



Northern Ireland Act 1998

1998 CHAPTER 47

PART III

EXECUTIVE AUTHORITIES

Authorities

[^{F1}21C Section 21A(5A) and (7C): power of Assembly to secure retention or abolition of deputy Ministerial office

- (1) This section applies if [^{F2}the first Northern Ireland department the purpose of which is to exercise functions consisting wholly or mainly of devolved policing and justice functions (as defined in section 21A(8))] is established—
 - (a) by an Act of the Assembly which makes provision of the kind mentioned in section 21A(5A) [^{F3}(other than by virtue of paragraph 8(5) of Schedule 1 to the Northern Ireland Act 2009)] ; or
 - (b) by an Order in Council under section 21A(7C).
- (2) Standing orders shall require the committee established by virtue of section 29A to consider the operation of the Ministerial arrangements provided for by Part 3A of Schedule 4A.
- (3) The committee shall, by no later than two years and ten months after the time at which devolved policing and justice functions are first transferred to, or conferred on, the department (“the time of devolution”), make a report on the operation of the Ministerial arrangements provided for by Part 3A of Schedule 4A—
 - (a) to the Assembly; and
 - (b) to the Executive Committee,and the report must include a recommendation as to whether or not the deputy Ministerial office (see subsection (8)) should be retained.
- (4) If before the end of the period of three years beginning with the time of devolution (“the initial period”) the Assembly resolves that the deputy Ministerial office should be abolished at a time specified in the resolution (before the end of the initial period),

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 21C. (See end of Document for details)

the Secretary of State shall make an order abolishing the deputy Ministerial office (see subsection (9)) at, or as soon as reasonably practicable after, the time specified.

(5) If—

- (a) subsection (4) does not apply; and
- (b) the Assembly does not resolve, before the end of the initial period, that the deputy Ministerial office should be retained for an additional period ending after the initial period,

the Secretary of State shall make an order abolishing the deputy Ministerial office as soon as reasonably practicable after the end of the initial period.

(6) If—

- (a) subsection (4) does not apply;
- (b) the Assembly resolves that the deputy Ministerial office should be retained for an additional period ending after the initial period or for one or more further additional periods; and
- (c) one of those additional periods ends without a further additional period having begun,

the Secretary of State shall make an order abolishing the deputy Ministerial office as soon as reasonably practicable after the end of that period.

(7) A resolution of the Assembly under this section shall not be passed without the support of—

- (a) a majority of the members voting on the motion for the resolution;
- (b) a majority of the designated Nationalists voting; and
- (c) a majority of the designated Unionists voting.

(8) In this section “deputy Ministerial office” has the same meaning as in Part 3A of Schedule 4A.

(9) In this section references to an order abolishing the deputy Ministerial office are to an order amending this Act and any other enactment so far as may be necessary to secure that the Northern Ireland Minister in charge of the department for the time being—

- (a) is not to be supported by a deputy Minister (within the meaning of Part 3A of Schedule 4A); and
- (b) need not belong to the largest or the second largest political designation (within that meaning).

(10) An order under this section—

- (a) shall be made by statutory instrument; and
- (b) may contain supplementary, incidental, consequential, transitional or saving provision.]

Textual Amendments

- F1** S. 21C inserted (11.3.2009) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\)](#), [ss. 44\(7\)](#), 53; [S.I. 2009/446](#), [art. 3\(2\)\(a\)](#)
- F2** Words in s. 21C(1) substituted (12.3.2009) by [Northern Ireland Act 2009 \(c. 3\)](#), [ss. 1, 5](#), [Sch. 1 para. 10\(a\)](#)
- F3** Words in s. 21C(1)(a) inserted (12.3.2009) by [Northern Ireland Act 2009 \(c. 3\)](#), [ss. 1, 5](#), [Sch. 1 para. 10\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 21C.