



Northern Ireland Act 1998

1998 CHAPTER 47

PART III

EXECUTIVE AUTHORITIES

Miscellaneous

29 Statutory committees

- (1) Standing orders shall make provision—
- (a) for establishing committees of members of the Assembly (“statutory committees”) to advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister;
 - (b) for enabling a committee to be so established either in relation to a single Northern Ireland Minister or in relation to more than one; and
 - (c) conferring on the committees the powers described in paragraph 9 of Strand One of the Belfast Agreement.
- (2) Standing orders shall provide that—
- (a) the nominating officer of the political party for which the formula in subsection (3) gives the highest figure may select a statutory committee and nominate as its chairman or deputy chairman a person who is a member of the party and of the Assembly;
 - (b) if the nominating officer does not exercise the power conferred by paragraph (a) within a period specified in standing orders, or the nominated person does not take up the selected office within that period, that power shall be exercisable instead by the nominating officer of the political party for which the formula in subsection (3) gives the next highest figure; and
 - (c) paragraphs (a) and (b) shall be applied as many times as may be necessary to secure that a chairman and deputy chairman are nominated for each of the statutory committees.

Status: This is the original version (as it was originally enacted).

(3) The formula is—

$$\frac{S}{1 + C}$$

where—

S = the number of seats in the Assembly which were held by members of the party on the day on which the Assembly first met following its election;

C = the number of chairmen and deputy chairmen of statutory committees (if any) who are members of the party.

(4) Standing orders shall provide that, where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the last general election of members of the Assembly.

(5) Standing orders shall provide that—

(a) a Minister or junior Minister may not be the chairman or deputy chairman of a statutory committee; and

(b) in making a selection under the provision made by virtue of subsection (2) (a), a nominating officer shall prefer a committee in which he does not have a party interest to one in which he does.

(6) For the purposes of subsection (5) a nominating officer has a party interest in a committee if it is established to advise and assist a Northern Ireland Minister who is a member of his party.

(7) Standing orders shall provide that a chairman or deputy chairman shall cease to hold office if—

(a) he resigns by notice in writing to the Presiding Officer;

(b) he ceases to be a member of the Assembly; or

(c) he is dismissed by the nominating officer who nominated him (or that officer's successor) and the Presiding Officer is notified of his dismissal.

(8) Standing orders shall provide that, where an office of chairman or deputy chairman is vacant, the nominating officer of the party on whose behalf the previous incumbent was nominated may nominate a person to hold the office who is a member of the party and of the Assembly.

(9) Standing orders shall provide that if—

(a) the nominating officer does not exercise the power conferred by subsection (8) within a period specified in standing orders; or

(b) the nominated person does not take up the selected office within that period, the vacancy shall be filled by applying the provision made by virtue of subsections (2) to (5).

(10) In this section “nominating officer” has the same meaning as in section 18.

30 Exclusion of Ministers from office

(1) If the Assembly resolves that a Minister or junior Minister no longer enjoys the confidence of the Assembly—

Status: This is the original version (as it was originally enacted).

- (a) because he is not committed to non-violence and exclusively peaceful and democratic means; or
 - (b) because of any failure of his to observe any other terms of the pledge of office, he shall be excluded from holding office as a Minister or junior Minister for a period of twelve months beginning with the date of the resolution.
- (2) If the Assembly resolves that a political party does not enjoy the confidence of the Assembly—
 - (a) because it is not committed to non-violence and exclusively peaceful and democratic means; or
 - (b) because it is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office, members of that party shall be excluded from holding office as Ministers or junior Ministers for a period of twelve months beginning with the date of the resolution.
- (3) The Assembly may, before a period of exclusion comes to an end, resolve to extend it for twelve months beginning with the date of the resolution.
- (4) A period of exclusion shall come to an end if the Assembly—
 - (a) is dissolved; or
 - (b) resolves to bring the exclusion to an end.
- (5) A motion for a resolution under this section shall not be moved unless—
 - (a) it is supported by at least 30 members of the Assembly;
 - (b) it is moved by the First Minister and the deputy First Minister acting jointly; or
 - (c) it is moved by the Presiding Officer in pursuance of a notice under subsection (6).
- (6) If the Secretary of State is of the opinion that the Assembly ought to consider—
 - (a) a resolution under subsection (1)(a) in relation to a Minister or junior Minister; or
 - (b) a resolution under subsection (2)(a) in relation to a political party,he shall serve a notice on the Presiding Officer requiring him to move a motion for such a resolution.
- (7) In forming an opinion under subsection (6), the Secretary of State shall in particular take into account whether the Minister or junior Minister or the political party—
 - (a) is committed to the use now and in the future of only democratic and peaceful means to achieve his or its objectives;
 - (b) has ceased to be involved in any acts of violence or of preparation for violence;
 - (c) is directing or promoting acts of violence by other persons;
 - (d) is co-operating fully with any Commission of the kind referred to in section 7 of the Northern Ireland Arms Decommissioning Act 1997 in implementing the Decommissioning section of the Belfast Agreement.
- (8) A resolution under this section shall not be passed without cross-community support.