



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART IV

#### THE NORTHERN IRELAND ASSEMBLY

##### *Miscellaneous*

#### **49 Letters Patent etc.**

- (1) Her Majesty may by Order in Council make provision as to—
  - (a) the form and manner of preparation; and
  - (b) the publication,of Letters Patent signed with Her Majesty's own hand signifying Her Assent to a Bill passed by the Assembly.
- (2) If the First Minister and the deputy First Minister acting jointly so direct, impressions with the same device as the Great Seal of Northern Ireland shall be taken in such manner, of such size and on such material as is specified in the direction.
- (3) Each such impression—
  - (a) shall be known as a Wafer Great Seal of Northern Ireland; and
  - (b) shall be kept in accordance with directions of the First Minister and the deputy First Minister acting jointly.
- (4) If a Wafer Great Seal of Northern Ireland has been applied to Letters Patent mentioned in subsection (1), the document has the same validity as if it had passed under the Great Seal of Northern Ireland.

#### **Commencement Information**

- II** S. 49 wholly in force at 2.12.1999; s. 49 not in force at Royal Assent see s. 101(3); s. 49(1) in force at 1.3.1999 by [S.I. 1999/340](#), art. 2(3), [Sch. Pt. 3](#); s. 49(2)-(4) in force at 2.12.1999 by [S.I. 1999/3209](#), art. 2, [Sch.](#)

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**50 Privilege.**

- (1) For the purposes of the law of defamation, absolute privilege shall attach to—
  - (a) the making of a statement in proceedings of the Assembly; and
  - (b) the publication of a statement under the Assembly’s authority.
- (2) A person is not guilty of contempt of court under the strict liability rule as the publisher of any matter—
  - (a) in the course of proceedings of the Assembly which relate to a Bill or subordinate legislation; or
  - (b) to the extent that it consists of a fair and accurate report of such proceedings which is made in good faith.
- (3) In this section—
  - “statement” has the same meaning as in the <sup>M1</sup>Defamation Act 1996;
  - “the strict liability rule” has the same meaning as in the <sup>M2</sup>Contempt of Court Act 1981.

<p><b>Marginal Citations</b></p> <p><b>M1</b> 1996 c.31.</p> <p><b>M2</b> 1981 c.49.</p>
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**51 Resignation of members.**

A member of the Assembly may at any time resign his seat by notice in writing to the Presiding Officer.

**[<sup>F1</sup>51A Resolutions about reduction of financial assistance**

- (1) If the Assembly resolves that the whole or a specified part of any financial assistance payable for a specified period under the Financial Assistance for Political Parties Act (Northern Ireland) 2000 to a particular political party shall not be payable—
  - (a) because it is not committed to non-violence and exclusively peaceful and democratic means, or
  - (b) because it is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office, the financial assistance payable to it under that Act shall be reduced accordingly.
- (2) The Assembly may, before the end of the period by reference to which a reduction under subsection (1) falls to be made, by resolution extend that period.
- <sup>F2</sup>(3) .....
- (4) The period by reference to which a reduction under subsection (1) falls to be made shall come to an end if the Assembly—
  - (a) is dissolved; or
  - (b) resolves to bring the reduction to an end.
- (5) A motion for a resolution under this section shall not be moved unless—
  - (a) it is supported by at least 30 members of the Assembly;
  - (b) it is moved by the First Minister and the deputy First Minister acting jointly; or

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- (c) it is moved by the Presiding Officer in pursuance of a notice under subsection (6).
- (6) If the Secretary of State is of the opinion that the Assembly ought to consider a resolution under this section, he shall serve a notice on the Presiding Officer requiring him to move a motion for such a resolution.
- (7) In forming an opinion under subsection (6), the Secretary of State shall in particular take into account the matters listed in section 30(7).
- (8) A resolution under this section shall not be passed without cross-community support.
- (9) In this section a reference to—
- (a) the period by reference to which a reduction under subsection (1) falls to be made, <sup>F3</sup>...
- <sup>F3</sup>(b) .....
- is, where the period has been extended, a reference to the period as extended.

#### Textual Amendments

- F1** Ss. 51A-51C inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003, {ss. 8}, 12; [S.I. 2004/83, art. 2](#)
- F2** S. 51A(3) omitted (1.4.2011) by virtue of [Northern Ireland \(Monitoring Commission etc.\) Act 2003 \(Cessation of Provisions\) Order 2011 \(S.I. 2011/978\)](#), arts. 1(2), [5\(h\)\(i\)](#)
- F3** S. 51A(9)(b) and preceding word omitted (1.4.2011) by virtue of [Northern Ireland \(Monitoring Commission etc.\) Act 2003 \(Cessation of Provisions\) Order 2011 \(S.I. 2011/978\)](#), arts. 1(2), [5\(h\)\(ii\)](#)

