

SCHEDULES

SCHEDULE 1

Section 1

THE TRANSITIONAL ASSEMBLY

Meetings

- 1 (1) Meetings are to be held at such times and places as the presiding officer or any deputy presiding officer of the Transitional Assembly may notify to the members; and a meeting of the Transitional Assembly must be held on 24 November 2006.
- (2) But the Secretary of State may at any time direct that meetings are instead to be held at such times and places as may be specified in the direction.

Proceedings

- 2 (1) Proceedings are to be conducted in accordance with standing orders (see paragraph 9).
- (2) But the Secretary of State may at any time direct that proceedings are instead to be conducted in accordance with the direction.

Nominations for First Minister and deputy First Minister

- 3 (1) The proceedings to be conducted by the Transitional Assembly shall include the making of nominations from among its members of persons to hold office as First Minister and deputy First Minister on the restoration of devolved government in Northern Ireland.
- (2) Such nominations may be made notwithstanding section 1(4) of, and paragraph 5 of the Schedule to, the 2000 Act.

Draft Ministerial Code

- 4 (1) The proceedings to be conducted by the Transitional Assembly shall include the preparation and consideration of a draft Ministerial Code.
- (2) If the Transitional Assembly approves the draft Ministerial Code (with or without amendments) before 24 March 2007, the approved draft Ministerial Code shall become the Ministerial Code for the purposes of section 28A of the 1998 Act on 26 March 2007.
- (3) Any approval under sub-paragraph (2) requires cross-community support (see paragraph 11).
- (4) The draft Ministerial Code approved under sub-paragraph (2)—
 - (a) must comply with the requirements of subsections (5) to (8) of section 28A of the 1998 Act (to be inserted in that Act by section 5 of this Act), and

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- (b) may include other provisions.
- (5) But if the Transitional Assembly has not approved the draft Ministerial Code (with or without amendments) before 24 March 2007—
 - (a) the Secretary of State must prepare a draft Ministerial Code in accordance with sub-paragraph (6), and
 - (b) that draft Ministerial Code shall become the Ministerial Code for the purposes of section 28A of the 1998 Act on 26 March 2007.
- (6) The draft Ministerial Code referred to in sub-paragraph (5) must, so far as practicable, be—
 - (a) in the form of any parts of the draft Ministerial Code that have been approved by the Transitional Assembly under sub-paragraph (2) (with or without amendments) before 24 March 2007;
 - (b) otherwise, in the form of the former Ministerial Code,
 and must comply with the requirements of subsections (5) to (8) of section 28A of the 1998 Act.
- (7) In this paragraph “the former Ministerial Code” means the Ministerial Code which—
 - (a) was approved by the Executive Committee of the Northern Ireland Assembly, and
 - (b) applied to members of the Executive Committee immediately before the most recent suspension of that Assembly by virtue of section 1 of the 2000 Act.

Draft standing orders for Northern Ireland Assembly

- 5 (1) The proceedings to be conducted by the Transitional Assembly shall include the preparation and consideration of draft standing orders for the Northern Ireland Assembly.
- (2) If the Transitional Assembly approves the draft standing orders (with or without amendments) before 24 March 2007, the approved draft standing orders shall become the standing orders of the Northern Ireland Assembly on 26 March 2007.
- (3) Any approval under sub-paragraph (2) requires cross-community support.
- (4) But if the Transitional Assembly has not approved the draft standing orders (with or without amendments) before 24 March 2007—
 - (a) the Secretary of State must prepare draft standing orders in accordance with sub-paragraph (5), and
 - (b) those draft standing orders shall become the standing orders of the Northern Ireland Assembly on 26 March 2007.
- (5) Subject to sub-paragraph (7), the draft standing orders referred to in sub-paragraph (4) must, so far as practicable, be—
 - (a) in the form of any parts of the draft standing orders that have been approved by the Transitional Assembly under sub-paragraph (2) (with or without amendments) before 24 March 2007;
 - (b) otherwise, in the form of the former standing orders.

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- (6) In this paragraph “the former standing orders” means the standing orders of the Northern Ireland Assembly as they had effect immediately before the most recent suspension of that Assembly by virtue of section 1 of the 2000 Act.
- (7) The draft standing orders approved under sub-paragraph (2) or the draft standing orders prepared in accordance with sub-paragraph (5)—
 - (a) must comply with the requirements of the 1998 Act (as it is to have effect on and after 26 March 2007), and
 - (b) may include other provisions.

