



Northern Ireland Act 1998

1998 CHAPTER 47

PART III

EXECUTIVE AUTHORITIES

Authorities

[^{F1}16A Appointment of First Minister, deputy First Minister and Northern Ireland Ministers following Assembly election

(1) This section applies where an Assembly is elected under section 31 or 32.

^{F2}(2)

(3) [^{F3}Before the end of the period for filling Ministerial offices—]

- (a) the offices of First Minister and deputy First Minister shall be filled by applying subsections (4) to (7); and
- (b) the Ministerial offices to be held by Northern Ireland Ministers shall be filled by applying section 18(2) to (6).

[In this section “the period for filling Ministerial offices” means the period ^{F4}(3A) comprising—

- (a) the period of six weeks beginning with the day on which the Assembly first meets, and
- (b) the next three successive periods of six weeks (each referred to as an “extension period”), except for any period that is excluded by subsection (3B).

(3B) An extension period is excluded if, before it begins, the Assembly resolves that the period for filling Ministerial offices should not be extended (or further extended).

(3C) The Assembly may not pass a resolution under subsection (3B) without cross-community support.]

(4) The nominating officer of the largest political party of the largest political designation shall nominate a member of the Assembly to be the First Minister.

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- (5) The nominating officer of the largest political party of the second largest political designation shall nominate a member of the Assembly to be the deputy First Minister.
 - (6) If the persons nominated do not take up office within a period specified in standing orders, further nominations shall be made under subsections (4) and (5).
 - (7) Subsections (4) to (6) shall be applied as many times as may be necessary to secure that the offices of First Minister and deputy First Minister are filled.
 - (8) But no person may take up office as First Minister, deputy First Minister or Northern Ireland Minister by virtue of this section after the end of the period mentioned in subsection (3) (see further section 32(3)).
 - (9) The persons nominated under subsections (4) and (5) shall not take up office until each of them has affirmed the terms of the pledge of office.
 - (10) Subject to the provisions of this Part, the First Minister [^{F5}, the deputy First Minister and the Northern Ireland Ministers] shall hold office until immediately before those offices are next filled by virtue of this section.
 - (11) The holder of the office of First Minister or deputy First Minister may by notice in writing to the Presiding Officer designate a Northern Ireland Minister to exercise the functions of that office—
 - (a) during any absence or incapacity of the holder; or
 - (b) during any vacancy in that office arising otherwise than under section 16B(2), but a person shall not have power to act by virtue of paragraph (a) for a continuous period exceeding six weeks.
- [The First Minister and deputy First Minister cease to hold office if the period of 24 ^{F6}(11A) weeks beginning with the day on which an Assembly first meets expires without those offices having been filled by virtue of this section.]
- (12) This section shall be construed in accordance with, and is subject to, section 16C.]

Textual Amendments

- F1** Ss. 16A-16C substituted (8.5.2007) for s. 16 by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), [ss. 8\(1\), 27\(4\)\(5\)](#) (as amended by [Northern Ireland \(St Andrews Agreement\) Act 2007 \(c. 4\)](#), s. 1(1)) (with s. 1(3)): [S.I. 2007/1397](#), [art. 2](#)
- F2** [S. 16A\(2\)](#) omitted (8.2.2022) by virtue of [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022 \(c. 2\)](#), [ss. 2\(2\)\(a\)](#), 9 (with s. 4(1))
- F3** Words in [s. 16A\(3\)](#) substituted (8.2.2022) by [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022 \(c. 2\)](#), [ss. 1\(2\)](#), 9 (with s. 4(1))
- F4** [S. 16A\(3A\)-\(3C\)](#) inserted (8.2.2022) by [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022 \(c. 2\)](#), [ss. 1\(3\)](#), 9 (with s. 4(1))
- F5** Words in [s. 16A\(10\)](#) substituted (8.2.2022) by [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022 \(c. 2\)](#), [ss. 2\(2\)\(b\)](#), 9 (with s. 4(1))
- F6** [S. 16A\(11A\)](#) inserted (8.2.2022) by [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022 \(c. 2\)](#), [ss. 2\(2\)\(c\)](#), 9 (with s. 4(1))

Modifications etc. (not altering text)

- C1** [S. 16A](#) excluded (8.5.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), [ss. 2\(2\)](#) (as amended by [Northern Ireland \(St Andrews Agreement\) Act 2007 \(c. 4\)](#), s. 1(1)), 27(1), {Sch. 2 para. 2(2)}; [S.I. 2007/1397](#), [art. 2](#)

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- C2** S. 16A(3) modified (retrospective to 2.3.2017) by [Northern Ireland \(Executive Formation and Exercise of Functions\) Act 2018 \(c. 28\), s. 1\(1\)\(2\)](#)
- C3** S. 16A(3) modified (N.I.) (27.4.2017) by [Northern Ireland \(Minsiterial Appointments and Regional Rates\) Act 2017 \(c. 24\), ss. 1\(1\), 3\(2\)](#) (with s. 1(2))
- C4** S. 16A(3)(aa)(b) continued (4.5.2016) by [Northern Ireland \(Stormont Agreement and Implementation Plan\) Act 2016 \(c. 13\), s. 11\(2\), Sch. 1 para. 2\(2\)](#); (to find section 16A(3)(aa), see the modification of section 16A by paragraph 3B of Schedule 4A of this Act)
- C5** S. 16A(3A) modified (6.12.2022) by [Northern Ireland \(Executive Formation etc\) Act 2022 \(c. 48\), ss. 1, 14\(2\)](#) (as amended by [S.I. 2022/1296, regs. 1\(2\), 2\(2\)](#))
- C6** S. 16A(8) excluded (12.3.2009 temp. until 30.4.2012) by Northern Ireland Act 2009, (c. 3), ss. 1, 5, {Sch. 1 para. 7(3)(a)}

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act amendment to earlier affecting provision 2022 c. 48, s. 1 by [2024 c. 2 s. 1](#)
- Act modified (cond.) by [2006 c. 17 Sch. 2 para. 2\(5\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(2)-(2D) substituted for s. 31(2) (cond.) by [2006 c. 17 Sch. 3 para. 2\(1\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- s. 31(2)-(2D) substituted for s. 31(2) (cond.) by [2006 c. 53 Sch. 3 para. 2\(1\)](#) (This amendment not applied to legislation.gov.uk to legislation.gov.uk. It is a conditional amendment that was never brought into force. Sch. 3 repealed (10.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), s. 2(5) (as amended by 2007 c. 4, s. 1(1)), Sch. 4 para. 3 (with s. 1(3)); S.I. 2007/1397, art. 2)
- s. 31(2E) inserted (cond.) by [2006 c. 17 Sch. 3 para. 3\(1\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- Sch. 2 para. 9B inserted by [2009 c. 8 s. 27](#) (This amendment not applied to legislation.gov.uk. The amending provision was repealed (16.2.2011) without ever being in force by 2010 c. 36, ss. 2(1), 4(2))