### 51B Secretary of State's powers in relation to reduction of financial assistance

- [<sup>F4</sup>(1) This section applies if—
- (a) the Monitoring Commission has, or members of that Commission have under the agreement establishing it, made a report containing a recommendation about steps the Assembly might consider taking;
- (b) the taking of those steps by the Assembly requires the passing by it of a resolution under section 51A(1), (2) or (3) in relation to a political party; and
- (c) the first motion for a resolution under that provision in relation to the political party concerned that is put to the vote after the making of the report does not attract cross-community support.
- (2) Where this section applies because of the failure of a motion for a resolution under section 51A(1), the Secretary of State may by direction provide that the whole or a specified part of any financial assistance payable for a specified period under the Financial Assistance for Political Parties Act (Northern Ireland) 2000 to the political party concerned shall not be payable (subject to subsection (5)).
- (3) Where this section applies because of the failure of a motion for a resolution under section 51A(2) to extend the period by reference to which a reduction under section 51A(1) falls to be made, the Secretary of State may, before the end of that period, by direction extend that period (subject to subsection (5)).
- (4) Where this section applies because of the failure of a motion for a resolution under section 51A(3) to extend the period by reference to which provision for non-payability

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under subsection (2) applies, the Secretary of State may, before the end of that period, by direction extend that period (subject to subsection (5)).

- (5) The Secretary of State may exercise the power under subsection (2), (3) or (4) only if he is satisfied that the political party concerned—
- (a) is not committed to non-violence and exclusively peaceful and democratic means; or
  - (b) is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office.
- (6) The period by reference to which provision for non-payability under subsection (2) applies shall come to an end if—
- (a) the Secretary of State by direction so provides; or
  - (b) the Assembly is dissolved.
- (7) In subsection (1)(a) “the Monitoring Commission” means the Commission mentioned in section 1 of the Northern Ireland (Monitoring Commission etc.) Act 2003.
- (8) In this section a reference to—
- (a) the period by reference to which provision for non-payability under subsection (2) applies, or
  - (b) the period by reference to which a reduction under section 51A(1) falls to be made,
- is, where the period has been extended, a reference to the period as extended.]

#### Textual Amendments

- F1** Ss. 51A-51C inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003, {ss. 8}, 12; S.I. 2004/83, [art. 2](#)
- F4** S. 51B ceases to have effect (31.3.2011 at the end of the day) by virtue of [Northern Ireland \(Monitoring Commission etc.\) Act 2003 \(c. 25\)](#), s. 12(2)(3); S.I. 2011/978, [art. 2](#)

#### Modifications etc. (not altering text)

- C1** S. 51B modified (temp.) (21.4.2004) by [The Northern Ireland Act 1998 and Northern Ireland Act 2000 \(Modification\) Order 2004 \(S.I. 2004/1164\)](#), [art. 3](#)

### 51C [<sup>F5</sup>Section 51A] : specified periods and extensions

- (1) A period specified under section 51A(1)<sup>F6</sup>...—
- (a) shall begin no earlier than the end of the day when the resolution or direction specifying it is passed or given;
  - (b) shall begin no later than the end of the financial year in which that day falls; and
  - (c) shall not be longer than 12 months.
- (2) The power under section 51A(2)<sup>F7</sup>... to extend a period is a power to extend it until the end of such period of not more than 12 months beginning with the date of the resolution,<sup>F7</sup>..., by which the power is exercised as the resolution<sup>F7</sup>... may provide.]

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#### Textual Amendments

- F1** Ss. 51A-51C inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003, {ss. 8}, 12; S.I. 2004/83, **art. 2**
- F5** Words in s. 51C title substituted (1.4.2011) by Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), **5(i)(iii)**
- F6** Words in s. 51C(1) omitted (1.4.2011) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), **5(i)(i)**
- F7** Words in s. 51C(2) omitted (1.4.2011) by virtue of Northern Ireland (Monitoring Commission etc.) Act 2003 (Cessation of Provisions) Order 2011 (S.I. 2011/978), arts. 1(2), **5(i)(ii)**

#### [<sup>F8</sup>51D Censure resolutions

- (1) This section applies to the following resolutions of the Assembly—
- (a) a resolution censuring a Minister or junior Minister—
    - (i) because he is not committed to non-violence and exclusively peaceful and democratic means; or
    - (ii) because of any failure of his to observe any other terms of the pledge of office;
  - (b) a resolution censuring a political party—
    - (i) because it is not committed to non-violence and exclusively peaceful and democratic means; or
    - (ii) because it is not committed to such of its members as are or might become Ministers or junior Ministers observing the other terms of the pledge of office.
- (2) A motion for a resolution to which this section applies shall not be moved unless—
- (a) it is supported by at least 30 members of the Assembly;
  - (b) it is moved by the First Minister and the deputy First Minister acting jointly; or
  - (c) it is moved by the Presiding Officer in pursuance of a notice under subsection (3).
- (3) If the Secretary of State is of the opinion that the Assembly ought to consider a resolution to which this section applies, he shall serve a notice on the Presiding Officer requiring him to move a motion for such a resolution.
- (4) In forming an opinion under subsection (3), the Secretary of State shall in particular take into account the matters listed in section 30(7).
- (5) A resolution to which this section applies shall not be passed without cross-community support.]

#### Textual Amendments

- F8** S. 51D inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 9**, 12; S.I. 2004/83, **art. 2**

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