

*These notes refer to the Northern Ireland (Monitoring Commission etc.)
Act 2003 (c.25) which received Royal Assent on 18th September 2003*

NORTHERN IRELAND (MONITORING COMMISSION ETC.) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 4: Resolutions about exclusion

Exclusion of members of a party

19. In order to exclude the members of a party from holding ministerial office the Assembly will, as now, have to resolve that the party:
 - is not committed to non-violence and exclusively peaceful and democratic means;
or
 - is not committed to such of its members as are or might become Ministers or junior Ministers observing other terms of the pledge or office (section 30(2)).
20. *Subsection (4)* amends section 30(2) of the 1998 Act to provide that exclusion of all members of a party must be for a minimum of six months. The maximum remains at 12 months as now but is subject to extension for a further period of between six and twelve months starting with the date of the resolution (section 30(3) as substituted by *subsection (5)*).
21. At present section 30 provides that the Secretary of State must take into account the four factors listed in section 30(7) when deciding whether to require the presiding officer to move an exclusion motion for the Assembly's consideration. New section 30(7) (substituted by *subsection (7)*) adds a fifth factor to the list, namely any recommendation contained in a Commission report about steps the Assembly might consider taking (paragraph (e)). The four factors listed in paragraphs (a) to (d) are unchanged.