



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART III

#### EXECUTIVE AUTHORITIES

##### *Authorities*

#### **18 Northern Ireland Ministers.**

[<sup>F1</sup>(A1) Where—

- (a) an Assembly is elected—
  - (i) at a poll the date for which is proposed under section 32(3B), or
  - (ii) following the issue of a certificate under subsection (A2),
- (b) the period of 24 weeks beginning with the day on which an Assembly first meets expires without the offices mentioned in section 16A(3) having been filled, or
- (c) the period of 48 weeks beginning with the day on which a vacancy arises in the offices of First Minister and deputy First Minister expires without those offices having been filled,

all Northern Ireland Ministers shall cease to hold office (and the Ministerial offices shall remain vacant until next filled by virtue of section 16A).

(A2) Where the Secretary of State—

- (a) has proposed, or is under a duty to propose, a date for the poll for the election of the next Assembly under section 32(1) or (3), and
- (b) considers that, in order to give effect to the purpose underlying paragraph 3.15 of Annex C of Part 2 of The New Decade, New Approach Deal so far as it relates to representation, it is necessary for the Northern Ireland Ministers to cease to hold office on the election of that Assembly,

the Secretary of State may issue a certificate that the conditions in paragraphs (a) and (b) are met.]

(1) Where—

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*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 18. (See end of Document for details)*

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- (a) <sup>F2</sup> .....
- (b) a determination under section 17(1) takes effect;
- (c) a resolution which causes one or more Ministerial offices to become vacant is passed under section 30(2);
- <sup>F3</sup> <sup>F4</sup>(d) .....
- (da) a period of exclusion under section 30(2) <sup>F5</sup> ... comes to an end; or.]
- (e) such other circumstances obtain as may be specified in standing orders, all Northern Ireland Ministers shall cease to hold office and the Ministerial offices shall be filled by applying subsections (2) to (6) within a period so specified.
- (2) The nominating officer of the political party for which the formula in subsection (5) gives the highest figure may select a Ministerial office and nominate a person to hold it who is a member of the party and of the Assembly.
- (3) If—
- (a) the nominating officer does not exercise the power conferred by subsection (2) within a period specified in standing orders; or
- (b) the nominated person does not take up the selected Ministerial office within that period,
- that power shall become exercisable by the nominating officer of the political party for which the formula in subsection (5) gives the next highest figure.
- (4) Subsections (2) and (3) shall be applied as many times as may be necessary to secure that each of the Ministerial offices is filled.
- (5) The formula is—

$$\frac{S}{1 + M}$$

where—

S = the number of seats in the Assembly which were held by members of the party on the day on which the Assembly first met following its election;

M = the number of Ministerial offices (if any) which are held by members of the party.

- (6) Where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the last general election of members of the Assembly.
- (7) The holding of office as First Minister or deputy First Minister shall not prevent a person being nominated to hold a Ministerial office.
- (8) A Northern Ireland Minister shall not take up office until he has affirmed the terms of the pledge of office.
- (9) A Northern Ireland Minister shall cease to hold office if—
- (a) he resigns by notice in writing to the First Minister and the deputy First Minister;

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- [<sup>F6</sup>(aa) there is an Assembly election at which the Minister is not returned as a member;]
  - (b) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution; or
  - (c) he is dismissed by the nominating officer who nominated him (or that officer's successor) and the Presiding Officer is notified of his dismissal.
- (10) Where a Ministerial office is vacant otherwise than by virtue of subsection [<sup>F7</sup>(A1) or] (1), the nominating officer of the party on whose behalf the previous incumbent was nominated may nominate a person to hold the office who is a member of the party and of the Assembly.
- (11) If—
- (a) the nominating officer does not exercise the power conferred by subsection (10) within a period specified in standing orders; or
  - (b) the nominated person does not take up the office within that period,
- the vacancy shall be filled by applying subsections (2) to (6) within a period specified in standing orders.
- (12) Where—
- (a) the Assembly has resolved under section 30(2) that a political party does not enjoy its confidence; and
  - (b) the party's period of exclusion [<sup>F8</sup>under that provision] has not come to an end,
- the party shall be disregarded for the purposes of any application of subsections (2) to (6).
- <sup>F9</sup>(12A) .....
- <sup>F9</sup>(12B) .....
- [<sup>F10</sup>(13) In this section “nominating officer”, in relation to a party, means—
- (a) the person registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 as the party's nominating officer; or
  - (b) a member of the Assembly nominated by him for the purposes of this section.]
- [<sup>F11</sup>(14) In this section, a reference to a period of exclusion <sup>F12</sup>... is, in the case of a period of exclusion <sup>F12</sup>... which has been extended, a reference to that period as extended.]

#### Textual Amendments

- F1** S. 18(A1)(A2) inserted (8.2.2022) by Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 (c. 2), ss. 2(3)(a), 9 (with s. 4(2)(3))
- F2** S. 18(1)(a) omitted (8.5.2007) by virtue of Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 8, 27(4)(5) (as amended by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1)), {Sch. 5 para. 2(2)} (with s. 1(3)); S.I. 2007/1397, art. 2
- F3** S. 18(1)(d) 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(b)(i)
- F4** S. 18(1)(d)(da) substituted (7.1.2004) for s. 18(1)(d) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), ss. 5(2), 12; S.I. 2004/83, art. 2
- F5** Words in s. 18(1)(da) 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(b)(ii)
- F6** S. 18(9)(aa) inserted (8.2.2022) by Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 (c. 2), ss. 2(3)(b), 9 (with s. 4(2)(3))

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- F7** Words in s. 18(10) inserted (8.2.2022) by Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 (c. 2), **ss. 2(3)(c)**, 9 (with s. 4(2)(3))
- F8** Words in s. 18(12)(b) inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 5(3)**, 12; S.I. 2004/83, **art. 2**
- F9** S. 18(12A)(12B) 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(b)(iii)**
- F10** S. 18(13) substituted (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 2(2), 8, 27(4)(5) (as amended by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1)), Sch. 5 para. 2(3) (with s. 1(3)); S.I. 2007/1397, **art. 2**
- F11** S. 18(14) inserted (7.1.2004) by Northern Ireland (Monitoring Commission etc.) Act 2003 (c. 25), **ss. 5(5)**, 12; S.I. 2004/83, **art. 2**
- F12** Words in s. 18(14) 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(b)(iv)**

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

- C2** S. 18(1) excluded (4.5.2016) by Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 (c. 13), s. 11(2), **Sch. 1 para. 2(1)**
- C3** S. 18(1)(b) excluded (12.3.2009) by Northern Ireland Act 2009 (c. 3), ss. 1, 5, **Sch. 1 para. 6**
- C4** S. 18(2)-(6) applied (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 2(2) (as amended by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1)), 27(1), {Sch. 2 para. 2(5)(6)}; S.I. 2007/1397, **art. 2**
- C5** S. 18(2)-(6) applied (24.3.2016) by Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016 (c. 10), **ss. 3(2)**, 17
- C6** S. 18(10) applied (12.2.2000) by 2000 c. 1, **s. 3(7)(a)**; S.I. 2000/396, **art. 2**
- C7** S. 18(10) applied (24.3.2016) by Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016 (c. 10), **ss. 3(2)(c)**, 17

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 18.