



Northern Ireland Act 1998

1998 CHAPTER 47

PART III

EXECUTIVE AUTHORITIES

Authorities

16 First Minister and deputy First Minister

- (1) Each Assembly shall, within a period of six weeks beginning with its first meeting, elect from among its members the First Minister and the deputy First Minister.
- (2) Each candidate for either office must stand for election jointly with a candidate for the other office.
- (3) Two candidates standing jointly shall not be elected to the two offices without the support of a majority of the members voting in the election, a majority of the designated Nationalists voting and a majority of the designated Unionists voting.
- (4) The First Minister and the deputy First Minister—
 - (a) shall not take up office until each of them has affirmed the terms of the pledge of office; and
 - (b) subject to the provisions of this Part, shall hold office until the conclusion of the next election for First Minister and deputy First Minister.
- (5) The holder of the office of First Minister or deputy First Minister may by notice in writing to the Presiding Officer designate a Northern Ireland Minister to exercise the functions of that office—
 - (a) during any absence or incapacity of the holder; or
 - (b) during any vacancy in that office arising otherwise than under subsection (7)(a);

but a person shall not have power to act by virtue of paragraph (a) for a continuous period exceeding 6 weeks.

Status: This is the original version (as it was originally enacted).

- (6) The First Minister or the deputy First Minister—
 - (a) may at any time resign by notice in writing to the Presiding Officer; and
 - (b) shall cease to hold office if he ceases to be a member of the Assembly otherwise than by virtue of a dissolution.
- (7) If either the First Minister or the deputy First Minister ceases to hold office at any time, whether by resignation or otherwise, the other—
 - (a) shall also cease to hold office at that time; but
 - (b) may continue to exercise the functions of his office until the election required by subsection (8).
- (8) Where the offices of the First Minister and the deputy First Minister become vacant at any time an election shall be held under this section to fill the vacancies within a period of six weeks beginning with that time.
- (9) Standing orders may make provision with respect to the holding of elections under this section.
- (10) In this Act “the pledge of office” means the pledge of office which, together with the code of conduct to which it refers, is set out in Annex A to Strand One of the Belfast Agreement (the text of which Annex is reproduced in Schedule 4).

17 Ministerial offices

- (1) The First Minister and the deputy First Minister acting jointly may at any time, and shall where subsection (2) applies, determine—
 - (a) the number of Ministerial offices to be held by Northern Ireland Ministers; and
 - (b) the functions to be exercisable by the holder of each such office.
- (2) This subsection applies where provision is made by an Act of the Assembly for establishing a new Northern Ireland department or dissolving an existing one.
- (3) In making a determination under subsection (1), the First Minister and the deputy First Minister shall ensure that the functions exercisable by those in charge of the different Northern Ireland departments existing at the date of the determination are exercisable by the holders of different Ministerial offices.
- (4) The number of Ministerial offices shall not exceed 10 or such greater number as the Secretary of State may by order provide.
- (5) A determination under subsection (1) shall not have effect unless it is approved by a resolution of the Assembly passed with cross-community support.

18 Northern Ireland Ministers

- (1) Where—
 - (a) an Assembly is elected under section 31 or 32;
 - (b) a determination under section 17(1) takes effect;
 - (c) a resolution which causes one or more Ministerial offices to become vacant is passed under section 30(2);
 - (d) the period of exclusion imposed by a resolution under section 30(2) comes to an end; or
 - (e) such other circumstances obtain as may be specified in standing orders,

all Northern Ireland Ministers shall cease to hold office and the Ministerial offices shall be filled by applying subsections (2) to (6) within a period so specified.

(2) The nominating officer of the political party for which the formula in subsection (5) gives the highest figure may select a Ministerial office and nominate a person to hold it who is a member of the party and of the Assembly.

(3) If—

- (a) the nominating officer does not exercise the power conferred by subsection (2) within a period specified in standing orders; or
- (b) the nominated person does not take up the selected Ministerial office within that period,

that power shall become exercisable by the nominating officer of the political party for which the formula in subsection (5) gives the next highest figure.

