

SCHEDULES

SCHEDULE 1

Section 1

THE TRANSITIONAL ASSEMBLY

Meetings

- 1 (1) Meetings are to be held at such times and places as the presiding officer or any deputy presiding officer of the Transitional Assembly may notify to the members; and a meeting of the Transitional Assembly must be held on 24 November 2006.
- (2) But the Secretary of State may at any time direct that meetings are instead to be held at such times and places as may be specified in the direction.

Proceedings

- 2 (1) Proceedings are to be conducted in accordance with standing orders (see paragraph 9).
- (2) But the Secretary of State may at any time direct that proceedings are instead to be conducted in accordance with the direction.

Nominations for First Minister and deputy First Minister

- 3 (1) The proceedings to be conducted by the Transitional Assembly shall include the making of nominations from among its members of persons to hold office as First Minister and deputy First Minister on the restoration of devolved government in Northern Ireland.
- (2) Such nominations may be made notwithstanding section 1(4) of, and paragraph 5 of the Schedule to, the 2000 Act.

Draft Ministerial Code

- 4 (1) The proceedings to be conducted by the Transitional Assembly shall include the preparation and consideration of a draft Ministerial Code.
- (2) If the Transitional Assembly approves the draft Ministerial Code (with or without amendments) before 24 March 2007, the approved draft Ministerial Code shall become the Ministerial Code for the purposes of section 28A of the 1998 Act on 26 March 2007.
- (3) Any approval under sub-paragraph (2) requires cross-community support (see paragraph 11).
- (4) The draft Ministerial Code approved under sub-paragraph (2)—
 - (a) must comply with the requirements of subsections (5) to (8) of section 28A of the 1998 Act (to be inserted in that Act by section 5 of this Act), and

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- (b) may include other provisions.
- (5) But if the Transitional Assembly has not approved the draft Ministerial Code (with or without amendments) before 24 March 2007—
 - (a) the Secretary of State must prepare a draft Ministerial Code in accordance with sub-paragraph (6), and
 - (b) that draft Ministerial Code shall become the Ministerial Code for the purposes of section 28A of the 1998 Act on 26 March 2007.
- (6) The draft Ministerial Code referred to in sub-paragraph (5) must, so far as practicable, be—
 - (a) in the form of any parts of the draft Ministerial Code that have been approved by the Transitional Assembly under sub-paragraph (2) (with or without amendments) before 24 March 2007;
 - (b) otherwise, in the form of the former Ministerial Code,
 and must comply with the requirements of subsections (5) to (8) of section 28A of the 1998 Act.
- (7) In this paragraph “the former Ministerial Code” means the Ministerial Code which—
 - (a) was approved by the Executive Committee of the Northern Ireland Assembly, and
 - (b) applied to members of the Executive Committee immediately before the most recent suspension of that Assembly by virtue of section 1 of the 2000 Act.

Draft standing orders for Northern Ireland Assembly

- 5 (1) The proceedings to be conducted by the Transitional Assembly shall include the preparation and consideration of draft standing orders for the Northern Ireland Assembly.
- (2) If the Transitional Assembly approves the draft standing orders (with or without amendments) before 24 March 2007, the approved draft standing orders shall become the standing orders of the Northern Ireland Assembly on 26 March 2007.
- (3) Any approval under sub-paragraph (2) requires cross-community support.
- (4) But if the Transitional Assembly has not approved the draft standing orders (with or without amendments) before 24 March 2007—
 - (a) the Secretary of State must prepare draft standing orders in accordance with sub-paragraph (5), and
 - (b) those draft standing orders shall become the standing orders of the Northern Ireland Assembly on 26 March 2007.
- (5) Subject to sub-paragraph (7), the draft standing orders referred to in sub-paragraph (4) must, so far as practicable, be—
 - (a) in the form of any parts of the draft standing orders that have been approved by the Transitional Assembly under sub-paragraph (2) (with or without amendments) before 24 March 2007;
 - (b) otherwise, in the form of the former standing orders.

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- (6) In this paragraph “the former standing orders” means the standing orders of the Northern Ireland Assembly as they had effect immediately before the most recent suspension of that Assembly by virtue of section 1 of the 2000 Act.
- (7) The draft standing orders approved under sub-paragraph (2) or the draft standing orders prepared in accordance with sub-paragraph (5)—
 - (a) must comply with the requirements of the 1998 Act (as it is to have effect on and after 26 March 2007), and
 - (b) may include other provisions.

