



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART IV

#### THE NORTHERN IRELAND ASSEMBLY

##### *Remuneration and pensions*

#### **47 Remuneration of members.**

- (1) The Assembly shall pay to members of the Assembly such salaries as [<sup>F1</sup>may from time to time be determined] .
- (2) The Assembly may pay to members of the Assembly such allowances as [<sup>F2</sup>may from time to time be determined] .

[<sup>F3</sup>(2A) The Assembly may make provision—

- (a) determining the salaries or allowances payable to members of the Assembly under this section, or
- (b) providing for those salaries or allowances to be determined by a person other than the Assembly in accordance with the provision.

(2B) Different provision may be made for different cases (for example, provision for higher salaries to be payable to Ministers or other office holders).]

[<sup>F4</sup>(3) .....

[<sup>F5</sup>(4) Provision under subsection (2A) must ensure that, if a salary is payable to a member of the Assembly (“M”) as a member of [<sup>F6</sup>the House of Lords] or as a member of the European Parliament—

- (a) if M does not hold an office within subsection (9A), no salary is payable to M under this section;
- (b) if M holds an office within subsection (9A), the salary which would otherwise be payable to M under this section is reduced by the appropriate amount.

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*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Cross Heading: Remuneration and pensions. (See end of Document for details)*

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(4A) The appropriate amount is the amount of the salary payable under this section to members of the Assembly generally.]

<sup>F7</sup>(5) .....

<sup>F8</sup>(6) .....

<sup>F9</sup>(7) .....

(8) Standing orders must include provision for the publication of every determination [<sup>F10</sup>of salaries or allowances by provision under subsection (2A)(a)] .

[<sup>F11</sup>(8A) Provision under subsection (2A)(b) must include provision for the publication of every determination of salaries or allowances under that provision.]

(9) For the purposes of this section—

- (a) a person’s membership of the Assembly begins on the day on which he takes his seat in accordance with standing orders; and
- (b) a person’s holding of [<sup>F12</sup>an office within subsection (9A)] begins on the day on which he takes up office.

[<sup>F13</sup>(9A) An office is within this subsection if the salary payable under this section to a member of the Assembly holding the office is higher than the salary payable under this section to members of the Assembly generally.]

(10) For the purposes of this section, a person who is a member of the Assembly immediately before the Assembly is dissolved shall be treated—

- (a) if he continues to hold [<sup>F14</sup>office as a Minister or junior Minister, as Presiding Officer or deputy or as a member of the Northern Ireland Assembly Commission] , as if he were a member of the Assembly until the end of the day on which he ceases to hold the office; and
- (b) if he does not fall within paragraph (a) but is nominated as a candidate at the subsequent general election, as if he were a member of the Assembly until the end of the day of the poll for that election.

[<sup>F15</sup>(10A) The provision which may be made by the Assembly for the purposes of this section includes provision—

- (a) by a resolution of the Assembly conferring functions on the Northern Ireland Assembly Commission, or
- (b) by an Act of the Assembly (which may include provision establishing an office or body, provision conferring functions on an office-holder or body and ancillary provision).]

(11) Any expenditure incurred by the Assembly under this section shall be defrayed out of money appropriated by Act of the Assembly.

#### Textual Amendments

- F1** Words in s. 47(1) substituted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), ss. 1(2), 3(3); S.I. 2010/1726, art. 2
- F2** Words in s. 47(2) substituted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), ss. 1(2), 3(3); S.I. 2010/1726, art. 2
- F3** S. 47(2A)(2B) inserted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), ss. 1(3), 3(3) (with s. 1(14)); S.I. 2010/1726, art. 2

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Cross Heading: Remuneration and pensions. (See end of Document for details)*

