



Northern Ireland (Executive Formation etc) Act 2022

2022 CHAPTER 48

Exercise of departmental functions

3 Exercise of departmental functions

(1) The absence of Northern Ireland Ministers does not prevent a senior officer of a Northern Ireland department from exercising a function of the department during ^[F1]the current period in which there is no Executive] if the officer is satisfied that it is in the public interest to exercise the function during that period.

^[F2](2) In this section “the current period in which there is no Executive” means the period—
(a) beginning with 6 December 2022 (the day on which this Act was passed), and
(b) ending when an Executive is next formed.]

(3) The fact that a matter connected with the exercise of a function by a Northern Ireland department has not been discussed and agreed by the Executive Committee of the Northern Ireland Assembly is not to be treated as preventing the exercise of that function as mentioned in [subsection \(1\)](#).

(4) The Secretary of State must publish guidance about the exercise of functions by a senior officer of a Northern Ireland department in reliance on this section, including guidance as to the principles to be taken into account in deciding whether or not to exercise a function.

(5) Senior officers of Northern Ireland departments must have regard to that guidance.

(6) Before publishing guidance under [subsection \(4\)](#) the Secretary of State must have regard to any representations made by members of the Northern Ireland Assembly.

Textual Amendments

F1 Words in [s. 3\(1\)](#) substituted (24.5.2023) by [Northern Ireland \(Interim Arrangements\) Act 2023 \(c. 21\)](#), [ss. 1\(a\)](#), 6

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Executive Formation etc) Act 2022, Section 3. (See end of Document for details)

F2 S. 3(2) substituted (24.5.2023) by Northern Ireland (Interim Arrangements) Act 2023 (c. 21), ss. 1(b), 6

Commencement Information

I1 S. 3 in force at Royal Assent, see s. 14(2)

Changes to legislation:

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