Presiding officer

- 6 (1) The Transitional Assembly shall have—
 - (a) a presiding officer, and
 - (b) no more than three deputy presiding officers.
- (2) The person who is the presiding officer of the Assembly (see sub-paragraph (8)) immediately before the time at which this Schedule comes into force shall become the presiding officer of the Transitional Assembly at that time.
- (3) Each person who is a deputy presiding officer of the Assembly immediately before that time shall become a deputy presiding officer of the Transitional Assembly at that time.
- (4) Subject to sub-paragraphs (5) to (7), the Transitional Assembly may elect a person—
 - (a) to fill any vacancy in the office of presiding officer or deputy presiding officer, or
 - (b) to replace a presiding officer or deputy presiding officer who appears to members of the Transitional Assembly to be unable, unfit or unwilling to perform his functions (whether because of illness or otherwise).
- (5) A person shall not be elected under sub-paragraph (4) without cross-community support.
- (6) If it appears to the Secretary of State that—
 - (a) a vacancy has arisen in the office of presiding officer or deputy presiding officer of the Transitional Assembly, and
 - (b) the vacancy has not been filled within a period of two weeks beginning with the day on which the vacancy arose,the Secretary of State may appoint a person to fill the vacancy.
- (7) If it appears to the Secretary of State that—
 - (a) a presiding officer or deputy presiding officer of the Transitional Assembly has become unable, unfit or unwilling to perform his functions (whether because of illness or otherwise), and
 - (b) the officer has not been replaced within a period of two weeks beginning with the day on which the officer became unable, unfit or unwilling to perform his functions,the Secretary of State may appoint a person to replace the officer.
- (8) In this paragraph “the Assembly” means the Assembly established under paragraph 1 of Schedule 1 to the 2006 Act.

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Staff etc

- 7 (1) The Secretary of State must secure the provision of the services of such staff, the use of such premises and such other facilities as he thinks appropriate.
- (2) Expenditure incurred by the Secretary of State by virtue of this paragraph is to be paid out of the Consolidated Fund of Northern Ireland.

Privilege

- 8 A written or oral statement made by a member in or for the purposes of the Transitional Assembly is to be privileged from action for defamation unless it is proved to have been made with malice.

Standing orders

- 9 (1) In this Schedule (other than in paragraph 5) “standing orders” means standing orders of the Transitional Assembly.
- (2) The initial standing orders shall be determined by the Secretary of State and notified to the presiding officer or any deputy presiding officer of the Transitional Assembly.
- (3) The initial standing orders may be added to or amended by the Secretary of State by notification to the presiding officer or any deputy presiding officer of the Transitional Assembly; but no addition or amendment may be made under this sub-paragraph to the extent that it is inconsistent with anything done by the Transitional Assembly under sub-paragraph (4).
- (4) The initial standing orders may be amended or replaced by the Transitional Assembly, but standing orders shall not be made, amended or repealed by the Transitional Assembly without cross-community support.
- (5) The provision that may be made by standing orders includes provision which corresponds, or is similar, to—
- (a) any provision of standing orders made (or treated as made) under section 41 of the 1998 Act, or
 - (b) any provision of directions made by the Secretary of State under paragraph 4 of Schedule 1 to the 2006 Act.
- (6) The provision that may be made by standing orders also includes provision that may be made under paragraph 5 of Schedule 6 to the 1998 Act (to be inserted in that Act by section 17 of this Act).
- (7) The provision that may be made by standing orders for the purposes of the nominations referred to in paragraph 3 above includes provision which corresponds, or is similar, to any provision of sections 16A to 16C of the 1998 Act (to be inserted in that Act by section 8 of this Act).
- (8) The standing orders may provide for further nominations to be made if any nomination made by virtue of paragraph 3 above ceases to have effect, by virtue of the standing orders, at any time before 26 March 2007.

Members to be deemed to have signed roll of membership etc

- 10 (1) Each person who was a member of the Assembly (see sub-paragraph (3)) immediately before the time at which this Schedule comes into force shall be deemed

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to have signed the roll of membership of the Transitional Assembly at that time in accordance with standing orders.

- (2) Each such person shall be deemed to have designated himself at that time in accordance with standing orders—
- (a) as a Nationalist (if, immediately before that time, he was designated as a Nationalist for the purposes of the Assembly);
 - (b) as a Unionist (if, immediately before that time, he was designated as a Unionist for the purposes of the Assembly);
 - (c) otherwise, as Other.
- (3) In this paragraph “the Assembly” means the Assembly established under paragraph 1 of Schedule 1 to the 2006 Act.

Meaning of “cross-community support”

- 11 (1) In this Schedule “cross-community support”, in relation to a vote on any matter, means—
- (a) the support of a majority of the members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting, or
 - (b) the support of 60% of the members voting, 40% of the designated Nationalists voting and 40% of the designated Unionists voting.
- (2) In sub-paragraph (1)—
- “designated Nationalist” means a member designated as a Nationalist in accordance with standing orders, and
 - “designated Unionist” is to be construed accordingly.

