
Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, PART 3. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 6A

EU WITHDRAWAL: DEMOCRATIC CONSENT PROCESS

Textual Amendments

- F1** Sch. 6A inserted (10.12.2020) by [The Protocol on Ireland/Northern Ireland \(Democratic Consent Process\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1500\)](#), regs. 1(2), 2(3)

PART 3

DEFAULT DEMOCRATIC CONSENT PROCESS

Application

5. This Part applies if the First Minister and the deputy First Minister hold office (including if another Northern Ireland Minister is exercising the functions of either office in accordance with section 16A(11)) at the beginning of the day on which the Secretary of State is required to give the notification of the start of the democratic consent process in relation to a new continuation period.

Giving the notification of the start of the democratic consent process

6. (1) The Secretary of State must give the notification of the start of the democratic consent process to—
- (a) the First Minister and the deputy First Minister, and
 - (b) the Presiding Officer.
- (2) The notification of the start of the democratic consent process must state that the default democratic consent process applies.

Presiding Officer to inform members of the Assembly

7. On receipt of a notification of the start of the democratic consent process under this Part, the Presiding Officer must take such steps as the Presiding Officer considers necessary to bring the notification to the attention of the members of the Assembly.

Consent resolution: motion by First Minister and deputy First Minister

8. (1) This paragraph applies where the Secretary of State gives a notification of the start of the democratic consent process under this Part in relation to a new continuation period.

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- (2) Before the start of the final one month of the current period, the First Minister and the deputy First Minister acting jointly may table notice of a motion for a consent resolution which relates to the new continuation period.
- (3) No other member of the Assembly may table notice of a motion for a consent resolution which relates to the new continuation period before the final one month of the current period.
- (4) If they have tabled notice of a motion under this paragraph, the First Minister and the deputy First Minister acting jointly must provide the members of the Assembly with such explanatory materials as it is reasonable to provide in order to assist them when deciding the question.

Consent resolution: motion by any member of the Assembly

9. (1) This paragraph applies where—
 - (a) the Secretary of State gives a notification of the democratic consent process under this Part in relation to a new continuation period, and
 - (b) before the start of the final one month of the current period, the First Minister and the deputy First Minister acting jointly have not tabled notice of a motion for a consent resolution which relates to the new continuation period.
- (2) Before the start of the final 25 days of the current period, any member of the Assembly may table notice of a motion for a consent resolution which relates to the new continuation period.
- (3) Sub-paragraph (2) does not prevent any other members of the Assembly—
 - (a) from adding their names to the notice of the motion that has been tabled, or
 - (b) having done so, from moving the motion,
 in accordance with the standing orders or practice of the Assembly.
- (4) If a member of the Assembly has tabled notice of a motion for a consent resolution in accordance with sub-paragraph (2), the Secretary of State must take reasonable steps to provide the members of the Assembly with such explanatory materials as it is reasonable to provide in order to assist them when deciding the question.

Consent resolution: consideration of motion

10. (1) This paragraph applies if—
 - (a) notice of a motion for a consent resolution which relates to the new continuation period has been tabled by the First Minister and deputy First Minister acting jointly in accordance with paragraph 8(2), or
 - (b) notice of a motion for a consent resolution which relates to the new continuation period has been tabled by a member of the Assembly in accordance with paragraph 9(2),
 and, before the start of the final 15 days of the current period, the question on that motion is not decided by the Assembly.
- (2) The Assembly must sit at noon on the required sitting day (whether or not the Assembly would otherwise be sitting on that day or at that time, and whether or not that day falls during a recess).

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- (3) The motion for the consent resolution is to be proceeded with in the Assembly on the required sitting day—
 - (a) as the first business on that day; or
 - (b) where the election of the Presiding Officer or any deputy or deputies is, by virtue of this Act, any other enactment or the standing orders of the Assembly, required to be the first business on that day, as the first business after the election of the Presiding Officer or deputy or deputies.
- (4) The Presiding Officer must move the motion for the consent resolution if no other member of the Assembly moves it when it is required to be proceeded with in accordance with sub-paragraph (3).
- (5) The question on the motion for the consent resolution (if not already put) is to be put—
 - (a) at 6:00pm on the required sitting day, if the motion is proceeded with as the first business on the required sitting day (in accordance with sub-paragraph (3)(a));
 - (b) six hours after the motion is moved, if the motion is proceeded with as the first business after the election of the Presiding Officer or the deputy or deputies on the required sitting day (in accordance with sub-paragraph (3)(b)).
- (6) The Assembly may not be adjourned on the required sitting day until after the declaration of the result of the division or vote on the question on the motion for the consent resolution.
- (7) Accordingly, no motion for the adjournment of the debate on the motion for the consent resolution, or of the Assembly, may be taken on the required sitting day until after the declaration of that result.
- (8) If the question on the motion for the consent resolution is not put as required by sub-paragraph (5), and is not put at any later time on the required sitting day, then—
 - (a) the earliest day after that day that is not an excluded day is to be regarded as the required sitting day for the purposes of this paragraph, and
 - (b) sub-paragraphs (2) to (7) and this sub-paragraph are to apply again accordingly.
- (9) In this paragraph—

“excluded day” means—

 - (a) Saturday,
 - (b) Sunday,
 - (c) Christmas Day,
 - (d) Good Friday, and
 - (e) any day that is a public holiday in Northern Ireland;

“required sitting day” means the earliest day during the final 15 days of the current period that is not an excluded day.]

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