



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART III

#### EXECUTIVE AUTHORITIES

#### *[<sup>F1</sup> Ministerial Code*

#### **[<sup>F1</sup>28A Ministerial Code**

- (1) Without prejudice to the operation of section 24, a Minister or junior Minister shall act in accordance with the provisions of the Ministerial Code.
- (2) In this section “the Ministerial Code” means—
  - (a) the Ministerial Code that becomes the Ministerial Code for the purposes of this section by virtue of paragraph 4 of Schedule 1 to the Northern Ireland (St Andrews Agreement) Act 2006 (as from time to time amended in accordance with this section); or
  - (b) any replacement Ministerial Code prepared and approved in accordance with this section (as from time to time amended in accordance with this section).
- (3) If at any time the Executive Committee—
  - (a) prepares draft amendments to the Ministerial Code; or
  - (b) prepares a draft Ministerial Code to replace the Ministerial Code,the First Minister and deputy First Minister acting jointly shall lay the draft amendments or the draft Code before the Assembly for approval.
- (4) A draft Ministerial Code or a draft amendment to the Code—
  - (a) shall not be approved by the Assembly without cross-community support; and
  - (b) shall not take effect until so approved.
- (5) The Ministerial Code must include provision for requiring Ministers or junior Ministers to bring to the attention of the Executive Committee any matter that ought, by virtue of section 20(3) or (4), to be considered by the Committee.

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*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 28A. (See end of Document for details)*

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- (6) The Ministerial Code must include provision for a procedure to enable any Minister or junior Minister to ask the Executive Committee to determine whether any decision that he is proposing to take, or has taken, relates to a matter that ought, by virtue of section 20(3) or (4), to be considered by the Committee.
- (7) The Ministerial Code must also include provision as to the procedures of the Executive Committee with respect to—
- (a) the taking of decisions; and
  - (b) consideration by the Committee of decision papers that are to be considered by the North-South Ministerial Council or the British-Irish Council.
- (8) The Ministerial Code must in particular provide—
- (a) that it is the duty of the chairmen of the Executive Committee to seek to secure that decisions of the Executive Committee are reached by consensus wherever possible;
  - (b) that, if consensus cannot be reached, a vote may be taken; and
  - (c) that, if any three members of the Executive Committee require the vote on a particular matter which is to be voted on by the Executive Committee to require cross-community support, any vote on that matter in the Executive Committee shall require cross-community support in the Executive Committee.
- (9) The Ministerial Code may include such other provisions as the Executive Committee thinks fit.
- (10) Without prejudice to the operation of section 24, a Minister or junior Minister has no Ministerial authority to take any decision in contravention of a provision of the Ministerial Code made under subsection (5).]

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#### **Textual Amendments**

- F1** S. 28A and preceding cross-heading inserted (8.5.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\), ss. 2\(2\), 5\(2\), 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](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 28A.