

*Status: Point in time view as at 07/01/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, SCHEDULE 12A. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 12A

Section 95A(10)

#### EFFECT OF APPLICATION OF SECTION 95A(6) OR (7)

##### Textual Amendments

- F1** Sch. 12A inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), ss. 10(3), 12; S.I. 2004/83, art. 2

##### *Directions under section 30A(5): Northern Ireland Ministers and junior Ministers*

- 1 (1) Paragraphs 2 to 4 apply where a direction under section 30A(5) ceases to have effect under section 95A(6) or (7).
- (2) In those paragraphs “the relevant time” means the time when the direction so ceases to have effect.
- 2 (1) A person who holds office as a Northern Ireland Minister or junior Minister immediately before the relevant time shall cease at the relevant time to hold that office if another person—
- (a) held that office immediately before the direction was given, but
- (b) ceased to hold it by reason of his being excluded by the direction.
- (2) That other person shall fill the vacancy if he remains eligible to hold that office.
- 3 If—
- (a) an office of Northern Ireland Minister or junior Minister is vacant immediately before the relevant time, and
- (b) immediately before the direction was given that office was held by a person who ceased to hold it by reason of his being excluded by the direction, that person shall fill the vacancy if he remains eligible to hold that office.
- 4 Section 18(10) (and section 18(11)), and any provision made under section 19(3) (a) for the filling of vacancies, shall have effect subject to paragraphs 2 and 3.

##### *Directions under section 30A(2) or (5): the First Minister and deputy First Minister*

- 5 (1) Paragraphs 6 to 8 apply where a direction under section 30A(2) or (5) ceases to have effect under section 95A(6) or (7).
- (2) In those paragraphs—
- “the relevant time” means the time when the direction so ceases to have effect;
- “the relevant offices” means the office of First Minister and the office of deputy First Minister.

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- 6 (1) Sub-paragraphs (2) to (4) apply where—
- (a) as respects each of the relevant offices, the person who holds that office immediately before the relevant time did not hold it immediately before the direction was given, and
  - (b) as respects at least one of the relevant offices, the person who held that office immediately before the direction was given ceased to hold it by reason of his being excluded by the direction.
- (2) The persons holding the relevant offices immediately before the relevant time shall cease at that time to hold those offices.
- (3) As respects each of the relevant offices, the person (if any) who held that office immediately before the direction was given shall fill the vacancy in that office if—
- (a) he remains eligible to hold that office, and
  - (b) the person who held the other of the relevant offices immediately before the direction was given remains eligible to hold it.
- (4) If the vacancies in the relevant offices are filled under sub-paragraph (3), section 16(8) shall not apply by reason of the operation of sub-paragraph (2).
- 7 (1) Sub-paragraphs (2) to (4) apply where—
- (a) as respects one of the relevant offices, the person who holds it immediately before the relevant time held it immediately before the direction was given, and
  - (b) as respects the other of the relevant offices—
    - (i) the person who holds it immediately before the relevant time did not hold it immediately before the direction was given, and
    - (ii) the person who held it immediately before the direction was given ceased to hold it by reason of his being excluded by the direction.
- (2) The person who holds the office mentioned in sub-paragraph (1)(b) immediately before the relevant time shall cease at that time to hold that office.
- (3) The person who held that office immediately before the direction was given shall fill the vacancy in that office if he remains eligible to hold that office.
- (4) If the vacancy in that office is filled under sub-paragraph (3), section 16(7) shall not apply by reason of the operation of sub-paragraph (2).
- 8 (1) Sub-paragraphs (2) to (4) apply where—
- (a) each of the relevant offices is vacant immediately before the relevant time as a result of having become vacant within the six weeks ending with that time, and
  - (b) as respects at least one of the relevant offices, the person who held it immediately before the direction was given ceased to hold it by reason of his being excluded by the direction.
- (2) As respects each of the relevant offices, the person (if any) who held that office immediately before the direction was given shall fill the vacancy in that office if—
- (a) he remains eligible to hold that office, and

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- (b) the person who held the other of the relevant offices immediately before the direction was given remains eligible to hold it.
- (3) If the vacancies in the relevant offices are filled under sub-paragraph (2), no proceedings, or further proceedings, shall be taken under section 16 for the purpose of filling them.
- (4) If those vacancies are not filled under that sub-paragraph, the proceedings for an election under section 16 for the purpose of filling them shall be started afresh with the period of six weeks mentioned in section 16(8) being taken for the purposes of this Act to begin with the relevant time.

*Directions under section 47B or 51B*

- 9 (1) Sub-paragraphs (2) and (3) apply where a direction under section 47B or 51B ceases to have effect under section 95A(6) or (7).
- (2) After the direction has so ceased to have effect, any determination—
  - (a) of the sums payable under section 47 or under the Financial Assistance for Political Parties Act (Northern Ireland) 2000, or
  - (b) of when any such sums become due,shall be made as though the direction had never had effect.
- (3) Payment shall be made of any sums which would have been paid but for the direction.

*General*

- 10 Where a direction under section 30A, 47B or 51B ceases to have effect under section 95A(6) or (7), its so ceasing to have effect does not prejudice—
  - (a) anything done in reliance on the direction while it had effect;
  - (b) the making of a new direction.]

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