits for Members of the Assembly**

- (1) During a period in which the Northern Ireland Assembly is not functioning, the Secretary of State may make a determination as to—
  - (a) the salaries or allowances payable under section 47 of the Northern Ireland Act 1998 in respect of some or all of that period, and
  - (b) allowances or gratuities payable under section 48 of that Act to or in respect of a person ceasing to be a member, or ceasing to hold office, during that period.
- (2) A determination under [subsection \(1\)](#) must be in writing.
- (3) As soon as possible after a determination under [subsection \(1\)](#) is made—
  - (a) the Secretary of State must send it to the Northern Ireland Assembly Commission, and
  - (b) the Commission must publish it.
- (4) Section 12 of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 applies to a determination under [subsection \(1\)\(a\)](#) of [this section](#) as it applies to a determination under section 2(1)(a) of that Act.
- (5) For the purposes of any determination made by, or by virtue of provision made by, the Assembly under section 48 of the Northern Ireland Act 1998 so far as relating to pensions, members are to be treated as having whatever salary they would have had were it not for any determination made under [subsection \(1\)\(a\)](#) of [this section](#).
- (6) A determination under [subsection \(1\)](#) may amend a determination made by, or by virtue of provision made by, the Northern Ireland Assembly under section 47 or 48 of the Northern Ireland Act 1998.

- (7) A determination made by, or by virtue of provision made by, the Northern Ireland Assembly under section 47 or 48 of the Northern Ireland Act 1998 may not change the effect of a determination made under [subsection \(1\)](#).
- (8) In [this section](#) “period in which the Northern Ireland Assembly is not functioning” means—
- (a) the period beginning when this Act is passed and ending with the next day on which the Presiding Officer and deputies are in post, or
  - (b) any later period—
    - (i) beginning with the first day after the end of the period in which an Assembly must meet if, at the end of that period, the Presiding Officer and deputies are not in post, and
    - (ii) ending with the next day on which the Presiding Officer and deputies are in post.
- (9) In subsection (8)—
- (a) a reference to a Presiding Officer or deputy being in post is a reference to their being in post having been elected under section 39(1) of the Northern Ireland Act 1998 after—
    - (i) in the case of the reference in paragraph (a), this Act is passed, or
    - (ii) in the case of a reference in paragraph (b), the day of the poll at which the Assembly referred to in paragraph (b)(i) is elected;
  - (b) a reference to the period in which an Assembly must meet is a reference to the period referred to in section 31(4) of the Northern Ireland Act 1998.
- (10) The Northern Ireland Assembly Members (Pay) Act 2018 is repealed.