



2013 CHAPTER 8

[^{F1}8A.—(1) A Minister must ensure that only a person duly appointed as a special adviser in the Minister’s department will exercise the functions, enjoy the access and receive the privileges of the person’s post as a special adviser; and the permanent secretary to a Northern Ireland department must ensure that no person other than a duly appointed special adviser is afforded by the department the cooperation, recognition and facilitation due to a special adviser by reason of the holding of that post.

(2) A special adviser—

- (a) in carrying out the functions of their post, is not to be supervised or directed by,
- (b) is not to report on their carrying-out of the functions of their post to, and
- (c) is not answerable for their carrying-out of the functions of their post to,

any person other than their appointing Minister, save as permitted by subsection (3) or (4) or section 7(3) or required by section 7(3A).

(3) A special adviser’s appointing Minister may authorise the special adviser, to such extent as the appointing Minister specifies, to be directed by or report to a junior Minister in the same department as the appointing Minister.

(4) Where a special adviser is a member of a profession or organisation, subsection (2) does not stop them being answerable to the profession or organisation for acts done in carrying out the functions of their post if they would be similarly answerable—

- (a) for corresponding acts done in carrying out the duties of an employment otherwise than as a special adviser, or
- (b) for corresponding acts done otherwise than in the course of an employment.]

Changes to legislation: *There are currently no known outstanding effects for the Civil Service (Special Advisers) Act (Northern Ireland) 2013, Section 8A. (See end of Document for details)*

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Textual Amendments

- F1** S. 8A inserted (22.3.2021) by [Functioning of Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2021 \(c. 3\)](#), **ss. 1(6)**, 14(2)

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