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**Changes to legislation:** There are currently no known outstanding effects for the Northern Ireland Act 2009, Cross Heading: Dissolution of department etc. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 1

#### NORTHERN IRELAND DEPARTMENT WITH POLICING AND JUSTICE FUNCTIONS

#### PART 3

#### SPECIAL PROVISION APPLYING TO FIRST POLICING AND JUSTICE DEPARTMENT

##### *Dissolution of department etc*

- 8 (1) The department dissolves on 1 May 2012 unless, before 1 May 2012—
- (a) the Assembly resolves that the department is to continue operating from 1 May 2012, or
  - (b) a second Act of the Assembly (“the second Act”) makes provision authorised by sub-paragraph (3).
- (2) A resolution for the purposes of sub-paragraph (1)(a) must be passed with cross-community support (as defined in section 4(5) of the 1998 Act).
- (3) The second Act may provide that the department is to continue operating from 1 May 2012.
- (4) The second Act may repeal the initial ministerial provision with effect from a specified date.
- (5) If the second Act repeals the initial ministerial provision, it may also—
- (a) replace the initial ministerial provision with provision of the kind mentioned in section 21A(3), (4), (5) or (5A) of the 1998 Act with effect from the specified date (and the relevant provisions of Schedule 4A to the 1998 Act apply), or
  - (b) provide for the department to be in the charge of the First Minister and the deputy First Minister acting jointly with effect from the specified date (and section 21(3)(a) and (b) of the 1998 Act apply);
- and if no provision is made within paragraph (a) or (b), the Ministerial office of the Minister in charge of the department is to be filled under section 18 of the 1998 Act.
- (6) If the second Act repeals the initial ministerial provision, a determination under section 17(1) of the 1998 Act must be made on the specified date.
- (7) That determination takes effect immediately (and, accordingly, section 17(5) of the 1998 Act does not apply in relation to it).
- (8) If the second Act replaces the initial ministerial provision with provision of the kind mentioned in section 21A(5A) of the 1998 Act, paragraph 11E(1) of Schedule 4A to the 1998 Act applies as if devolved policing and justice functions were first

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transferred to, or conferred on, the department when the determination required by sub-paragraph (6) takes effect in accordance with sub-paragraph (7).

- (9) Nothing in this paragraph stops an Act of the Assembly dissolving the department at any time.

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