

NORTHERN IRELAND (ST ANDREWS AGREEMENT) ACT 2006

EXPLANATORY NOTES

OVERVIEW

Part 1: Preparations for the restoration of devolved government

9. This Part of the Act makes provision for a new Transitional Assembly, which will operate between the coming into force of this Act, and 26 March 2007, which is the target date for restoration of the Northern Ireland Assembly. It also deals with the consequences of compliance or non-compliance with the St Andrews Agreement timetable.
10. **Part 1** of the Act also makes provision for the election of the next Assembly. The Assembly will be dissolved on 30 January 2007 and the poll will be held on 7 March 2007. It also disapplies the requirement for a by-election to be held in respect of any Assembly vacancy which exists in the period between the passing of the Act and the date of the next Assembly election. It also adjusts the rules for remuneration of Assembly members to take account of the election.

Part 2: Amendments of the Northern Ireland Act 1998 etc

11. The purpose of this Part of the Act is to amend the 1998 Act in accordance with the terms of the St Andrews Agreement of 13 October 2006. It will come into force if (and only if) devolved government is restored on 26 March 2007.
12. The Act provides for a new Ministerial Code and places a duty upon Ministers and junior Ministers, notwithstanding their executive authority in their areas of responsibility, to act in accordance with the provisions on ministerial accountability of the Code. This Part of the Act also makes provision in relation to which matters should fall to the Executive Committee for discussion and agreement. It ensures that changes to the Code must be agreed by the Executive Committee and then proposed to the Assembly by the First and deputy First Ministers. Any changes would have effect once endorsed by cross-community support there.
13. It also amends the 1998 Act to allow the Assembly to refer important Ministerial decisions to the Executive Committee. It does this by enabling thirty members of the Assembly (“MLA”s) to initiate such a referral within seven days of a Ministerial decision or notification of the decision, if certified as being of public importance by the Presiding Officer.
14. It amends the pledge of office, which all Ministers must affirm before taking up office, to require commitments to: promote the interests of the whole community represented in the Assembly towards the goal of a shared future; participate fully in the Executive Committee, the North-South Ministerial Council (“the NSMC”) and the British-Irish Council (“the BIC”); observe the joint nature of the offices of the First and deputy First Ministers; and uphold the rule of law, consistent with paragraph 6 of the St Andrews Agreement.

15. It creates new arrangements for the appointment of the First and deputy First Ministers, who are to be nominated by the largest parties in each of the two largest designations within the Assembly. It provides for an institutional review committee to consider whether these new arrangements should continue to apply beyond the 2011 Assembly election and to consider other aspects of the operational workings of Parts 3 and 4 of the 1998 Act. It also puts the non-statutory Committee of the Centre, which operated in the Assembly prior to suspension, on a statutory footing.
16. It amends the provisions of the 1998 Act that deal with the NSMC and BIC, providing for the Minister or junior Minister responsible for an issue under consideration at a Council meeting to be entitled to attend, and setting out the arrangements to apply in circumstances where the responsible Minister or junior Minister does not intend to attend or where there is a dispute over who is responsible.
17. It places a duty on the restored Assembly to report to the Secretary of State before 27 March 2008 on progress towards the devolution of policing and justice matters. This is consistent with the May 2008 target for the Assembly to request the devolution of criminal justice and policing from the British Government, set out in paragraph 7 of the St Andrews Agreement.
18. Finally, this Part of the Act places duties on the Executive Committee to adopt strategies relating to the Irish and Ulster Scots languages, Ulster Scots heritage and culture, and poverty, social exclusion and patterns of deprivation.

Part 3: Other amendments

19. This Part of the Act makes provision in relation to District Policing Partnerships (“DPP”s) and in particular enables DPPs to be reconstituted to include Sinn Fein membership, as necessary, before the next local election in Northern Ireland.
20. [Part 3](#) of the Act also provides for an amendment to the [Education \(Northern Ireland\) Order 2006 \(S.I. 2006/1915 \(N.I. 11\)\)](#). This amendment defers the commencement of provisions in that Order to abolish academic selection until 28 March 2007, which is shortly after the target date for the restoration of devolution. In the event of the restoration of the devolved institutions on this date, the commencement of the provision abolishing academic selection would be subject to an affirmative resolution of the Assembly. If the Assembly is not restored on that date the abolition of academic selection will commence immediately. In either case the abolition will take effect in relation to admissions from 31 July 2010 onwards. This Part also makes provision consequential on that abolition.

Part 4: Supplemental

21. This Part of the Act deals with supplementary provisions, including the repeal of the Northern Ireland Act 2006 and the Parliamentary procedures to apply to consequential, supplementary and similar orders made under the Act, as well as dealing with commencement arrangements.