



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

2022 CHAPTER 2

Executive formation

3 Extraordinary Assembly elections

- (1) Section 32 of the Northern Ireland Act 1998 (extraordinary elections) is amended as follows.
- (2) In subsection (1) (Secretary of State's duty to trigger election if Assembly resolves to dissolve itself), after "shall" insert " , as soon as practicable,".
- (3) After subsection (1) insert—

“(1A) The proposed date must be within the period of 12 weeks beginning with the day on which the resolution is passed.”
- (4) In subsection (3) (Secretary of State's duty to trigger election if Ministerial offices not filled), in the words after paragraph (b), after "shall" insert " , as soon as practicable,".
- (5) After subsection (3) insert—

“(3A) The proposed date must be within the period of 12 weeks beginning when the duty in subsection (3) arises.

(3B) At any time after the first six weeks of the period mentioned in section 16A(3) or 16B(3) but before the end of the period mentioned there, the Secretary of State may, if the offices mentioned there have not yet been filled, propose a date for the poll for the election of the next Assembly.

(3C) The Secretary of State may exercise the power in subsection (3B) only if the Secretary of State considers that it is necessary to do so 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.

(3D) The Assembly may not pass a resolution under subsection (1)—

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022, Section 3. (See end of Document for details)

- (a) during a period when the Secretary of State is under a duty to propose a date under subsection (3), or
- (b) if the Secretary of State has proposed a date under subsection (3) or (3B) and that date has not yet been reached.

(3E) The duty in subsection (3) does not arise if—

- (a) the Assembly passes a resolution under subsection (1) during the period mentioned in section 16A(3) or 16B(3), or
- (b) the Secretary of State proposes a date under subsection (3B) during that period.

(3F) The Secretary of State may not propose a date under subsection (3B)—

- (a) during a period when the Secretary of State is under a duty to propose a date under subsection (1), or
- (b) if the Secretary of State has proposed a date under subsection (1) and that date has not yet been reached.

(3G) Where the Secretary of State has proposed a date under subsection (1), (3) or (3B), the Secretary of State may, before the Assembly has been dissolved—

- (a) propose a different date under that subsection, or
- (b) in the case of a date proposed under subsection (3B), withdraw the proposal;

and an Order in Council under subsection (4) may be amended or revoked accordingly.”

(6) In subsection (4), for “or (3)” substitute “, (3) or (3B)”.

Commencement Information

II S. 3 in force at Royal Assent, see [s. 9](#)

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