



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART III

#### EXECUTIVE AUTHORITIES

##### *Authorities*

#### **[<sup>F1</sup>21A Northern Ireland department with policing and justice functions**

- (1) An Act of the Assembly that—
  - (a) establishes a new Northern Ireland department; and
  - (b) provides that the purpose of the department is to exercise functions consisting wholly or mainly of devolved policing and justice functions,may (but need not) make provision of the kind mentioned in subsection (3) [<sup>F2</sup>, (3A)], (4), (5) or (5A).
- (3) The Act may provide for the department to be in the charge of a Northern Ireland Minister appointed by virtue of a nomination—
  - (a) made by the First Minister and the deputy First Minister acting jointly; and
  - (b) approved by a resolution of the Assembly passed with the support of a majority of the members voting on the motion for the resolution, a majority of the designated Nationalists voting and a majority of the designated Unionists voting.

[ The Act may provide for the department to be in the charge of a Northern Ireland <sup>F3</sup>(3A) Minister appointed by virtue of a nomination—

- (a) made by one or more members of the Assembly, and
- (b) approved by a resolution of the Assembly passed with the support of a majority of the members voting on the motion for the resolution, a majority of the designated Nationalists voting and a majority of the designated Unionists voting.]

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*Status: Point in time view as at 12/03/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 21A. (See end of Document for details)*

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- (4) The Act may provide for the department to be in the charge of two Northern Ireland Ministers acting jointly.
- (5) The Act may provide—
- (a) for the department to be in the charge of a Northern Ireland Minister who is supported by a junior Minister; and
  - (b) for the persons holding those offices to rotate at intervals determined by or under the Act, so that the person who was the Minister in charge of the department becomes the junior Minister and the person who was the junior Minister becomes the Minister.
- (5A) The Act may provide—
- (a) for the department to be in the charge of a Northern Ireland Minister elected by the Assembly; and
  - (b) for that Minister to be supported by a deputy Minister elected by the Assembly.
- (6) There must not, at any time, be more than one department in relation to which provision of the kind mentioned in any of subsections (3) [F2, (3A)], (4), (5) and (5A) is made by Act of the Assembly, or by Order in Council under subsection (7C).
- (7) Schedule 4A (provisions relating to a department with devolved policing and justice functions) shall have effect.
- (7A) If it appears to the Secretary of State that there is no reasonable prospect that the Assembly will pass an Act of the kind described in subsection (1)(a) and (b), he may lay before Parliament the draft of an Order in Council which—
- (a) establishes a new Northern Ireland department;
  - (b) provides that the purpose of the department is to exercise functions consisting wholly or mainly of devolved policing and justice functions;
  - (c) provides for the department to be in the charge of a Northern Ireland Minister elected by the Assembly and for that Minister to be supported by a deputy Minister elected by the Assembly; and
  - (d) provides for Part 3A of Schedule 4A to apply in relation to the department (with any necessary modifications).
- (7B) The draft of an Order laid before Parliament under subsection (7A) may contain supplementary, incidental, consequential, transitional or saving provision.
- (7C) If the draft of an Order laid before Parliament under subsection (7A) is approved by resolution of each House of Parliament, the Secretary of State shall submit it to Her Majesty in Council and Her Majesty in Council may make the Order.
- (7D) No more than one department may be established by virtue of an Order under subsection (7C).
- (8) In this section “devolved policing and justice function” means a function relating to a matter which—
- (a) is a transferred matter by virtue of an Order under section 4; and
  - (b) immediately before the matter became a transferred matter, was a policing and justice matter (within the meaning given by section 4(6)).]

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*Status: Point in time view as at 12/03/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 21A. (See end of Document for details)*

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#### **Textual Amendments**

- F1** S. 21A inserted (11.3.2009) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **s. 17(1), 31** (as amended (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 18(7), 27(4)(5) (with s. 1(3)) (as amended by Northern Ireland (St. Andrews Agreement) Act 2007 (c. 4), s. 1(1)); S.I. 2007/1397, **art. 2**) (and as further amended (11.3.2009) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 44, 53; S.I. 2009/446, art. 3); S.I. 2009/448, **art. 2**
- F2** Words in s. 21A(1)(6) inserted (12.3.2009) by Northern Ireland Act 2009 (c. 3), ss. 1, 5, **Sch. 1 para. 3(2)**
- F3** S. 21A(3A) inserted (12.3.2009) by Northern Ireland Act 2009 (c. 3), ss. 1, 5, **Sch. 1 para. 3(3)**

**Status:**

Point in time view as at 12/03/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 21A.