



# Northern Ireland (Monitoring Commission etc.) Act 2003

## 2003 CHAPTER 25

### *Other provisions*

#### **7 Reduction of remuneration**

(1) After section 47 of the Northern Ireland Act 1998 there is inserted—

##### **“47A Resolutions about reduction of remuneration**

(1) If, in relation to the salary payable under section 47 to a Minister or junior Minister, the Assembly resolves that the whole or a specified part of the salary payable for a specified period shall not be payable—

- (a) because he is not committed to non-violence and exclusively peaceful and democratic means, or
- (b) because of any failure of his to observe any other terms of the pledge of office,

the salary payable to him under that section shall be reduced accordingly.

(2) If, in relation to the salaries payable under section 47 to members of the Assembly who are members of a particular political party, the Assembly resolves that the whole or a specified part of the salaries payable for a specified period shall not be payable—

- (a) because that party is not committed to non-violence and exclusively peaceful and democratic means, or
- (b) because it is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office,

the salaries payable to them under that section shall be reduced accordingly.

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- (3) The Assembly may, before the end of the period by reference to which a reduction under subsection (1) or (2) falls to be made, by resolution extend that period.
- (4) The Assembly may, before the end of the period by reference to which provision for non-payability under section 47B(2) or (5) applies, by resolution extend that period.
- (5) The period by reference to which a reduction under subsection (1) or (2) falls to be made shall come to an end if the Assembly—
  - (a) is dissolved; or
  - (b) resolves to bring the reduction to an end.
- (6) A motion for a resolution under this section shall not be moved unless—
  - (a) it is supported by at least 30 members of the Assembly;
  - (b) it is moved by the First Minister and the deputy First Minister acting jointly; or
  - (c) it is moved by the Presiding Officer in pursuance of a notice under subsection (7).
- (7) If the Secretary of State is of the opinion that the Assembly ought to consider a resolution under this section, he shall serve a notice on the Presiding Officer requiring him to move a motion for such a resolution.
- (8) In forming an opinion under subsection (7), the Secretary of State shall in particular take into account the matters listed in section 30(7).
- (9) A resolution under this section shall not be passed without cross-community support.
- (10) In this section a reference to—
  - (a) the period by reference to which a reduction under subsection (1) or (2) falls to be made, or
  - (b) the period by reference to which provision for non-payability under section 47B(2) or (5) applies,
 is, where the period has been extended, a reference to the period as extended.

#### **47B Secretary of State's powers in relation to reduction of remuneration**

- (1) This section applies if—
  - (a) the Monitoring Commission has, or members of that Commission have under the agreement establishing it, made a report containing a recommendation about steps the Assembly might consider taking;
  - (b) the taking of those steps by the Assembly requires the passing by it of a resolution under section 47A(1), (2), (3) or (4) in relation to a Minister, junior Minister or political party; and
  - (c) the first motion for a resolution under that provision in relation to the Minister, junior Minister or political party concerned that is put to the vote after the making of the report does not attract cross-community support.
- (2) Where this section applies because of the failure of a motion for a resolution under section 47A(1), the Secretary of State may, in relation to the salary

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payable under section 47 to the Minister or junior Minister concerned, by direction provide that the whole or a specified part of the salary payable for a specified period shall not be payable (subject to subsection (4)).

