
Status: Point in time view as at 08/05/2006.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 2006 (repealed), SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 2(1)

SELECTION OF MINISTERS

Introduction

- 1 (1) This Schedule has effect in accordance with section 2(1).
(2) In this Schedule “the effective date” means the date on which the restoration order made by virtue of paragraph 2 comes into force.

Making of restoration order

- 2 (1) The Secretary of State must make a restoration order on the date specified in the notification under section 2(1).
(2) The restoration order must come into force on the day following the day on which it is made.
(3) Subsections (2) to (7) of section 3 of the 2000 Act do not apply in relation to the restoration order (and, accordingly, no person who immediately before the most recent suspension held an office mentioned in any of those subsections shall resume that office on the effective date).
(4) On the effective date—
 (a) the person elected under section 2 of this Act to hold office as First Minister shall become the First Minister,
 (b) the person elected under that section to hold office as deputy First Minister shall become the deputy First Minister, and
 (c) each person nominated under that section to hold office as a Northern Ireland Minister shall become the Northern Ireland Minister concerned;
(and sections 16(1) and 18(1) of the 1998 Act do not apply).
(5) The affirmation of the terms of the pledge of office under section 2 of this Act by a person to whom sub-paragraph (4) applies shall be deemed to have been made under the 1998 Act on the effective date.
(6) The person who is presiding officer of the Assembly immediately before the effective date shall be deemed to have been elected as Presiding Officer of the Northern Ireland Assembly under section 39(1) of the 1998 Act on that date.
(7) Each person who is a deputy presiding officer of the Assembly immediately before the effective date shall be deemed to have been elected as a deputy Presiding Officer of the Northern Ireland Assembly under section 39(1) of the 1998 Act on that date.

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- (8) The provision that may be made by the restoration order by virtue of section 7(2) of the 2000 Act includes provision—
 - (a) for treating things done under or by virtue of this Act as having been done under or by virtue of the 1998 Act;
 - (b) for treating things done by or in relation to the Assembly (or members of that Assembly) as having been done by or in relation to the Northern Ireland Assembly (or members of that Assembly).
- (9) The following provisions of the 2000 Act do not apply in relation to the restoration order—
 - (a) section 2(3) (taking account of review under Validation, Implementation and Review section of Belfast Agreement), and
 - (b) section 7(4) to (7) (affirmative resolution etc procedure).
- (10) In this paragraph “the most recent suspension” means the most recent suspension of the Northern Ireland Assembly by virtue of section 1 of the 2000 Act.

Repeal of the 2000 Act on day after restoration order comes into force

- 3 (1) The 2000 Act shall be repealed on the day following the effective date.
- (2) The Northern Ireland Assembly may not make a determination under section 47 of the 1998 Act in respect of any period of suspension.⁶
- (3) No instrument made during any period of suspension shall be liable to annulment or capable of being revoked in pursuance of a resolution, motion or address of the Northern Ireland Assembly.
- (4) Neither a restoration order nor the repeal of paragraph 1(1) of the Schedule to the 2000 Act shall affect the operation of any Order in Council made before the effective date under paragraph 1(1) of that Schedule.
- (5) References to Acts of the Northern Ireland Assembly in any enactment or instrument (whether passed or made before or after the coming into force of section 1 of the 2000 Act) are to be read, so far as the context permits, as including references to Orders in Council made under paragraph 1(1) of the Schedule to that Act.
- (6) The repeal of section 6 of the 2000 Act by virtue of this paragraph shall not affect the operation of any order previously made under that section.
- (7) The repeal of section 7 of the 2000 Act by virtue of this paragraph shall not affect the operation of any provision of a restoration order previously made by virtue of subsection (2) of that section.
- (8) The repeal of paragraph 9 of the Schedule to the 2000 Act by virtue of this paragraph shall not affect the operation of any determination or provision previously made by virtue of that paragraph.
- (9) Subsection (4) of section 44 of the 1998 Act shall continue to include, at the end of that subsection, the words “or during a period when section 1 of the Northern Ireland Act 2000 was in force” (notwithstanding the repeal of section 9(3) of the 2000 Act by virtue of this paragraph).
- (10) In this paragraph—

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“instrument” includes a charter, contract or other document;
“period of suspension” means a period when section 1 of the 2000 Act was in force.

- (11) Sub-paragraphs (2) to (9) are not to be taken as limiting the provision that may be made by an order under section 3 of this Act.

Postponement of next Northern Ireland Assembly election to May 2008

- 4 (1) In section 31 of the 1998 Act (Northern Ireland Assembly: dates of elections and dissolutions), for subsection (2) substitute—

“(2) In relation to the poll for the election of the Assembly next following the Assembly elected at the poll on 26th November 2003, subsection (1) is to have effect as if for “fourth calendar year” there were substituted “ fifth calendar year ”.”

- (2) In section 96 of the 1998 Act—

- (a) in subsection (2), “31(2),” shall be repealed;
- (b) subsections (2A) to (2D) shall be repealed.

- (3) The amendments made by this paragraph shall have effect on and after the effective date.

Repeal of section 1(1) and (2) and Schedules 1 and 3

- 5 The following provisions of this Act shall be repealed on the effective date—

- (a) section 1(1) and (2),
- (b) Schedule 1, and
- (c) Schedule 3.

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