

*Status: Point in time view as at 26/03/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (St Andrews Agreement) Act 2006, SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 8

#### EXECUTIVE SELECTION: CONSEQUENTIAL AMENDMENTS

##### Commencement Information

- II** [Sch. 5](#) in force on 26.3.2007 if, and only if, the Secretary of State makes a restoration order by virtue of s. 2(2), see [s. 27\(4\)\(5\)](#)

##### *Northern Ireland Act 1998 (c. 47)*

- 1 The 1998 Act is amended as follows.
- 2 (1) Section 18 (Northern Ireland Ministers) is amended as follows.
- (2) Omit subsection (1)(a).
- (3) For subsection (13) substitute—
- “(13) In 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.”
- 3 In section 19A (disqualification for certain offices which may be held by members of the Assembly), in subsection (1), for paragraphs (a) and (b) substitute—
- “(a) be nominated to hold the office of First Minister or deputy First Minister or a Ministerial office to be held by a Northern Ireland Minister.”.
- 4 In section 32 (extraordinary elections), for subsection (3) substitute—
- “(3) If—
- (a) the period mentioned in section 16A(3) ends without the offices of First Minister and deputy First Minister and the Ministerial offices to be held by Northern Ireland Ministers having been filled; or
- (b) the period mentioned in section 16B(3) ends without the offices of First Minister and deputy First Minister having been filled,
- the Secretary of State shall propose a date for the poll for the election of the next Assembly.”
- 5 In section 98(1) (interpretation), in the definition of “the pledge of office”, for “16(10)” substitute “ 16C(14) ”.
- 6 (1) Schedule 12A (effect of application of section 95A(6) or (7)) is amended as follows.
- (2) In paragraph 6(4), for “16(8)” substitute “ 16B(3) to (9) ”.

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- (3) In paragraph 7(4), for “16(7)” substitute “ 16B(2) ”.
- (4) In paragraph 8(1)(a), for “the six weeks” substitute “ the period of seven days ”.
- (5) In paragraph 8(3), for “16” substitute “ 16B(3) to (9) ”.
- (6) In paragraph 8(4)—
  - (a) for “for an election under section 16” substitute “ under section 16B(3) to (9) ”;
  - (b) for “of six weeks mentioned in section 16(8)” substitute “ mentioned in section 16B(3) ”.

*Northern Ireland Act 2000 (c. 1)*

- 7 In section 1 of the 2000 Act (suspension of devolved government in Northern Ireland), in subsection (4), omit “elected,”.

*Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33)*

- 8 In Schedule 2 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) (department with policing and justice functions), the inserted Schedule 4A to the 1998 Act is amended as follows.

- 9 After paragraph 1 insert—

*“Modification of section 16A*

- 1A Section 16A(3) shall have effect as if, for paragraph (b) (and the word “and” before it) there were substituted—
  - “(aa) once those offices have been filled, the relevant Ministerial office (within the meaning of Part 1 of Schedule 4A) shall be filled by applying paragraph 3(3) to (6) of that Schedule; and
  - (b) once that office has been filled, the other Ministerial offices to be held by Northern Ireland Ministers shall be filled by applying section 18(2) to (6).”

- 10 In paragraph 3 (department in the charge of Minister approved by resolution of Assembly: provisions relating to relevant Minister), in sub-paragraph (1), for “(a) to (e)” substitute “ (b) to (e) ”.

- 11 After paragraph 4 insert—

*“Modification of section 16A*

- 4A Section 16A(3) shall have effect as if, for paragraph (b) (and the word “and” before it) there were substituted—
  - “(aa) once those offices have been filled, the relevant Ministerial offices (within the meaning of Part 2 of Schedule 4A) shall be filled by applying paragraph 7(3) to (6) of that Schedule; and
  - (b) once those offices have been filled, the other Ministerial offices to be held by Northern Ireland Ministers shall be filled by applying section 18(2) to (6).”

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12 In paragraph 7 (department in the charge of two Ministers: provisions relating to relevant Ministers), in sub-paragraph (1), for “(a) to (e)” substitute “(b) to (e)”.

13 After paragraph 8 insert—

*“Modification of section 16A*

8A Section 16A(3) shall have effect as if, for paragraph (b) (and the word “and” before it) there were substituted—

“(aa) once those offices have been filled, the relevant Ministerial office (within the meaning of Part 3 of Schedule 4A) and the relevant junior Ministerial office (within that meaning) shall be filled by applying paragraph 11(3) to (6) of that Schedule; and

(b) once those offices have been filled, the other Ministerial offices to be held by Northern Ireland Ministers shall be filled by applying section 18(2) to (6).”

14 In paragraph 11 (department with rotation between Minister and junior Minister: provisions relating to relevant Minister and relevant junior Minister), in sub-paragraph (1), for “(a) to (e)” substitute “(b) to (e)”.

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