- F4** S. 47(3) omitted (5.7.2010) by virtue of Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(4), 3(3)**; S.I. 2010/1726, art. 2
- F5** S. 47(4)(4A) substituted for s. 47(4) (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(5), 3(3)** (with s. 1(14)); S.I. 2010/1726, art. 2
- F6** Words in s. 47(4) substituted (5.5.2016 unless the Northern Ireland Assembly is dissolved at an earlier date) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), **ss. 3(4), 28(6)**
- F7** S. 47(5) omitted (5.7.2010) by virtue of Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(4), 3(3)**; S.I. 2010/1726, art. 2
- F8** S. 47(6) omitted (5.7.2010) by virtue of Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(4), 3(3)**; S.I. 2010/1726, art. 2
- F9** S. 47(7) omitted (5.7.2010) by virtue of Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(6), 3(3)**; S.I. 2010/1726, art. 2
- F10** Words in s. 47(8) substituted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(7), 3(3)**; S.I. 2010/1726, art. 2
- F11** S. 47(8A) inserted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(8), 3(3)**; S.I. 2010/1726, art. 2
- F12** Words in s. 47(9)(b) substituted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(9), 3(3)**; S.I. 2010/1726, art. 2
- F13** S. 47(9A) inserted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(10), 3(3)**; S.I. 2010/1726, art. 2
- F14** Words in s. 47(10)(a) substituted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(11), 3(3)**; S.I. 2010/1726, art. 2
- F15** S. 47(10A) inserted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 1(12), 3(3)**; S.I. 2010/1726, art. 2

#### **Modifications etc. (not altering text)**

- C1** S. 47: Functions of Assembly made exercisable by Secretary of State (*temp.* 12.2.2000 - 30.5.2000) by 2000 c. 1, s. 1(8), **Sch. para. 9(1)**; S.I. 2000/396, **art. 2**, S.I. 2000/1445, art. 2
- C2** S. 47 restricted (30.5.2000) by 2000 c. 1, **s. 3(8)-(10)** (as inserted by S.I. 2000/1446, **art. 2(2)**)  
S. 47 restricted (12.2.2000) by 2000 c. 1, s. 1(8), **Sch. para. 9(3)**; S.I. 2000/396, **art. 2**
- C3** S. 47 modified (15.5.2003) by Northern Ireland Assembly (Elections and Periods of Suspension) Act 2003 (c.12), **s. 4**
- C4** S. 47 modified (26.1.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), **ss. 4, 27** (with s. 1(3)); S.I. 2007/92, **art. 2**
- C5** S. 47 modified (28.3.2018) by Northern Ireland Assembly Members (Pay) Act 2018 (c. 7), **ss. 1(1), 2(2)** (with s. 1(3))
- C6** S. 47 modified (6.12.2022) by Northern Ireland (Executive Formation etc) Act 2022 (c. 48), **ss. 10(1)(a)(6), 14(2)**
- C7** S. 47(9)(a) modified (4.12.2003) by The Northern Ireland Act 1998 (Modification) Order 2003 (S.I. 2003/3039), **art. 2**

#### **[<sup>F16</sup>47A Resolutions about reduction of remuneration**

- (1) If, in relation to the salary payable under section 47 to a Minister or junior Minister, the Assembly resolves that the whole or a specified part of the salary payable for a specified period shall not be payable—
- (a) because he is not committed to non-violence and exclusively peaceful and democratic means, or
  - (b) because of any failure of his to observe any other terms of the pledge of office, the salary payable to him under that section shall be reduced accordingly.

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- (2) If, in relation to the salaries payable under section 47 to members of the Assembly who are members of a particular political party, the Assembly resolves that the whole or a specified part of the salaries payable for a specified period shall not be payable—
- (a) because that party is not committed to non-violence and exclusively peaceful and democratic means, or
  - (b) because it is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office, the salaries payable to them under that section shall be reduced accordingly.
- (3) The Assembly may, before the end of the period by reference to which a reduction under subsection (1) or (2) falls to be made, by resolution extend that period.
- <sup>F17</sup>(4) .....
- (5) The period by reference to which a reduction under subsection (1) or (2) falls to be made shall come to an end if the Assembly—
- (a) is dissolved; or
  - (b) resolves to bring the reduction to an end.
- (6) A motion for a resolution under this section shall not be moved unless—
- (a) it is supported by at least 30 members of the Assembly;
  - (b) it is moved by the First Minister and the deputy First Minister acting jointly; or
  - (c) it is moved by the Presiding Officer in pursuance of a notice under subsection (7).
- (7) If the Secretary of State is of the opinion that the Assembly ought to consider a resolution under this section, he shall serve a notice on the Presiding Officer requiring him to move a motion for such a resolution.
- (8) In forming an opinion under subsection (7), the Secretary of State shall in particular take into account the matters listed in section 30(7).
- (9) A resolution under this section shall not be passed without cross-community support.
- (10) In this section a reference to—
- (a) the period by reference to which a reduction under subsection (1) or (2) falls to be made, <sup>F18</sup>...
  - <sup>F18</sup>(b) .....
- is, where the period has been extended, a reference to the period as extended.

