



Northern Ireland (Monitoring Commission etc.) Act 2003

2003 CHAPTER 25

Exclusion from Ministerial office

4 Resolutions about exclusion

- (1) Section 30 of the Northern Ireland Act 1998 (c. 47) (exclusion of Ministers from office) is amended as follows.
- (2) In subsection (1) (exclusion of individual Minister), for “a period of twelve months beginning with the date of the resolution” there is substituted “such period of not less than three months, and not more than twelve months, beginning with the date of the resolution as the resolution may provide”.
- (3) After that subsection there is inserted—

“(1A) The Assembly may, before a period of exclusion under subsection (1) comes to an end, by resolution extend it until the end of such period of not less than three months, and not more than twelve months, beginning with the date of the resolution as the resolution may provide.”
- (4) In subsection (2) (exclusion of members of party from holding office as Ministers or junior Ministers), for “a period of twelve months beginning with the date of the resolution” there is substituted “such period of not less than six months, and not more than twelve months, beginning with the date of the resolution as the resolution may provide”.
- (5) For subsection (3) there is substituted—

“(3) The Assembly may, before a period of exclusion under subsection (2) comes to an end, by resolution extend it until the end of such period of not less than six months, and not more than twelve months, beginning with the date of the resolution as the resolution may provide.”

(6) In subsection (4) (ending exclusion), after “A period of exclusion” there is inserted “under subsection (1) or (2)”.

(7) For subsections (6) and (7) there is substituted—

“(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—

- (a) whether the person or party concerned is committed to the use now and in the future of only democratic and peaceful means to achieve his or its objectives;
- (b) whether he or it has ceased to be involved in any acts of violence or of preparation for violence;
- (c) whether he or it is directing or promoting acts of violence by other persons;
- (d) whether he or it is co-operating fully with any Commission of the kind referred to in section 7 of the Northern Ireland Arms Decommissioning Act 1997 in implementing the Decommissioning section of the Belfast Agreement; and
- (e) any recommendation about steps the Assembly might consider taking which is contained in a report—
 - (i) made by the Commission mentioned in section 1 of the Northern Ireland (Monitoring Commission etc.) Act 2003, or
 - (ii) made under the agreement establishing that Commission by members of that Commission.”

(8) At the end there is inserted—

“(9) 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.”