SCHEDULE 2

Section 2(2)

RESTORATION OF DEVOLVED GOVERNMENT ON 26 MARCH 2007

Introduction

- 1 In this Schedule “the restoration order” means the restoration order made by virtue of section 2(2).

The Ministerial offices

- 2 (1) Subsections (2) to (7) of section 3 of the 2000 Act do not apply in relation to the restoration order (and, accordingly, no person who immediately before the most recent suspension held an office mentioned in any of those subsections shall resume that office on 26 March 2007).
- (2) On 26 March 2007—
- (a) the First Minister designate shall, subject to sub-paragraph (4), become the First Minister, and
 - (b) the deputy First Minister designate shall, subject to sub-paragraph (4), become the deputy First Minister,
- (and section 16A of the 1998 Act does not apply).

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- (3) In sub-paragraph (2)—
- “the First Minister designate” means the person whose nomination by virtue of paragraph 3 of Schedule 1 to this Act to hold office as First Minister has effect immediately before 26 March 2007;
- “the deputy First Minister designate” means the person whose nomination by virtue of that paragraph to hold office as deputy First Minister has effect immediately before that date.
- (4) But the persons whose nominations so have effect shall not take up office until each of them has affirmed the terms of the pledge of office (within the meaning given by section 16C(14) of the 1998 Act).
- (5) On 26 March 2007, the Ministerial offices to be held by Northern Ireland Ministers shall be filled by applying section 18(2) to (6) of the 1998 Act (and section 16A of the 1998 Act does not apply).
- (6) But for that purpose, section 18 of that Act shall have effect as if the reference, in the definition of “S” in subsection (5) of that section, to the day on which the Assembly first met following its election were a reference to the first day on which the Transitional Assembly met after 7 March 2007.
- (7) In this paragraph “the most recent suspension” means the most recent suspension of the Northern Ireland Assembly by virtue of section 1 of the 2000 Act.

Presiding Officer and deputy Presiding Officer

- 3 (1) The person who is presiding officer of the Transitional Assembly immediately before 26 March 2007 shall be deemed to have been elected as Presiding Officer of the Northern Ireland Assembly under section 39(1) of the 1998 Act on that date (and, accordingly, any person who is a deputy Presiding Officer of the Northern Ireland Assembly immediately before that date shall cease to hold office under section 39(2) of that Act on that date).
- (2) Each person who is a deputy presiding officer of the Transitional Assembly immediately before 26 March 2007 shall be deemed to have been elected as a deputy Presiding Officer of the Northern Ireland Assembly under section 39(1) of the 1998 Act on that date.

Restoration order: supplementary provisions

- 4 (1) The provision that may be made by the restoration order by virtue of section 7(2) of the 2000 Act includes provision—
- (a) for treating things done (or treated as done) under or by virtue of this Act as having been done under or by virtue of the 1998 Act;
- (b) for treating things done (or treated as done) by or in relation to the Transitional Assembly (or members of that Assembly) as having been done by or in relation to the Northern Ireland Assembly (or members of that Assembly).
- (2) Section 2(3) of the 2000 Act (taking account of review under Validation, Implementation and Review section of Belfast Agreement) does not apply in relation to the restoration order.

Modification of section 29(3) of the 1998 Act and paragraph 7(7) of Schedule 1 to the Police (Northern Ireland) Act 2000

- 5 (1) This paragraph applies in relation to the first occasion on or after 26 March 2007 on which the offices of chairmen and deputy chairmen of the statutory committees are to be filled in accordance with standing orders made under section 29 of the 1998 Act.
- (2) That section (and those standing orders) shall have effect as if the reference, in the definition of “S” in subsection (3) of that section (and in those standing orders), to the day on which the Assembly first met following its election were a reference to the first day on which the Transitional Assembly met after 7 March 2007.
- 6 (1) This paragraph applies in relation to the first occasion on or after 26 March 2007 on which the political members of the Northern Ireland Policing Board are to be nominated in accordance with paragraph 7 of Schedule 1 to the Police (Northern Ireland) Act 2000 (c. 32).
- (2) That paragraph shall have effect as if the reference, in the definition of “S” in subparagraph (7) of that paragraph, to the day on which the Assembly first met following its election were a reference to the first day on which the Transitional Assembly met after 7 March 2007.

Repeal of certain provisions of this Act on 26 March 2007

- 7 The following provisions of this Act are repealed—
- (a) section 1(1) and (2), and
 - (b) Schedule 1.

SCHEDULE 3

Section 2(1) or (4)

NON-COMPLIANCE WITH ST ANDREWS AGREEMENT TIMETABLE

Dissolution of Northern Ireland Assembly

- 1 If this Schedule comes into force before 30 January 2007 or after 7 March 2007, the Northern Ireland Assembly shall be dissolved on the date on which it comes into force.