#### Textual Amendments

- F16** Ss. 47A-47C inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 7(1), 12**; S.I. 2004/83, **art. 2**
- F17** S. 47A(4) omitted (1.4.2011) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), **5(e)(i)**
- F18** S. 47A(10)(b) and preceding word omitted (1.4.2011) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), **5(e)(ii)**

#### 47B Secretary of State's powers in relation to reduction of remuneration

[<sup>F19</sup>(1) This section applies if—

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- (a) the Monitoring Commission has, or members of that Commission have under the agreement establishing it, made a report containing a recommendation about steps the Assembly might consider taking;
  - (b) the taking of those steps by the Assembly requires the passing by it of a resolution under section 47A(1), (2), (3) or (4) in relation to a Minister, junior Minister or political party; and
  - (c) the first motion for a resolution under that provision in relation to the Minister, junior Minister or political party concerned that is put to the vote after the making of the report does not attract cross-community support.
- (2) Where this section applies because of the failure of a motion for a resolution under section 47A(1), the Secretary of State may, in relation to the salary payable under section 47 to the Minister or junior Minister concerned, by direction provide that the whole or a specified part of the salary payable for a specified period shall not be payable (subject to subsection (4)).
- (3) Where this section applies because of—
  - (a) the failure of a motion for a resolution under section 47A(3) to extend a period by reference to which a reduction under section 47A(1) falls to be made, or
  - (b) the failure of a motion for a resolution under section 47A(4) to extend a period by reference to which provision for non-payability under subsection (2) applies,the Secretary of State may, before the end of that period, by direction extend that period (subject to subsection (4)).
- (4) The Secretary of State may exercise the power under subsection (2) or (3) only if he is satisfied that the Minister or junior Minister concerned—
  - (a) is not committed to non-violence and exclusively peaceful and democratic means; or
  - (b) has failed to observe any other terms of the pledge of office.
- (5) Where this section applies because of the failure of a motion for a resolution under section 47A(2), the Secretary of State may, in relation to the salaries payable under section 47 to members of the Assembly who are members of the political party concerned, by direction provide that the whole or a specified part of the salaries payable for a specified period shall not be payable (subject to subsection (7)).
- (6) Where this section applies because of—
  - (a) the failure of a motion for a resolution under section 47A(3) to extend a period by reference to which a reduction under section 47A(2) falls to be made, or
  - (b) the failure of a motion for a resolution under section 47A(4) to extend a period by reference to which provision for non-payability under subsection (5) applies,the Secretary of State may, before the end of that period, by direction extend that period (subject to subsection (7)).
- (7) The Secretary of State may exercise the power under subsection (5) or (6) only if he is satisfied that the political party concerned—
  - (a) is not committed to non-violence and exclusively peaceful and democratic means; or
  - (b) is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office.

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- (8) The period by reference to which provision for non-payability under subsection (2) or (5) applies shall come to an end if—
- (a) the Secretary of State by direction so provides; or
  - (b) the Assembly is dissolved.
- (9) In subsection (1)(a) “the Monitoring Commission” means the Commission mentioned in section 1 of the Northern Ireland (Monitoring Commission etc.) Act 2003.
- (10) In this section a reference to—
- (a) the period by reference to which provision for non-payability under subsection (2) or (5) applies, or
  - (b) the period by reference to which a reduction under section 47A(1) or (2) falls to be made,
- is, where the period has been extended, a reference to the period as extended.]

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**Textual Amendments**

**F16** Ss. 47A-47C inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), ss. 7(1), 12; S.I. 2004/83, art. 2

**F19** S. 47B ceases to have effect (31.3.2011 at the end of the day) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), s. 12(2)(3); S.I. 2011/978, art. 2

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**Modifications etc. (not altering text)**

**C8** S. 47B modified (temp.) (21.4.2004) by The Northern Ireland Act 1998 and Northern Ireland Act 2000 (Modification) Order 2004 (S.I. 2004/1164), art. 2

**47C** [<sup>F20</sup>Section 47A]: specified periods and extensions

- (1) A period specified under section 47A(1) or (2) <sup>F21</sup>...—
- (a) shall begin no earlier than the end of the day when the resolution or direction specifying it is passed or given;
  - (b) shall begin no later than the end of the period of one month beginning with that day; and
  - (c) shall not be longer than 12 months.
- (2) The power under section 47A(3) <sup>F22</sup>... to extend a period is a power to extend it until the end of such period of not more than 12 months beginning with the date of the resolution, <sup>F22</sup>..., by which the power is exercised as the resolution <sup>F22</sup>... may provide.]