Presiding officer

- 6 (1) The Transitional Assembly shall have—
 - (a) a presiding officer, and
 - (b) no more than three deputy presiding officers.
- (2) The person who is the presiding officer of the Assembly (see sub-paragraph (8)) immediately before the time at which this Schedule comes into force shall become the presiding officer of the Transitional Assembly at that time.
- (3) Each person who is a deputy presiding officer of the Assembly immediately before that time shall become a deputy presiding officer of the Transitional Assembly at that time.
- (4) Subject to sub-paragraphs (5) to (7), the Transitional Assembly may elect a person—
 - (a) to fill any vacancy in the office of presiding officer or deputy presiding officer, or
 - (b) to replace a presiding officer or deputy presiding officer who appears to members of the Transitional Assembly to be unable, unfit or unwilling to perform his functions (whether because of illness or otherwise).
- (5) A person shall not be elected under sub-paragraph (4) without cross-community support.
- (6) If it appears to the Secretary of State that—
 - (a) a vacancy has arisen in the office of presiding officer or deputy presiding officer of the Transitional Assembly, and
 - (b) the vacancy has not been filled within a period of two weeks beginning with the day on which the vacancy arose,the Secretary of State may appoint a person to fill the vacancy.
- (7) If it appears to the Secretary of State that—
 - (a) a presiding officer or deputy presiding officer of the Transitional Assembly has become unable, unfit or unwilling to perform his functions (whether because of illness or otherwise), and
 - (b) the officer has not been replaced within a period of two weeks beginning with the day on which the officer became unable, unfit or unwilling to perform his functions,the Secretary of State may appoint a person to replace the officer.
- (8) In this paragraph “the Assembly” means the Assembly established under paragraph 1 of Schedule 1 to the 2006 Act.

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Staff etc

- 7 (1) The Secretary of State must secure the provision of the services of such staff, the use of such premises and such other facilities as he thinks appropriate.
- (2) Expenditure incurred by the Secretary of State by virtue of this paragraph is to be paid out of the Consolidated Fund of Northern Ireland.

Privilege

- 8 A written or oral statement made by a member in or for the purposes of the Transitional Assembly is to be privileged from action for defamation unless it is proved to have been made with malice.

Standing orders

- 9 (1) In this Schedule (other than in paragraph 5) “standing orders” means standing orders of the Transitional Assembly.
- (2) The initial standing orders shall be determined by the Secretary of State and notified to the presiding officer or any deputy presiding officer of the Transitional Assembly.
- (3) The initial standing orders may be added to or amended by the Secretary of State by notification to the presiding officer or any deputy presiding officer of the Transitional Assembly; but no addition or amendment may be made under this sub-paragraph to the extent that it is inconsistent with anything done by the Transitional Assembly under sub-paragraph (4).
- (4) The initial standing orders may be amended or replaced by the Transitional Assembly, but standing orders shall not be made, amended or repealed by the Transitional Assembly without cross-community support.
- (5) The provision that may be made by standing orders includes provision which corresponds, or is similar, to—
- (a) any provision of standing orders made (or treated as made) under section 41 of the 1998 Act, or
 - (b) any provision of directions made by the Secretary of State under paragraph 4 of Schedule 1 to the 2006 Act.
- (6) The provision that may be made by standing orders also includes provision that may be made under paragraph 5 of Schedule 6 to the 1998 Act (to be inserted in that Act by section 17 of this Act).
- (7) The provision that may be made by standing orders for the purposes of the nominations referred to in paragraph 3 above includes provision which corresponds, or is similar, to any provision of sections 16A to 16C of the 1998 Act (to be inserted in that Act by section 8 of this Act).
- (8) The standing orders may provide for further nominations to be made if any nomination made by virtue of paragraph 3 above ceases to have effect, by virtue of the standing orders, at any time before 26 March 2007.

Members to be deemed to have signed roll of membership etc

- 10 (1) Each person who was a member of the Assembly (see sub-paragraph (3)) immediately before the time at which this Schedule comes into force shall be deemed

to have signed the roll of membership of the Transitional Assembly at that time in accordance with standing orders.

- (2) Each such person shall be deemed to have designated himself at that time in accordance with standing orders—
- (a) as a Nationalist (if, immediately before that time, he was designated as a Nationalist for the purposes of the Assembly);
 - (b) as a Unionist (if, immediately before that time, he was designated as a Unionist for the purposes of the Assembly);
 - (c) otherwise, as Other.
- (3) In this paragraph “the Assembly” means the Assembly established under paragraph 1 of Schedule 1 to the 2006 Act.

Meaning of “cross-community support”

- 11 (1) In this Schedule “cross-community support”, in relation to a vote on any matter, means—
- (a) the support of a majority of the members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting, or
 - (b) the support of 60% of the members voting, 40% of the designated Nationalists voting and 40% of the designated Unionists voting.
- (2) In sub-paragraph (1)—
- “designated Nationalist” means a member designated as a Nationalist in accordance with standing orders, and
 - “designated Unionist” is to be construed accordingly.