Postponement of next Northern Ireland Assembly election

- 2 (1) In section 31 of the 1998 Act (Northern Ireland Assembly: dates of elections and dissolutions), for subsection (2) substitute—
- “(2) The date of the poll for the election of the Assembly next following the current Assembly shall be a date to be specified in an order made by the Secretary of State.
- In this subsection “the current Assembly” means—
- (a) if Schedule 3 to the Northern Ireland (St Andrews Agreement) Act 2006 comes into force on or before 7 March 2007, the Assembly elected at the poll on 26 November 2003;
 - (b) otherwise, the Assembly elected at the poll on 7 March 2007.

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- (2A) An order under subsection (2) may not specify a date falling on or before the date on which the poll would (apart from that subsection) fall to be held under subsection (1).
- (2B) An order under subsection (2) may include provision making such modifications of—
- (a) any enactment (other than one contained in this Act), or
 - (b) any provision of subordinate legislation,
- as appear to the Secretary of State to be necessary or expedient for the purposes of, or in consequence of or in connection with, the order.
- (2C) An order under subsection (2) may, in particular, make provision modifying any duty of the Chief Electoral Officer for Northern Ireland whereby (apart from the order) he must perform any function or discharge any duty on or by reference to a particular date.
- (2D) An order under subsection (2) may also make such supplementary, incidental or consequential provision as the Secretary of State considers necessary or expedient.”
- (2) In subsection (1) of that section, for “subsection (2)” substitute “subsections (2) to (3)”.

Repeal of certain provisions of this Act etc

- 3 (1) The following provisions of this Act are repealed—
- (a) section 1(1) and (2),
 - (b) section 3,
 - (c) Schedule 1,
 - (d) Schedule 2,
 - (e) Schedule 4, and
 - (f) Part 2 (including Schedules 5 to 7).
- (2) If this Schedule comes into force on 28 March 2007, the enactments amended by Part 2 (including Schedules 5 to 7) shall be deemed to have effect, as from that date, as if the amendments made by that Part had not been made.

SCHEDULE 4

Section 2(5)

REPEAL OF THE NORTHERN IRELAND ACT 2000 ON 28 MARCH 2007

Repeal of the 2000 Act on 28 March 2007

- 1 The 2000 Act is repealed.

Repeal of the 2000 Act: supplementary provisions

- 2 (1) The Northern Ireland Assembly may not make a determination under section 47 of the 1998 Act in respect of any period of suspension.

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- (2) No instrument made during any period of suspension shall be liable to annulment or capable of being revoked in pursuance of a resolution, motion or address of the Northern Ireland Assembly.
- (3) Neither a restoration order nor the repeal of paragraph 1(1) of the Schedule to the 2000 Act shall affect the operation of any Order in Council made before 28 March 2007 under paragraph 1(1) of that Schedule.
- (4) References to Acts of the Northern Ireland Assembly in any enactment or instrument (whether passed or made before or after the coming into force of section 1 of the 2000 Act) are to be read, so far as the context permits, as including references to Orders in Council made under paragraph 1(1) of the Schedule to that Act.
- (5) The repeal of section 6 of the 2000 Act by virtue of paragraph 1 above shall not affect the operation of any order previously made under that section.
- (6) The repeal of section 7 of the 2000 Act by virtue of paragraph 1 above shall not affect the operation of any provision of a restoration order previously made by virtue of subsection (2) of that section.
- (7) The repeal of paragraph 9 of the Schedule to the 2000 Act by virtue of paragraph 1 above shall not affect the operation of any determination or provision previously made by virtue of that paragraph.
- (8) Subsection (4) of section 44 of the 1998 Act shall continue to include, at the end of that subsection, the words “or during a period when section 1 of the Northern Ireland Act 2000 was in force” (notwithstanding the repeal of section 9(3) of the 2000 Act by virtue of paragraph 1 above).
- (9) In this paragraph—
 - “instrument” includes a charter, contract or other document;
 - “period of suspension” means a period when section 1 of the 2000 Act was in force.
- (10) Sub-paragraphs (1) to (8) are not to be taken as limiting the provision that may be made by an order under section 23 of this Act.

Repeal of Schedule 3 to this Act on 28 March 2007

- 3 Schedule 3 to this Act is repealed.

