



Northern Ireland (Miscellaneous Provisions) Act 2014

2014 CHAPTER 13

Justice Minister

8 Appointment of Justice Minister

- (1) Part 1A of Schedule 4A to the Northern Ireland Act 1998 (department with policing and justice functions) is amended as follows.
- (2) For paragraph 3B (modification of section 16A) substitute—
 - “3B Section 16A(3) has effect as if, for paragraph (b) (and the word “and” before it) there were substituted—
 - “(aa) once those offices have been filled, the relevant Ministerial office (within the meaning of Part 1A of Schedule 4A) shall be filled by applying paragraph 3D(4) to (8) of that Schedule; and
 - (b) once that office has been filled, the other Ministerial offices to be held by Northern Ireland Ministers shall be filled by applying section 18(2) to (6).”
- (3) In paragraph 3C (section 18 not to apply to relevant Minister)—
 - (a) the existing provision becomes sub-paragraph (1);
 - (b) after that sub-paragraph insert—
 - “(2) But the reference to Ministerial offices in subsection (5) of that section (in the definition of M) shall be taken to include the relevant Ministerial office.”
- (4) Paragraph 3D (provisions relating to relevant Minister) is amended in accordance with subsections (5) to (8).
- (5) In sub-paragraph (3), after “after” insert “section 16B(3) to (7) is applied in relation to the offices of First Minister and deputy First Minister but before”.

(6) After sub-paragraph (4) insert—

“(4A) But a member of the Assembly who is a member of a political party may not be nominated unless the nominating officer of the party consents to the nomination within a period specified in standing orders.”

(7) In sub-paragraph (11)—

(a) omit the “or” at the end of paragraph (b) and after that paragraph insert—

“(ba) where consent to the Minister’s nomination was required under sub-paragraph (4A), the Minister is dismissed by the nominating officer of the party and the Presiding Officer is notified of the dismissal, or”;

(b) at the beginning of paragraph (c) insert “where consent to the Minister’s nomination was not required under sub-paragraph (4A),”.

(8) After sub-paragraph (17) insert—

“(18) In this paragraph and paragraph 3E “nominating officer” has the same meaning as in section 18.”

9 Reappointment of other Northern Ireland Ministers in certain cases

In Part 1A of Schedule 4A to the Northern Ireland Act 1998 (department with policing and justice functions), after paragraph 3D insert—

“Reappointment of other Northern Ireland Ministers in certain cases

3E (1) Where the first condition or the second condition is met—

- (a) all the Northern Ireland Ministers other than the relevant Minister cease to hold office, and
- (b) those Ministerial offices must be filled by applying section 18(2) to (6) within a period specified in standing orders.

(2) The first condition is that—

- (a) the relevant Minister ceased to hold office by virtue of paragraph 3D(1)(a), and the office was filled by virtue of paragraph 3D(1)(b),
- (b) paragraph 3D(1) applied because a resolution was passed under section 30(2) which caused no Ministerial office other than the relevant Ministerial office to become vacant, and
- (c) as a result of the events mentioned in paragraph (a) the total number of Ministerial offices held by members of a political party increased or decreased.

(3) The second condition is that—

- (a) the relevant Minister (“the former Minister”) ceased to hold office otherwise than by virtue of paragraph 3D(1)(a), and the office was filled by virtue of paragraph 3D(14), and
- (b) as a result of the events mentioned in paragraph (a) the total number of Ministerial offices held by members of a political party increased or decreased.

(4) But the second condition is not met where—

- (a) the former Minister ceased to hold office by virtue of being dismissed by a nominating officer under paragraph 3D(11)(ba),
 - (b) immediately before the office was filled there was at least one eligible member of the nominating officer's political party, and
 - (c) each such eligible member failed to fill the office for one or other of the following reasons.
- (5) Those reasons are—
- (a) that one or more members of the Assembly sought to nominate the eligible member for the office, but consent to the nomination was not given by the nominating officer in accordance with paragraph 3D(4A);
 - (b) that the eligible member was nominated for the office but did not take it up within the period specified in standing orders under paragraph 3D(7)(a).
- (6) References in this paragraph to an eligible member of a political party are to a member of that party who is also a member of the Assembly, but do not include the former Minister.”