



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART IV

#### THE NORTHERN IRELAND ASSEMBLY

##### *Presiding Officer and Commission*

#### **39 Presiding Officer.**

- (1) Each Assembly shall as its first business elect from among its members a Presiding Officer and deputies.
- (2) A person elected Presiding Officer or deputy shall hold office until the conclusion of the next election for Presiding Officer under subsection (1) unless—
  - (a) he previously resigns;
  - (b) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution; or
  - (c) the Assembly elects from among its members a person to hold office as Presiding Officer or deputy in his place.
- (3) If the Presiding Officer or a deputy ceases to hold office (otherwise than under subsection (2)(c)) before the Assembly is dissolved, the Assembly shall elect another from among its members to fill his place.
- (4) The Presiding Officer's functions may be exercised by a deputy if the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act.
- (5) The Presiding Officer may (subject to standing orders) authorise a deputy to exercise functions on his behalf.
- (6) Standing orders may include provision as to the participation (including voting) of the Presiding Officer and deputies in the proceedings of the Assembly.
- (7) A person shall not be elected under subsections (1) to (3) without cross-community support.

*Status: Point in time view as at 24/05/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Cross Heading: Presiding Officer and Commission. (See end of Document for details)*

#### 40 Commission.

- (1) There shall be a body corporate, to be known as the Northern Ireland Assembly Commission (“the Commission”), to perform—
    - (a) the functions conferred on the Commission by virtue of any enactment; and
    - (b) any functions conferred on the Commission by resolution of the Assembly.
  - (2) The members of the Commission shall be—
    - (a) the Presiding Officer; and
    - (b) the prescribed number of members of the Assembly appointed in accordance with standing orders.
  - (3) In subsection (2) “the prescribed number” means 5 or such other number as may be prescribed by standing orders.
- [<sup>F1</sup>(3A) A member of the Assembly who is—
- (a) a Minister of the Government of Ireland, or
  - (b) chairman or deputy chairman of—
    - (i) a committee of the Dáil Éireann (House of Representatives of Ireland),
    - (ii) a committee of the Seanad Éireann (Senate of Ireland), or
    - (iii) a joint committee of the Oireachtas (National Parliament of Ireland),
 may not be appointed as a member of the Commission.]
- (4) The Commission shall provide the Assembly, or ensure that the Assembly is provided, with the property, staff and services required for the Assembly’s purposes.
  - (5) The Assembly may give special or general directions to the Commission for the purpose of or in connection with the exercise of the Commission’s functions.
  - (6) Proceedings by or against the Assembly (other than proceedings on the Crown side of the Queen’s Bench Division) shall be instituted by or against the Commission on behalf of the Assembly.
  - (7) Any property or liabilities acquired or incurred in relation to matters within the general responsibility of the Commission to which (apart from this subsection) the Assembly would be entitled or subject shall be treated for all purposes as property or liabilities of the Commission.
  - (8) Any expenses of the Commission shall be defrayed out of money appropriated by Act of the Assembly.
  - (9) Any sums received by the Commission shall be paid into the Consolidated Fund of Northern Ireland, subject to any provision made by Act of the Assembly for the disposal of or accounting for such sums.
  - (10) Schedule 5 (which makes further provision about the Commission) shall have effect.

#### Textual Amendments

**F1** S. 40(3A) inserted (30.11.2000) by 2000 c. 42, s. 3(2)

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*Status: Point in time view as at 24/05/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Cross Heading: Presiding Officer and Commission. (See end of Document for details)*

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#### **Commencement Information**

- II** S. 40 wholly in force at 2.12.1999; s. 40 not in force at Royal Assent see s. 101(3); s. 40(10) in force for specified purposes at 28.10.1999 by [S.I. 1999/2936](#), [art. 2](#); s. 40(1)-(9) in force and s. 40(10) in force at 2.12.1999 insofar as not already in force by [S.I. 1999/3209](#), [art. 2](#), [Sch.](#)

**Status:**

Point in time view as at 24/05/2023.

**Changes to legislation:**

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