SCHEDULE 5

Section 8

EXECUTIVE SELECTION: CONSEQUENTIAL AMENDMENTS

Northern Ireland Act 1998 (c. 47)

- 1 The 1998 Act is amended as follows.
- 2 (1) Section 18 (Northern Ireland Ministers) is amended as follows.
 - (2) Omit subsection (1)(a).
 - (3) For subsection (13) substitute—

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- “(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.”
- 3 In section 19A (disqualification for certain offices which may be held by members of the Assembly), in subsection (1), for paragraphs (a) and (b) substitute—
- “(a) be nominated to hold the office of First Minister or deputy First Minister or a Ministerial office to be held by a Northern Ireland Minister.”.
- 4 In section 32 (extraordinary elections), for subsection (3) substitute—
- “(3) If—
- (a) the period mentioned in section 16A(3) ends without the offices of First Minister and deputy First Minister and the Ministerial offices to be held by Northern Ireland Ministers having been filled; or
 - (b) the period mentioned in section 16B(3) ends without the offices of First Minister and deputy First Minister having been filled,
- the Secretary of State shall propose a date for the poll for the election of the next Assembly.”
- 5 In section 98(1) (interpretation), in the definition of “the pledge of office”, for “16(10)” substitute “16C(14)”.
- 6 (1) Schedule 12A (effect of application of section 95A(6) or (7)) is amended as follows.
- (2) In paragraph 6(4), for “16(8)” substitute “16B(3) to (9)”.
 - (3) In paragraph 7(4), for “16(7)” substitute “16B(2)”.
 - (4) In paragraph 8(1)(a), for “the six weeks” substitute “the period of seven days”.
 - (5) In paragraph 8(3), for “16” substitute “16B(3) to (9)”.
 - (6) In paragraph 8(4)—
 - (a) for “for an election under section 16” substitute “under section 16B(3) to (9)”;
 - (b) for “of six weeks mentioned in section 16(8)” substitute “mentioned in section 16B(3)”.

Northern Ireland Act 2000 (c. 1)

- 7 In section 1 of the 2000 Act (suspension of devolved government in Northern Ireland), in subsection (4), omit “elected”.

Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33)

- 8 In Schedule 2 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) (department with policing and justice functions), the inserted Schedule 4A to the 1998 Act is amended as follows.
- 9 After paragraph 1 insert—

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“Modification of section 16A

- 1A Section 16A(3) shall have effect as if, for paragraph (b) (and the word “and” before it) there were substituted—
- “(aa) once those offices have been filled, the relevant Ministerial office (within the meaning of Part 1 of Schedule 4A) shall be filled by applying paragraph 3(3) to (6) of that Schedule; and
 - (b) once that office has been filled, the other Ministerial offices to be held by Northern Ireland Ministers shall be filled by applying section 18(2) to (6).”
- 10 In paragraph 3 (department in the charge of Minister approved by resolution of Assembly: provisions relating to relevant Minister), in sub-paragraph (1), for “(a) to (e)” substitute “(b) to (e)”.
- 11 After paragraph 4 insert—

“Modification of section 16A

- 4A Section 16A(3) shall have effect as if, for paragraph (b) (and the word “and” before it) there were substituted—
- “(aa) once those offices have been filled, the relevant Ministerial offices (within the meaning of Part 2 of Schedule 4A) shall be filled by applying paragraph 7(3) to (6) of that Schedule; and
 - (b) once those offices have been filled, the other Ministerial offices to be held by Northern Ireland Ministers shall be filled by applying section 18(2) to (6).”
- 12 In paragraph 7 (department in the charge of two Ministers: provisions relating to relevant Ministers), in sub-paragraph (1), for “(a) to (e)” substitute “(b) to (e)”.
- 13 After paragraph 8 insert—

“Modification of section 16A

- 8A Section 16A(3) shall have effect as if, for paragraph (b) (and the word “and” before it) there were substituted—
- “(aa) once those offices have been filled, the relevant Ministerial office (within the meaning of Part 3 of Schedule 4A) and the relevant junior Ministerial office (within that meaning) shall be filled by applying paragraph 11(3) to (6) of that Schedule; and
 - (b) once those offices have been filled, the other Ministerial offices to be held by Northern Ireland Ministers shall be filled by applying section 18(2) to (6).”
- 14 In paragraph 11 (department with rotation between Minister and junior Minister: provisions relating to relevant Minister and relevant junior Minister), in sub-paragraph (1), for “(a) to (e)” substitute “(b) to (e)”.

SCHEDULE 6

Section 9

DEPARTMENT WITH POLICING AND JUSTICE FUNCTIONS: NOMINATION ETC OF MINISTERS

Introduction

- 1 In Schedule 2 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) (department with policing and justice functions), the inserted Schedule 4A to the 1998 Act is amended as follows.

