



Northern Ireland (St Andrews Agreement) Act 2006

2006 CHAPTER 53

PART 2

AMENDMENTS OF THE NORTHERN IRELAND ACT 1998 ETC

Ministerial conduct

5 The Executive Committee and the Ministerial Code

(1) In section 20 of the 1998 Act (Executive Committee), after subsection (3) insert—

- “(4) The Committee shall also have the function of discussing and agreeing upon—
- (a) significant or controversial matters that are clearly outside the scope of the agreed programme referred to in paragraph 20 of Strand One of that Agreement;
 - (b) significant or controversial matters that the First Minister and deputy First Minister acting jointly have determined to be matters that should be considered by the Executive Committee.”

(2) After section 28 of the 1998 Act insert—

“Ministerial Code

28A Ministerial Code

- (1) Without prejudice to the operation of section 24, a Minister or junior Minister shall act in accordance with the provisions of the Ministerial Code.
- (2) In this section “the Ministerial Code” means—
 - (a) the Ministerial Code that becomes the Ministerial Code for the purposes of this section by virtue of paragraph 4 of Schedule 1 to the

Status: This is the original version (as it was originally enacted).

- Northern Ireland (St Andrews Agreement) Act 2006 (as from time to time amended in accordance with this section); or
- (b) any replacement Ministerial Code prepared and approved in accordance with this section (as from time to time amended in accordance with this section).
- (3) If at any time the Executive Committee—
- (a) prepares draft amendments to the Ministerial Code; or
 - (b) prepares a draft Ministerial Code to replace the Ministerial Code,
- the First Minister and deputy First Minister acting jointly shall lay the draft amendments or the draft Code before the Assembly for approval.
- (4) A draft Ministerial Code or a draft amendment to the Code—
- (a) shall not be approved by the Assembly without cross-community support; and
 - (b) shall not take effect until so approved.
- (5) The Ministerial Code must include provision for requiring Ministers or junior Ministers to bring to the attention of the Executive Committee any matter that ought, by virtue of section 20(3) or (4), to be considered by the Committee.
- (6) The Ministerial Code must include provision for a procedure to enable any Minister or junior Minister to ask the Executive Committee to determine whether any decision that he is proposing to take, or has taken, relates to a matter that ought, by virtue of section 20(3) or (4), to be considered by the Committee.
- (7) The Ministerial Code must also include provision as to the procedures of the Executive Committee with respect to—
- (a) the taking of decisions; and
 - (b) consideration by the Committee of decision papers that are to be considered by the North-South Ministerial Council or the British-Irish Council.
- (8) The Ministerial Code must in particular provide—
- (a) that it is the duty of the chairmen of the Executive Committee to seek to secure that decisions of the Executive Committee are reached by consensus wherever possible;
 - (b) that, if consensus cannot be reached, a vote may be taken; and
 - (c) that, if any three members of the Executive Committee require the vote on a particular matter which is to be voted on by the Executive Committee to require cross-community support, any vote on that matter in the Executive Committee shall require cross-community support in the Executive Committee.
- (9) The Ministerial Code may include such other provisions as the Executive Committee thinks fit.
- (10) Without prejudice to the operation of section 24, a Minister or junior Minister has no Ministerial authority to take any decision in contravention of a provision of the Ministerial Code made under subsection (5).”

6 Power to refer Ministerial decision to Executive Committee

After section 28A of the 1998 Act insert—

“Power to refer Ministerial decision to Executive Committee

28B Power to refer Ministerial decision to Executive Committee

- (1) This section applies if 30 members petition the Assembly expressing concern that a decision taken by a Minister or junior Minister (“the Ministerial decision”)—
 - (a) may have been taken in contravention of section 28A(1); or
 - (b) relates to a matter of public importance.
- (2) But this section does not apply if the Ministerial decision has previously been the subject of a reference under this section.
- (3) If the Presiding Officer, after consulting the political parties whose members hold seats in the Assembly, certifies that the Ministerial decision relates to a matter of public importance, he shall refer the decision to the Executive Committee for its consideration.
- (4) Having considered the reference, the Executive Committee shall notify the Presiding Officer—
 - (a) whether or not the decision was, in its view, taken in contravention of section 28A(1);
 - (b) whether or not the decision relates, in its view, to a significant or controversial matter; and
 - (c) as to any action that the Executive Committee proposes to take, or has taken, in relation to the decision.
- (5) No reference may be made under this section after the end of the period of seven days beginning with—
 - (a) the day on which the Ministerial decision was taken; or
 - (b) if appropriate, the day on which the decision was notified to the Assembly.
- (6) Any consideration by the Executive Committee of a Ministerial decision under this section must be completed before the end of the period of seven days beginning with the day on which the reference is made.
- (7) Standing orders shall make provision with respect to the procedure to be followed—
 - (a) in petitioning the Assembly under subsection (1); and
 - (b) in making a reference under this section.
- (8) The periods mentioned in subsections (5) and (6) shall be computed by reference only to days on which the Assembly sits.”

7 Pledge of office

- (1) In the pledge of office set out in Schedule 4 to the 1998 Act, after paragraph (c) insert—

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

- “(ca) to promote the interests of the whole community represented in the Northern Ireland Assembly towards the goal of a shared future;
- (cb) to participate fully in the Executive Committee, the North-South Ministerial Council and the British-Irish Council;
- (cc) to observe the joint nature of the offices of First Minister and deputy First Minister;
- (cd) to uphold the rule of law based as it is on the fundamental principles of fairness, impartiality and democratic accountability, including support for policing and the courts as set out in paragraph 6 of the St Andrews Agreement.”

(2) At the end of the pledge of office set out in that Schedule insert—

“Paragraph 6 of the St Andrews Agreement says:

“We believe that the essential elements of support for law and order include endorsing fully the Police Service of Northern Ireland and the criminal justice system, actively encouraging everyone in the community to co-operate fully with the PSNI in tackling crime in all areas and actively supporting all the policing and criminal justice institutions, including the Policing Board.””