- (3) Where this section applies because of—
- (a) the failure of a motion for a resolution under section 47A(3) to extend a period by reference to which a reduction under section 47A(1) falls to be made, or
  - (b) the failure of a motion for a resolution under section 47A(4) to extend a period by reference to which provision for non-payability under subsection (2) applies,
- the Secretary of State may, before the end of that period, by direction extend that period (subject to subsection (4)).
- (4) The Secretary of State may exercise the power under subsection (2) or (3) only if he is satisfied that the Minister or junior Minister concerned—
- (a) is not committed to non-violence and exclusively peaceful and democratic means; or
  - (b) has failed to observe any other terms of the pledge of office.
- (5) Where this section applies because of the failure of a motion for a resolution under section 47A(2), the Secretary of State may, in relation to the salaries payable under section 47 to members of the Assembly who are members of the political party concerned, by direction provide that the whole or a specified part of the salaries payable for a specified period shall not be payable (subject to subsection (7)).
- (6) Where this section applies because of—
- (a) the failure of a motion for a resolution under section 47A(3) to extend a period by reference to which a reduction under section 47A(2) falls to be made, or
  - (b) the failure of a motion for a resolution under section 47A(4) to extend a period by reference to which provision for non-payability under subsection (5) applies,
- the Secretary of State may, before the end of that period, by direction extend that period (subject to subsection (7)).
- (7) The Secretary of State may exercise the power under subsection (5) or (6) only if he is satisfied that the political party concerned—
- (a) is not committed to non-violence and exclusively peaceful and democratic means; or
  - (b) is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office.
- (8) The period by reference to which provision for non-payability under subsection (2) or (5) applies shall come to an end if—
- (a) the Secretary of State by direction so provides; or
  - (b) the Assembly is dissolved.
- (9) In subsection (1)(a) “the Monitoring Commission” means the Commission mentioned in section 1 of the Northern Ireland (Monitoring Commission etc.) Act 2003.

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- (10) In this section a reference to—
- (a) the period by reference to which provision for non-payability under subsection (2) or (5) applies, or
  - (b) the period by reference to which a reduction under section 47A(1) or (2) falls to be made,
- is, where the period has been extended, a reference to the period as extended.

#### **47C Sections 47A and 47B: specified periods and extensions**

- (1) A period specified under section 47A(1) or (2) or 47B(2) or (5)—
  - (a) shall begin no earlier than the end of the day when the resolution or direction specifying it is passed or given;
  - (b) shall begin no later than the end of the period of one month beginning with that day; and
  - (c) shall not be longer than 12 months.
- (2) The power under section 47A(3) or (4) or 47B(3) or (6) to extend a period is a power to extend it until the end of such period of not more than 12 months beginning with the date of the resolution, or direction, by which the power is exercised as the resolution or direction may provide.”
- (2) In section 48 of that Act (pensions of members), after subsection (2) there is inserted—
 

“(2A) Where any salary payable to a person under section 47 is not payable because of either or both of sections 47A and 47B, any provision made under this section for the payment of pensions which has effect in relation to him shall apply as if the salary were payable.”

## **8 Reduction of financial assistance**

After section 51 of the Northern Ireland Act 1998 (c. 47) there is inserted—

### **“51A Resolutions about reduction of financial assistance**

- (1) If the Assembly resolves that the whole or a specified part of any financial assistance payable for a specified period under the Financial Assistance for Political Parties Act (Northern Ireland) 2000 to a particular political party shall not be payable—
  - (a) because it is not committed to non-violence and exclusively peaceful and democratic means, or
  - (b) because it is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office,

the financial assistance payable to it under that Act shall be reduced accordingly.
- (2) The Assembly may, before the end of the period by reference to which a reduction under subsection (1) falls to be made, by resolution extend that period.

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- (3) The Assembly may, before the end of the period by reference to which provision for non-payability under section 51B(2) applies, by resolution extend that period.
- (4) The period by reference to which a reduction under subsection (1) falls to be made shall come to an end if the Assembly—
  - (a) is dissolved; or
  - (b) resolves to bring the reduction to an end.
- (5) A motion for a resolution under this section shall not be moved unless—
  - (a) it is supported by at least 30 members of the Assembly;
  - (b) it is moved by the First Minister and the deputy First Minister acting jointly; or
  - (c) it is moved by the Presiding Officer in pursuance of a notice under subsection (6).
- (6) If the Secretary of State is of the opinion that the Assembly ought to consider a resolution under this section, he shall serve a notice on the Presiding Officer requiring him to move a motion for such a resolution.
- (7) In forming an opinion under subsection (6), the Secretary of State shall in particular take into account the matters listed in section 30(7).
- (8) A resolution under this section shall not be passed without cross-community support.
- (9) In this section a reference to—
  - (a) the period by reference to which a reduction under subsection (1) falls to be made, or
  - (b) the period by reference to which provision for non-payability under section 51B(2) applies,is, where the period has been extended, a reference to the period as extended.