Department in the charge of Minister approved by resolution of Assembly

- 2 (1) Paragraph 3 (provisions relating to relevant Minister) is amended as follows.
- (2) After sub-paragraph (3) insert—
- “(3A) But a member of the Assembly who is a member of a political party may not be nominated unless the nominating officer of the party consents to his nomination within a period specified in standing orders.”
- (3) In sub-paragraph (9), at the end insert “; or
- (d) where consent to his nomination was required under sub-paragraph (3A), he is dismissed by the nominating officer who consented (or that officer’s successor) and the Presiding Officer is notified of his dismissal.”
- (4) After sub-paragraph (10) insert—
- “(10A) If, as a result of the relevant Minister (“the former Minister”) ceasing to hold office and the relevant Ministerial office being filled by virtue of sub-paragraph (10),—
- (a) the total number of Ministerial offices held by members of a political party increases; or
- (b) the total number of Ministerial offices held by members of a political party decreases,
- all other Northern Ireland Ministers shall cease to hold office and those Ministerial offices shall be filled by applying section 18(2) to (6) within a period specified in standing orders.
- (10B) But sub-paragraph (10A) shall not apply if—
- (a) the former Minister ceased to hold office by virtue of being dismissed by a nominating officer under sub-paragraph (9)(d); and
- (b) before the relevant Ministerial office was filled, either of the conditions in sub-paragraph (10C) was satisfied in relation to each member of the Assembly who was a member of the political party of the nominating officer.
- (10C) The conditions are that—
- (a) the First Minister and the deputy First Minister sought to nominate the member under sub-paragraph (3) for the relevant Ministerial office but consent to his nomination was not given in accordance with sub-paragraph (3A); or

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- (b) the member was nominated under sub-paragraph (3) for the relevant Ministerial office and the nomination took effect within the period specified in standing orders by virtue of sub-paragraph (5)(a), but the member did not take up the office within that period.”

(5) After sub-paragraph (13) insert—

“(14) In this paragraph “nominating officer” has the same meaning as in section 18.”

Department in the charge of two Ministers

3 (1) Paragraph 7 (provisions relating to relevant Ministers) is amended as follows.

(2) After sub-paragraph (3) insert—

“(3A) But a member of the Assembly who is a member of a political party may not be nominated unless the nominating officer of the party consents to his nomination within a period specified in standing orders.”

(3) In sub-paragraph (9), at the end insert “; or

- (d) where consent to his nomination was required under sub-paragraph (3A), he is dismissed by the nominating officer who consented (or that officer’s successor) and the Presiding Officer is notified of his dismissal.”

(4) After sub-paragraph (10) insert—

“(10A) If, as a result of the relevant Ministers (“the former Ministers”) ceasing to hold office and the relevant Ministerial offices being filled by virtue of sub-paragraph (10)(b),—

- (a) the total number of Ministerial offices held by members of a political party increases; or
- (b) the total number of Ministerial offices held by members of a political party decreases,

all other Northern Ireland Ministers shall cease to hold office and those Ministerial offices shall be filled by applying section 18(2) to (6) within a period specified in standing orders.

(10B) But sub-paragraph (10A) shall not apply if—

- (a) either of the former Ministers ceased to hold office by virtue of being dismissed by a nominating officer under sub-paragraph (9) (d); and
- (b) before the relevant Ministerial offices were filled, either of the conditions in sub-paragraph (10C) was satisfied in relation to each member of the Assembly who was a member of the political party of the nominating officer concerned.

(10C) The conditions are that—

- (a) the First Minister and the deputy First Minister sought to nominate the member under sub-paragraph (3) for one of the relevant Ministerial offices but consent to his nomination was not given in accordance with sub-paragraph (3A); or

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- (b) the member was nominated under sub-paragraph (3) for one of the relevant Ministerial offices and the nomination took effect within the period specified in standing orders by virtue of sub-paragraph (5)(a), but the member did not take up the office within that period.”

(5) After sub-paragraph (13) insert—

“(14) In this paragraph “nominating officer” has the same meaning as in section 18.”

Department with rotation between Minister and junior Minister

4 (1) Paragraph 11 (provisions relating to relevant Minister and relevant junior Minister) is amended as follows.

(2) After sub-paragraph (3) insert—

“(3A) But a member of the Assembly who is a member of a political party may not be nominated unless the nominating officer of the party consents to his nomination within a period specified in standing orders.”

(3) In sub-paragraph (9), at the end insert “; or

- (d) where consent to his nomination was required under sub-paragraph (3A), he is dismissed by the nominating officer who consented (or that officer’s successor) and the Presiding Officer is notified of his dismissal.”

