



Northern Ireland (St Andrews Agreement) Act 2006

2006 CHAPTER 53

PART 1

PREPARATIONS FOR RESTORATION OF DEVOLVED GOVERNMENT

1 Preparations for restoration of devolved government

- (1) There is to be an Assembly (referred to in this Act as “the Transitional Assembly”)—
 - (a) whose members at any time are to be the persons who are at that time members of the Northern Ireland Assembly, and
 - (b) whose purpose is to take part in preparations for the restoration of devolved government in Northern Ireland in accordance with the St Andrews Agreement.
- (2) Schedule 1 (provision about the Transitional Assembly) has effect.
- (3) Nothing in this Act affects the operation of section 1 of the 2000 Act (suspension of devolved government).
- (4) But subsection (3) is subject to—
 - (a) paragraph 3 of Schedule 1,
 - (b) paragraphs 2 and 4 of Schedule 2, and
 - (c) paragraphs 1 and 2 of Schedule 4.

2 Compliance or non-compliance with St Andrews Agreement timetable

- (1) If at any time before 25 March 2007 the Secretary of State considers that (were Schedule 2 to come into force) there would be no reasonable prospect that each of the Ministerial offices would be filled in accordance with paragraph 2 of that Schedule, he may make an order bringing Schedule 3 into force on the day following the day on which the order is made.

Status: This is the original version (as it was originally enacted).

- (2) If the Secretary of State does not make an order under subsection (1) before 25 March 2007—
- (a) he must on that date make a restoration order providing for section 1 of the 2000 Act to cease to have effect on 26 March 2007, and
 - (b) Schedule 2 shall come into force on 26 March 2007.
- (3) Subsection (4) applies if—
- (a) the Secretary of State makes a restoration order by virtue of subsection (2), but
 - (b) it appears to him that one or more of the Ministerial offices has not been filled in accordance with paragraph 2 of Schedule 2 by the end of 26 March 2007.
- (4) Where this subsection applies—
- (a) the Secretary of State must on 27 March 2007 make an order under the 2000 Act revoking the restoration order,
 - (b) that order must state that it is made by virtue of subsection (3) and must come into force on 28 March 2007, and
 - (c) Schedule 3 shall come into force on 28 March 2007.
- (5) If the Secretary of State—
- (a) makes a restoration order by virtue of subsection (2), and
 - (b) does not make an order by virtue of subsection (3) revoking the restoration order,
- Schedule 4 shall come into force on 28 March 2007.
- (6) An order under subsection (1) must be made by statutory instrument.
- (7) Section 7(4) to (7) of the 2000 Act (affirmative resolution etc procedure) does not apply in relation to an order made by virtue of subsection (2) or (3).
- (8) In this section “the Ministerial offices” means—
- (a) the offices of First Minister and deputy First Minister, and
 - (b) the Ministerial offices to be held by Northern Ireland Ministers.

3 Next Northern Ireland Assembly election to be in March 2007 etc

- (1) In section 31 of the 1998 Act (Northern Ireland Assembly: dates of elections and dissolutions), for subsection (2) substitute—
- “(2) The date of the poll for the election of the Assembly next following the Assembly elected at the poll on 26 November 2003 shall be 7 March 2007; and the Assembly elected on 26 November 2003 shall be dissolved on 30 January 2007.”
- (2) Subsection (3) applies in respect of any vacancy in the membership of the Northern Ireland Assembly which exists at any time between the passing of this Act and the date of the next election of the Assembly (whether the vacancy occurred before or after the passing of this Act).
- (3) Article 7 of the Northern Ireland Assembly (Elections) Order 2001 ([S.I. 2001/2599](#)) does not apply in the case of such a vacancy.

4 Remuneration of members of the Northern Ireland Assembly

- (1) Subsection (2) has effect in relation to—
 - (a) the dissolution of the Northern Ireland Assembly on 30 January 2007, and
 - (b) the Assembly election the poll for which is to be held on 7 March 2007 (“the next Assembly election”).
- (2) Section 47 of the 1998 Act (remuneration of members) is to have effect as if, for subsection (10) of that section, there were substituted—

“(10) For the purposes of this section, a person who is a member of the Assembly immediately before the Assembly is dissolved shall be treated—

 - (a) as if he were a member of the Assembly until the end of the day which is the latest day for the delivery of nomination papers for the next Assembly election; and
 - (b) if he is nominated as a candidate at the next Assembly election, as if he were a member of the Assembly until the end of the day of the poll for that election.”
- (3) Subsection (4) has effect in relation to persons returned as members of the Northern Ireland Assembly at the next Assembly election.
- (4) Section 47 of the 1998 Act is to have effect as if, for subsection (9)(a) of that section, there were substituted—

“(a) a person’s membership of the Assembly begins on the day on which he takes his seat (following the next Assembly election) in the Assembly established under section 1(1) of the Northern Ireland (St Andrews Agreement) Act 2006 in accordance with standing orders of that Assembly; and”.