



Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022

2022 CHAPTER 2

Executive formation

2 Duration of Ministerial appointments

(1) The Northern Ireland Act 1998 is amended as follows.

(2) In section 16A—

- (a) omit subsection (2) (Northern Ireland Ministers cease to hold office following Assembly election);
- (b) in subsection (10), for “and the deputy First Minister” substitute “, the deputy First Minister and the Northern Ireland Ministers”;
- (c) after subsection (11) insert—

“(11A) The First Minister and deputy First Minister cease to hold office if the period of 24 weeks beginning with the day on which an Assembly first meets expires without those offices having been filled by virtue of this section.”

(3) In section 18—

- (a) before subsection (1) insert—

“(A1) Where—

- (a) an Assembly is elected—
 - (i) at a poll the date for which is proposed under section 32(3B), or
 - (ii) following the issue of a certificate under subsection (A2),
- (b) the period of 24 weeks beginning with the day on which an Assembly first meets expires without the offices mentioned in section 16A(3) having been filled, or

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022, Section 2. (See end of Document for details)

(c) the period of 48 weeks beginning with the day on which a vacancy arises in the offices of First Minister and deputy First Minister expires without those offices having been filled, all Northern Ireland Ministers shall cease to hold office (and the Ministerial offices shall remain vacant until next filled by virtue of section 16A).

(A2) Where the Secretary of State—

(a) has proposed, or is under a duty to propose, a date for the poll for the election of the next Assembly under section 32(1) or (3), and

(b) considers that, in order to give effect to the purpose underlying paragraph 3.15 of Annex C of Part 2 of The New Decade, New Approach Deal so far as it relates to representation, it is necessary for the Northern Ireland Ministers to cease to hold office on the election of that Assembly,

the Secretary of State may issue a certificate that the conditions in paragraphs (a) and (b) are met.”;

(b) in subsection (9) (circumstances in which an individual Northern Ireland Minister ceases to hold office), after paragraph (a) insert—

“(aa) there is an Assembly election at which the Minister is not returned as a member;”;

(c) in subsection (10), after “subsection” insert “(A1) or”.

(4) In section 98, in subsection (1), at the appropriate place insert—

““The New Decade, New Approach Deal” means the deal to restore devolved government in Northern Ireland published by that name in January 2020;”.

(5) In Schedule 4A (Minister of Justice), in paragraph 3D—

(a) before sub-paragraph (1) insert—

“(A1) Where—

(a) an Assembly is elected—

(i) at a poll the date for which is proposed under section 32(3B), or

(ii) following the issue of a certificate under section 18(A2),

(b) the period of 24 weeks beginning with the day on which an Assembly first meets expires without the offices mentioned in section 16A(3) having been filled, or

(c) the period of 48 weeks beginning with the day on which a vacancy arises in the offices of First Minister and deputy First Minister expires without those offices having been filled,

the relevant Minister shall cease to hold office (and the relevant Ministerial office shall remain vacant until next filled by virtue of section 16A).”;

(b) in sub-paragraph (11), after paragraph (a) insert—

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- “(aa) there is an Assembly election at which the Minister is not returned as a member.”;
- (c) in sub-paragraph (14), after “sub-paragraph” insert “(A1) or”.

Commencement Information

II S. 2 in force at Royal Assent, see **s. 9**

Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022, Section 2.