(4) After sub-paragraph (11) insert—

“(11A) If, as a result of the relevant Minister (“the former Minister”) and the relevant junior Minister (“the former junior Minister”) ceasing to hold office and the relevant Ministerial office and the relevant junior Ministerial office being filled by virtue of sub-paragraph (11)(b),—

- (a) the total number of Ministerial offices or junior Ministerial offices held by members of a political party increases; or
- (b) the total number of Ministerial offices or junior Ministerial offices held by members of a political party decreases,

all other Northern Ireland Ministers shall cease to hold office and those Ministerial offices shall be filled by applying section 18(2) to (6) within a period specified in standing orders.

(11B) But sub-paragraph (11A) shall not apply if—

- (a) the former Minister or the former junior Minister ceased to hold office by virtue of being dismissed by a nominating officer under sub-paragraph (9)(d); and
- (b) before the relevant Ministerial office and the relevant junior Ministerial office were filled, either of the conditions in sub-paragraph (11C) was satisfied in relation to each member of the Assembly who was a member of the political party of the nominating officer concerned.

(11C) The conditions are that—

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- (a) the First Minister and the deputy First Minister sought to nominate the member under sub-paragraph (3) for the appropriate office, but consent to his nomination was not given in accordance with sub-paragraph (3A); or
- (b) the member was nominated under sub-paragraph (3) for the appropriate office and the nomination took effect within the period specified in standing orders by virtue of sub-paragraph (5) (a), but the member did not take up the office within that period.

(11D) In sub-paragraph (11C) “the appropriate office” means—

- (a) in relation to a person who was a member of the political party of the nominating officer who dismissed the former Minister, the relevant Ministerial office;
- (b) in relation to a person who was a member of the political party of the nominating officer who dismissed the former junior Minister, the relevant junior Ministerial office.”

(5) After sub-paragraph (14) insert—

“(15) In this paragraph “nominating officer” has the same meaning as in section 18.”

SCHEDULE 7

Section 19

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 2

Northern Ireland Act 1998 (c. 47)

- 1 The 1998 Act is amended as follows.
- 2 In section 53 (agreements etc., by persons participating in North-South Ministerial Council and British-Irish Council), in subsection (1), for “a nomination under section 52” substitute “any provision of section 52A or 52B”.
- 3 In section 98 (interpretation), in subsection (1), insert the following definition at the appropriate place—

““the St Andrews Agreement” means the agreement reached on 13 October 2006 at multi-party talks on Northern Ireland held at St Andrews;”.
- 4 (1) Schedule 2 (excepted matters) is amended as follows.
 - (2) In paragraph 3(b)(i), for “a nomination under section 52” substitute “any provision of section 52A or 52B”.
 - (3) In paragraph 22—
 - (a) in sub-paragraph (b), for “and 28” substitute “, 28, 28A, 28B, 28D and 28E”;
 - (b) in sub-paragraph (d), for “52” substitute “52A to 52C”.
- 5 In Schedule 3 (reserved matters), in paragraph 42(a), for “and 28” substitute “, 28, 28A and 28B”.

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Northern Ireland Act 2000 (c. 1)

- 6 In section 1 of the 2000 Act (suspension of devolved government in Northern Ireland), in subsection (5), for “section 52” substitute “section 52A, 52B”.

SCHEDULE 8

Section 20(1)

RECONSTITUTION OF DISTRICT POLICING PARTNERSHIPS

Introduction

- 1 (1) Schedule 3 to the Police (Northern Ireland) Act 2000 (c. 32) has effect subject to this Schedule.
- (2) In this Schedule—
- “the Board” means the Northern Ireland Policing Board;
 - “the commencement date” means the date on which this Schedule comes into force;
 - “the council”, in relation to a DPP, means the district council by which the DPP is established;
 - “district council” has the same meaning as in the Local Government Act (Northern Ireland) 1972 (c. 9 (N.I.));
 - “DPP” means a district policing partnership;
 - “independent appointment date”, in relation to a DPP, means the date published by the Board under paragraph 4(2) of this Schedule;
 - “independent member”, in relation to a DPP, means a member appointed under paragraph 2(3)(b), (4)(b) or (5)(b) of Schedule 3 to the Police (Northern Ireland) Act 2000;
 - “political appointment date”, in relation to a DPP, means the date published by the council under paragraph 3(2) of this Schedule;
 - “political member”, in relation to a DPP, means a member appointed under paragraph 2(3)(a), (4)(a) or (5)(a) of Schedule 3 to the Police (Northern Ireland) Act 2000.

Report on whether DPPs meet the political condition

- 2 (1) The Board must comply with the requirements of this paragraph within a period of 15 days beginning with the commencement date.
- (2) The Board must consider whether the political condition is met in relation to each DPP.
- (3) The Board must submit to the Secretary of State a report on each DPP—
- (a) stating whether or not, in the view of the Board, the political condition is met in relation to the DPP, and
 - (b) setting out its reasons for that view.
- (4) The Board must provide to each district council a copy of the report so far as the report relates to the DPP established by that council.