(4) Subsections (2) and (3) shall be applied as many times as may be necessary to secure that each of the Ministerial offices is filled.

(5) The formula is—

$$\frac{S}{1 + M}$$

where—

- S = the number of seats in the Assembly which were held by members of the party on the day on which the Assembly first met following its election;
- M = the number of Ministerial offices (if any) which are held by members of the party.

(6) Where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the last general election of members of the Assembly.

(7) The holding of office as First Minister or deputy First Minister shall not prevent a person being nominated to hold a Ministerial office.

(8) A Northern Ireland Minister shall not take up office until he has affirmed the terms of the pledge of office.

(9) A Northern Ireland Minister shall cease to hold office if—

- (a) he resigns by notice in writing to the First Minister and the deputy First Minister;
- (b) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution; or
- (c) he is dismissed by the nominating officer who nominated him (or that officer's successor) and the Presiding Officer is notified of his dismissal.

(10) Where a Ministerial office is vacant otherwise than by virtue of subsection (1), the nominating officer of the party on whose behalf the previous incumbent was nominated may nominate a person to hold the office who is a member of the party and of the Assembly.

Status: This is the original version (as it was originally enacted).

- (11) If—
- (a) the nominating officer does not exercise the power conferred by subsection (10) within a period specified in standing orders; or
 - (b) the nominated person does not take up the office within that period,
- the vacancy shall be filled by applying subsections (2) to (6) within a period specified in standing orders.
- (12) Where—
- (a) the Assembly has resolved under section 30(2) that a political party does not enjoy its confidence; and
 - (b) the party's period of exclusion has not come to an end,
- the party shall be disregarded for the purposes of any application of subsections (2) to (6).
- (13) In this section “nominating officer”—
- (a) in relation to a party registered under the Registration of Political Parties Act 1998, means the registered nominating officer or a member of the Assembly nominated by him for the purposes of this section;
 - (b) in relation to any other political party, means the person who appears to the Presiding Officer to be the leader of the party, or a member of the Assembly nominated by that person for the purposes of this section.

19 Junior Ministers

- (1) The First Minister and the deputy First Minister acting jointly may at any time determine—
- (a) that a number of members of the Assembly specified in the determination shall be appointed as junior Ministers in accordance with such procedures for their appointment as are so specified; and
 - (b) that the functions exercisable by virtue of each junior Ministerial office shall be those specified in relation to that office in the determination.
- (2) Procedures specified in a determination under this section may apply such formulae or other rules as the First Minister and the deputy First Minister consider appropriate.
- (3) A determination under this section shall—
- (a) make provision as to the circumstances in which a junior Minister shall cease to hold office, and for the filling of vacancies; and
 - (b) provide that a junior Minister shall not take up office until he has affirmed the terms of the pledge of office.
- (4) A determination under this section shall not take effect until it has been approved by a resolution of the Assembly.
- (5) Where a determination under this section takes effect—
- (a) any junior Ministers previously appointed shall cease to hold office; and
 - (b) the procedures specified in the determination shall be applied within a period specified in standing orders.

20 The Executive Committee

- (1) There shall be an Executive Committee of each Assembly consisting of the First Minister, the deputy First Minister and the Northern Ireland Ministers.
- (2) The First Minister and the deputy First Minister shall be chairmen of the Committee.
- (3) The Committee shall have the functions set out in paragraphs 19 and 20 of Strand One of the Belfast Agreement.

21 Northern Ireland departments

- (1) Subject to subsection (2), the Northern Ireland departments existing on the appointed day shall be the Northern Ireland departments for the purposes of this Act.
- (2) Provision may be made by Act of the Assembly for establishing new Northern Ireland departments or dissolving existing ones.
- (3) If an Act of the Assembly which establishes a new Northern Ireland department provides for it to be in the charge of the First Minister and the deputy First Minister acting jointly—
 - (a) the department shall not be regarded as a Northern Ireland department for the purposes of subsection (2) or (3) of section 17; and
 - (b) the office held by those Ministers as the head of the department shall not be regarded as a Ministerial office for the purposes of subsection (4) of that section or section 18.