Northern Ireland Act 1998

1998 CHAPTER 47

PART III

EXECUTIVE AUTHORITIES

F1 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 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).]
Changes to legislation:
Northern Ireland Act 1998, Cross Heading: Ministerial Code is up to date with all changes known to be in force on or before 24 September 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

– Act modified (cond.) by 2006 c. 17 Sch. 2 para. 2(5) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 27(4A) inserted by 2018 c. 16 Sch. 3 para. 56(5)
– s. 31(2)-(2D) substituted for s. 31(2) (cond.) by 2006 c. 17 Sch. 3 para. 2(1) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
– s. 31(2)-(2D) substituted for s. 31(2) (cond.) by 2006 c. 53 Sch. 3 para. 2(1) (This amendment not applied to legislation.gov.uk to legislation.gov.uk. It is a conditional amendment that was never brought into force. Sch. 3 repealed (10.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), s. 2(5) (as amended by 2007 c. 4, s. 1(1)), Sch. 4 para. 3 (with s. 1(3)); S.I. 2007/1397, art. 2)
– s. 31(2E) inserted (cond.) by 2006 c. 17 Sch. 3 para. 3(1) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
– Sch. 2 para. 9B inserted by 2009 c. 8 s. 27 (This amendment not applied to legislation.gov.uk. The amending provision was repealed (16.2.2011) without ever being in force by 2010 c. 36, ss. 2(1), 4(2))