

*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

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 7: Reduction of remuneration*

30. This section inserts new sections 47A, 47B and 47C into the 1998 Act to authorise the Assembly, or the Secretary of State, to provide for the withholding of the whole or a specified part of the salaries payable to a Minister or Junior Minister, or to all members of a particular party. These measures are not presently available under the 1998 Act.

#### **New section 47A- Resolutions about reduction of remuneration**

31. The Assembly, if satisfied that either of the limbs of the test set out at paragraph 1616 above is met, may resolve to reduce in whole or part, for a specified time, a Minister or junior Minister's salary (new section 47A(1)). Similar provision is made in relation to the salaries of all members of an Assembly political party (new section 47A(2)). In either case, the period for which salary is reduced must not exceed 12 months (new section 47C(1)). The Assembly may extend the period for which remuneration is reduced, but the amount by which the period is extended on any occasion may not exceed twelve months (new section 47A(3) and 47C(2)).
32. The same procedural safeguards apply as in the case of an exclusion resolution (see paragraph 1515 above) (new section 47A(6) and (9)).

#### **New section 47B - Secretary of State's powers in relation to reduction of remuneration**

33. The Secretary of State's powers in relation to the reduction of remuneration mirror those available to the Assembly.
34. New section 47B(1) provides that the Secretary of State may only exercise his power to provide for reduction of salary if :
- The Commission makes a report under the terms of the Treaty which contains a recommendation about the steps that the Assembly might consider taking; and
  - The taking of those steps requires the Assembly to pass a resolution under section 47A(1),(2),(3) or (4); and
  - The first motion for a resolution to take those recommended steps does not attract cross-community support.
35. By direction, the Secretary of State may reduce in whole or part, for a specified period of time, a Minister or junior Minister's salary (if satisfied that either of the limbs of the test set out at paragraph 1616 above is met) (new section 47B(2) and (4)). He may also, by direction, reduce or withhold the salaries of all members of an Assembly political

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party (if satisfied that either of the limbs of the test set out at paragraph 1919 above is met) (new section 47B(5) and (7)).

36. The Secretary of State is also given power to extend, by direction, a period of reduced remuneration which he has imposed, or which the Assembly has imposed (new section 47B(3) and (6)).
37. The Secretary of State's powers to direct that remuneration be reduced for a specified period, and to extend that period, are subject to the same 12 month maximum as applies to the exercise of these powers by the Assembly (see paragraph 3131 above) (new section 47C).