

NORTHERN IRELAND ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2 – Selection of persons to be Ministers on restoration of devolved government

16. [Section 2](#) sets out three conditions for the restoration of devolved government in Northern Ireland. Subsection (1) provides that Schedule 2 will have effect if the Secretary of State is satisfied that each of the three conditions has been met and has notified the presiding officer (or a deputy) before 25th November 2006 that he intends to make a restoration order on a specified date.
17. Subsection (2) sets out condition 1, election of a First Minister and a deputy First Minister. Subsection (3) sets out condition 2, nominations for the other Ministerial offices (i.e. Northern Ireland Ministers). Subsection (4) sets out condition 3, which is that those elected or nominated affirm the pledge of office (within the terms of the [Northern Ireland Act 1998 \(c.47\)](#) (“the 1998 Act”).
18. Subsection (5) makes clear that Schedule 3 (which provides for the indefinite postponement of the May 2007 Northern Ireland Assembly election and possible early dissolution of the current Northern Ireland Assembly) will have effect if the Secretary of State does not make the subsection (1) notification to the presiding officer (or deputy) before 25th November 2006.
19. Subsection (6) clarifies that the “Ministerial offices” referred to in subsection (3) are those Northern Ireland Ministerial offices that existed immediately prior to the suspension of the Northern Ireland Assembly in October 2002. Subsection (7) ensures that there is no conflict between the requirement that the Assembly members participate in preparations for devolution under this Act, and the 2000 Act, under which the Northern Ireland Assembly is currently suspended.