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**Textual Amendments**

**F16** Ss. 47A-47C inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), ss. 7(1), 12; S.I. 2004/83, art. 2

**F20** Words in s. 47C title substituted (1.4.2011) by Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), 5(f)(iii)

**F21** Words in s. 47C(1) omitted (1.4.2011) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), 5(f)(i)

**F22** Words in s. 47C(2) omitted (1.4.2011) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), 5(f)(ii)

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Cross Heading: Remuneration and pensions. (See end of Document for details)*

## 48 Pensions of members.

- (1) The Assembly may make provision for the payment of pensions, gratuities or allowances to, or in respect of, any person who—
- (a) has ceased to be a member of the Assembly; or
  - (b) has ceased to hold [<sup>F23</sup>an office within subsection (1A)] but continues to be a member of the Assembly.

[<sup>F24</sup>(1A) An office is within this subsection if the salary payable under section 47 to a member of the Assembly holding the office is higher than the salary payable under that section to members of the Assembly generally.]

- (2) Such provision may, in particular, include provision for—
- (a) contributions or payments towards provision for such pensions, gratuities or allowances;
  - (b) the establishment and administration (whether by the Commission or otherwise) of one or more pension schemes.

[<sup>F25</sup>(2A) Where any salary payable to a person under section 47 is not payable because of [<sup>F26</sup>section 47A], any provision made under this section for the payment of pensions which has effect in relation to him shall apply as if the salary were payable.]

- (3) In this section—
- “the Commission” means the Northern Ireland Assembly Commission;
  - “provision” includes provision—
    - (a) by an Act of the Assembly [<sup>F27</sup>(which may include provision establishing an office or body, provision conferring functions on an office-holder or body and ancillary provision)]; or
    - (b) by a resolution of the Assembly conferring functions on the Commission.

- (4) Any expenditure incurred by the Assembly under this section shall be defrayed out of money appropriated by Act of the Assembly.

### Extent Information

- E1** S. 48: functions of Assembly made exercisable by Secretary of State (temp. from 12.2.2000 to 30.5.2000) by 2000 c. 1, s. 1(8), **Sch. para. 9(1)**; S.I. 2000/396, **art. 2**; S.I. 2000/1445, **art. 2**

### Textual Amendments

- F23** Words in s. 48(1)(b) substituted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 2(2), 3(3)**; S.I. 2010/1726, **art. 2**
- F24** S. 48(1A) inserted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 2(3), 3(3)**; S.I. 2010/1726, **art. 2**
- F25** S. 48(2A) inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 7(2), 12**; S.I. 2004/83, **art. 2**
- F26** Words in s. 48(2A) substituted (1.4.2011) by Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), **arts. 1(2), 5(g)**
- F27** Words in s. 48(3) inserted (5.7.2010) by Northern Ireland Assembly Members Act 2010 (c. 16), **ss. 2(4), 3(3)**; S.I. 2010/1726, **art. 2**

### Modifications etc. (not altering text)

- C9** S. 48 restricted (12.2.2000) by 2000 c. 1, s. 1(8), **Sch. para. 9(3)**; S.I. 2000/396, **art. 2**

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**Changes to legislation:** There are currently no known outstanding effects for the Northern Ireland Act 1998, Cross Heading: Remuneration and pensions. (See end of Document for details)

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- C10** S. 48 applied (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), **ss. 23(5)**, 87(1); S.R. 2010/113, art. 2, Sch. para. 3
- C11** S. 48 modified (28.3.2018) by Northern Ireland Assembly Members (Pay) Act 2018 (c. 7), **ss. 1(2)**, 2(2) (with s. 1(3))
- C12** S. 48 modified (6.12.2022) by Northern Ireland (Executive Formation etc) Act 2022 (c. 48), **ss. 10(1)(b)(6)**, 14(2) (with s. 10(5))



**Changes to legislation:**

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