



Northern Ireland Act 1998

1998 CHAPTER 47

PART III

EXECUTIVE AUTHORITIES

Authorities

[^{F1}16B Vacancies in the office of First Minister or deputy First Minister

- (1) The First Minister or the deputy First Minister—
 - (a) may at any time resign by notice in writing to the Presiding Officer; and
 - (b) shall cease to hold office if he ceases to be a member of the Assembly otherwise than by virtue of a dissolution.
- (2) If either the First Minister or the deputy First Minister ceases to hold office at any time, whether by resignation or otherwise, the other—
 - (a) shall also cease to hold office at that time; but
 - (b) may continue to exercise the functions of his office until immediately before those offices are filled in accordance with this section.
- [^{F2}(3) Where at any time the offices of First Minister and deputy First Minister become vacant otherwise than by virtue of section 16A(11A), they shall be filled by applying subsections (4) to (7) before the end of the period for filling the offices of First Minister and deputy First Minister.
- (3A) In this section “the period for filling the offices of First Minister and deputy First Minister” means the period comprising—
 - (a) the period of six weeks beginning with the day on which the offices of First Minister and deputy First Minister become vacant, 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).

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 16B. (See end of Document for details)

- (3B) An extension period is excluded if, before it begins, the Assembly resolves that the period for filling the offices of First Minister and deputy First Minister 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.
- (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 or deputy First Minister under 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) 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. 16B\(3\)-\(3C\)](#) substituted for [s. 16B\(3\)](#) (8.2.2022) by [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022 \(c. 2\)](#), **ss. 1(4), 9** (with s. 4(2)(3))

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