### **51B Secretary of State's powers in relation to reduction of financial assistance**

- (1) This section applies if—
  - (a) the Monitoring Commission has, or members of that Commission have under the agreement establishing it, made a report containing a recommendation about steps the Assembly might consider taking;
  - (b) the taking of those steps by the Assembly requires the passing by it of a resolution under section 51A(1), (2) or (3) in relation to a political party; and
  - (c) the first motion for a resolution under that provision in relation to the political party concerned that is put to the vote after the making of the report does not attract cross-community support.
- (2) Where this section applies because of the failure of a motion for a resolution under section 51A(1), the Secretary of State may by direction provide that the whole or a specified part of any financial assistance payable for a specified period under the Financial Assistance for Political Parties Act (Northern

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Ireland) 2000 to the political party concerned shall not be payable (subject to subsection (5)).

- (3) Where this section applies because of the failure of a motion for a resolution under section 51A(2) to extend the period by reference to which a reduction under section 51A(1) falls to be made, the Secretary of State may, before the end of that period, by direction extend that period (subject to subsection (5)).
- (4) Where this section applies because of the failure of a motion for a resolution under section 51A(3) to extend the period by reference to which provision for non-payability under subsection (2) applies, the Secretary of State may, before the end of that period, by direction extend that period (subject to subsection (5)).
- (5) The Secretary of State may exercise the power under subsection (2), (3) or (4) only if he is satisfied that the political party concerned—
  - (a) is not committed to non-violence and exclusively peaceful and democratic means; or
  - (b) is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office.
- (6) The period by reference to which provision for non-payability under subsection (2) applies shall come to an end if—
  - (a) the Secretary of State by direction so provides; or
  - (b) the Assembly is dissolved.
- (7) In subsection (1)(a) “the Monitoring Commission” means the Commission mentioned in section 1 of the Northern Ireland (Monitoring Commission etc.) Act 2003.
- (8) In this section a reference to—
  - (a) the period by reference to which provision for non-payability under subsection (2) applies, or
  - (b) the period by reference to which a reduction under section 51A(1) falls to be made,
 is, where the period has been extended, a reference to the period as extended.

### **51C Sections 51A and 51B: specified periods and extensions**

- (1) A period specified under section 51A(1) or 51B(2)—
  - (a) shall begin no earlier than the end of the day when the resolution or direction specifying it is passed or given;
  - (b) shall begin no later than the end of the financial year in which that day falls; and
  - (c) shall not be longer than 12 months.
- (2) The power under section 51A(2) or (3) or 51B(3) or (4) to extend a period is a power to extend it until the end of such period of not more than 12 months beginning with the date of the resolution, or direction, by which the power is exercised as the resolution or direction may provide.”

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## 9 Censure resolutions

After section 51C of the Northern Ireland Act 1998 (c. 47) there is inserted—

### “51D Censure resolutions

- (1) This section applies to the following resolutions of the Assembly—
  - (a) a resolution censuring a Minister or junior Minister—
    - (i) because he is not committed to non-violence and exclusively peaceful and democratic means; or
    - (ii) because of any failure of his to observe any other terms of the pledge of office;
  - (b) a resolution censuring a political party—
    - (i) because it is not committed to non-violence and exclusively peaceful and democratic means; or
    - (ii) because it is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office.
- (2) A motion for a resolution to which this section applies shall not be moved unless—
  - (a) it is supported by at least 30 members of the Assembly;
  - (b) it is moved by the First Minister and the deputy First Minister acting jointly; or
  - (c) it is moved by the Presiding Officer in pursuance of a notice under subsection (3).
- (3) If the Secretary of State is of the opinion that the Assembly ought to consider a resolution to which this section applies, he shall serve a notice on the Presiding Officer requiring him to move a motion for such a resolution.
- (4) In forming an opinion under subsection (3), the Secretary of State shall in particular take into account the matters listed in section 30(7).
- (5) A resolution to which this section applies shall not be passed without cross-community support.”

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