



Northern Ireland Act 1998

1998 CHAPTER 47

PART III

EXECUTIVE AUTHORITIES

Authorities

[^{F1}16C Sections 16A and 16B: supplementary

- (1) In sections 16A and 16B and this section “nominating officer”, in relation to a party, means—
 - (a) the person registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 as the party's nominating officer; or
 - (b) a member of the Assembly nominated by him for the purposes of this section.
- (2) For the purposes of sections 16A and 16B and this section—
 - (a) the size of a political party is to be determined by reference to 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; but
 - (b) if two or more parties are taken by virtue of paragraph (a) to be of the same size, the respective sizes of those parties is to be determined by reference to the number of first preference votes cast for the parties at the last general election of members of the Assembly;

(this is subject to subsections (7) and (8)).
- (3) For the purposes of sections 16A and 16B and this section, a political party to which one or more members of the Assembly belong is to be taken—
 - (a) to be of the political designation “Nationalist” if, at the relevant time (see subsection (11)), more than half of the members of the Assembly who belonged to the party were designated Nationalists;
 - (b) to be of the political designation “Unionist” if, at the relevant time, more than half of the members of the Assembly who belonged to the party were designated Unionists;

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- (c) otherwise, to be of the political designation “Other”.
- (4) For the purposes of sections 16A and 16B and this section—
- (a) the size of the political designation “Nationalist” is to be taken to be equal to the number of members of the Assembly who, at the relevant time, were designated Nationalists;
 - (b) the size of the political designation “Unionist” is to be taken to be equal to the number of members of the Assembly who, at the relevant time, were designated Unionists;
 - (c) the size of the political designation “Other” is to be taken to be equal to the number of members of the Assembly who, at the relevant time, were neither designated Nationalists nor designated Unionists.
- (5) But if two or more political designations are taken by virtue of subsection (4) to be of the same size, the respective sizes of those designations is to be determined by reference to the aggregate number of first preference votes cast, at the last general election of members of the Assembly, for members of the Assembly who, at the relevant time, were—
- (a) designated Nationalists (in the case of the political designation “Nationalist”);
 - (b) designated Unionists (in the case of the political designation “Unionist”); or
 - (c) neither designated Nationalists nor designated Unionists (in the case of the political designation “Other”).
- (6) If at any time the party which is the largest political party of the largest political designation is not the largest political party—
- (a) any nomination to be made at that time under section 16A(4) or 16B(4) shall instead be made by the nominating officer of the largest political party; and
 - (b) any nomination to be made at that time under section 16A(5) or 16B(5) shall instead be made by the nominating officer of the largest political party of the largest political designation.
- (7) Where—
- (a) the Assembly has resolved under section 30(2) that a political party does not enjoy its confidence; and
 - (b) the party's period of exclusion (see subsection (12)) under that provision has not come to an end,
- subsection (2)(a) above shall have effect as if 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 was nil.
- (8) Where—
- (a) the Secretary of State has given a direction under section 30A(5) in respect of a political party; and
 - (b) the party's period of exclusion under that provision has not come to an end,
- subsection (2)(a) above shall have effect as if 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 was nil.
- (9) Where—
- (a) a person nominated by the nominating officer of a political party ceased to hold office as First Minister or deputy First Minister as a result of a resolution

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- of the Assembly under section 30(2) or a direction of the Secretary of State under section 30A(5); and
- (b) the party's period of exclusion under section 30(2) or 30A(5) subsequently comes to an end otherwise than by virtue of the dissolution of the Assembly, the First Minister and the deputy First Minister shall cease to hold office when the party's period of exclusion under that provision comes to an end (unless any period of exclusion of the party under the other provision has not come to an end).
- (10) But where a direction under section 30A(5) ceases to have effect under section 95A(6) or (7), its so ceasing to have effect shall for the purposes of subsection (9) be taken not to involve the coming to an end of a period of exclusion under section 30A(5).
- (11) In this section “the relevant time” means the end of the day on which the Assembly first met following its election.
- (12) In this section, a reference to a period of exclusion under any provision is, in the case of a period of exclusion under that provision which has been extended, a reference to that period as extended.
- (13) Standing orders may make further provision in connection with the making of nominations under sections 16A and 16B.
- (14) In this Act “the pledge of office” means the pledge of office which, together with the code of conduct to which it refers, is set out in Schedule 4.]

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**

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