



Northern Ireland (Miscellaneous Provisions) Act 2006

2006 CHAPTER 33

PART 4

DEVOLUTION OF POLICING AND JUSTICE ETC.

17 Department with policing and justice functions

(1) After section 21 of the 1998 Act insert—

“21A Northern Ireland department with policing and justice functions

[^{F1}(1) An Act of the Assembly that—

- (a) establishes a new Northern Ireland department; and
- (b) provides that the purpose of the department is to exercise functions consisting wholly or mainly of devolved policing and justice functions,

may (but need not) make provision of the kind mentioned in subsection (3), (4), (5) or (5A).]

^{F1}(3) The Act may provide for the department to be in the charge of a Northern Ireland Minister appointed by virtue of a nomination—

- (a) made by the First Minister and the deputy First Minister acting jointly; and
- (b) approved by a resolution of the Assembly passed with the support of a majority of the members voting on the motion for the resolution, a majority of the designated Nationalists voting and a majority of the designated Unionists voting.

(4) The Act may provide for the department to be in the charge of two Northern Ireland Ministers acting jointly.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Section 17. (See end of Document for details)

- (5) The Act may provide—
- (a) for the department to be in the charge of a Northern Ireland Minister who is supported by a junior Minister; and
 - (b) for the persons holding those offices to rotate at intervals determined by or under the Act, so that the person who was the Minister in charge of the department becomes the junior Minister and the person who was the junior Minister becomes the Minister.
- [^{F2}(5A) The Act may provide—
- (a) for the department to be in the charge of a Northern Ireland Minister elected by the Assembly; and
 - (b) for that Minister to be supported by a deputy Minister elected by the Assembly.]

^{F2}(6) There must not, at any time, be more than one department in relation to which provision of the kind mentioned in any of subsections (3), (4) [^{F3}, (5) and (5A)]^{F3} is made by Act of the Assembly [^{F4}, or by Order in Council under subsection (7C)]^{F4}.

(7) Schedule 4A (provisions relating to a department with devolved policing and justice functions) shall have effect.

[^{F5}(7A) If it appears to the Secretary of State that there is no reasonable prospect that the Assembly will pass an Act of the kind described in subsection (1)(a) and (b), he may lay before Parliament the draft of an Order in Council which—

 - (a) establishes a new Northern Ireland department;
 - (b) provides that the purpose of the department is to exercise functions consisting wholly or mainly of devolved policing and justice functions;
 - (c) provides for the department to be in the charge of a Northern Ireland Minister elected by the Assembly and for that Minister to be supported by a deputy Minister elected by the Assembly; and
 - (d) provides for Part 3A of Schedule 4A to apply in relation to the department (with any necessary modifications).

(7B) The draft of an Order laid before Parliament under subsection (7A) may contain supplementary, incidental, consequential, transitional or saving provision.

(7C) If the draft of an Order laid before Parliament under subsection (7A) is approved by resolution of each House of Parliament, the Secretary of State shall submit it to Her Majesty in Council and Her Majesty in Council may make the Order.

(7D) No more than one department may be established by virtue of an Order under subsection (7C).]

^{F5}(8) In this section “devolved policing and justice function” means a function relating to a matter which—

 - (a) is a transferred matter by virtue of an Order under section 4; and
 - (b) immediately before the matter became a transferred matter, was a [^{F6}“policing and justice matter”]^{F6} (within the meaning given by section 4(6)).”

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Section 17. (See end of Document for details)

- (2) After Schedule 4 to the 1998 Act insert the Schedule 4A set out in Schedule 2 to this Act.

Textual Amendments

- F1** Words in s. 17(1) substituted (11.3.2009) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 44(2)**, 53; S.I. 2009/446, **art. 3**
- F2** Words in s. 17(1) inserted (11.3.2009) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 44(3)**, 53; S.I. 2009/446, **art. 3**
- F3** Words in s. 17(1) substituted (11.3.2009) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 44(4)(a)**, 53; S.I. 2009/446, **art. 3**
- F4** Words in s. 17(1) inserted (11.3.2009) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 44(4)(b)**, 53; S.I. 2009/446, **art. 3**
- F5** Words in s. 17(1) inserted (11.3.2009) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 44(5)**, 53; S.I. 2009/446, **art. 3**
- F6** Words in s. 17(1) substituted (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), **ss. 18(7)**, 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 (Miscellaneous Provisions) Act 2006, Section 17.