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- (5) The Board must publish a list of the DPPs which, in its view, do not meet the political condition.
- (6) For the purposes of this paragraph the political condition is met in relation to a DPP if the political members of the DPP reflect, so far as practicable, the balance of parties prevailing among the members of the council on the commencement date.
- (7) For the purposes of this paragraph an independent member of a council shall be treated as a party.

Appointment of political members of DPPs which do not meet the political condition

- 3 (1) This paragraph applies in relation to each DPP specified in the list published under paragraph 2(5).
- (2) The council must publish notice of the date which is to be the political appointment date in relation to the DPP.
- (3) Notice under sub-paragraph (2) must be published in such manner as appears to the council appropriate for bringing it to the attention of interested persons.
- (4) The political appointment date in relation to a DPP must be a date no later than three months after the date on which the list is published.
- (5) Each person who is a political member of the DPP on the day before the political appointment date shall cease to hold office at the end of that day.
- (6) On the political appointment date, the council must appoint political members of the DPP in accordance with Schedule 3 to the Police (Northern Ireland) Act 2000 (c. 32); but for this purpose paragraph 3(1) of that Schedule is to have effect as if, for “immediately after the last local general election” there were substituted “on the date on which Schedule 8 to the Northern Ireland (St Andrews Agreement) Act 2006 comes into force”.
- (7) A person who ceases to hold office as a political member by virtue of sub-paragraph (5) shall be eligible for re-appointment.
- (8) Where a political member of the DPP ceases to hold office at any time during the period—
 - (a) beginning with the date on which the list is published, and
 - (b) ending with the day before the political appointment date,no appointment shall be made to fill the casual vacancy.
- (9) Where a person ceases to hold office as chairman of the DPP during that period, no appointment shall be made before the political appointment date to fill the vacancy in the office.

Appointment of independent members of DPPs which do not meet the political condition

- 4 (1) This paragraph applies in relation to each DPP specified in the list published under paragraph 2(5).
- (2) The Board must publish notice of the date which is to be the independent appointment date in relation to the DPP.

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- (3) Notice under sub-paragraph (2) must be published in such manner as appears to the Board appropriate for bringing it to the attention of interested persons.
- (4) Each person who is an independent member of the DPP on the day before the independent appointment date shall cease to hold office at the end of that day.
- (5) On the independent appointment date, the Board must appoint independent members of the DPP in accordance with Schedule 3 to the Police (Northern Ireland) Act 2000 (c. 32).
- (6) A person who ceases to hold office as an independent member by virtue of sub-paragraph (4) shall be eligible for re-appointment.
- (7) Where an independent member of the DPP ceases to hold office at any time during the period—
 - (a) beginning with the date on which the list is published, and
 - (b) ending with the day before the independent appointment date,
 no appointment shall be made to fill the casual vacancy.
- (8) Where a person ceases to hold office as vice-chairman of the DPP during that period, no election shall be conducted before the independent appointment date to fill the vacancy in the office.

Supplementary provisions

- 5 (1) Section 15 of the Police (Northern Ireland) Act 2000 shall apply in relation to a failure by a district council to comply with any provision of this Schedule as it applies in relation to a failure by a district council to comply with any provision of Schedule 3 to that Act.
- (2) Paragraph 6 of Schedule 3 to that Act shall apply in relation to any functions of a district council or the Board under this Schedule as it applies in relation to any functions of a district council or the Board under paragraphs 4 and 5 of that Schedule.

SCHEDULE 9

Section 20(2)

DISTRICT POLICING PARTNERSHIPS: BELFAST SUB-GROUPS

Introduction

- 1 In paragraph 13 of Schedule 1 to the Police (Northern Ireland) Act 2003 (c. 6), (Belfast), the inserted Schedule 3A to the Police (Northern Ireland) Act 2000 is amended as follows.

Effect of local government election on membership of sub-group

- 2 (1) In paragraph 1, after sub-paragraph (1) insert—
 - “(1A) In this Schedule, in relation to a sub-group and the holding of a local general election—
 - “the transitional period” means the period—
 - (a) beginning with the election day; and

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(b) ending with the day before the reconstitution date;
“reconstitution date” means the date published by notice of the Board under paragraph 4(2A).”

(2) In paragraph 3(3), for “date of the local general election” substitute “day before the reconstitution date”.

(3) At the end of paragraph 3 add—

“(7) Where a political member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and paragraph 2 and sub-paragraph (1) of this paragraph shall have effect subject to this sub-paragraph.”

(4) In paragraph 4, after sub-paragraph (2) insert—

“(2A) Where, following a local general election, the Board has completed the appointment of the independent members of the sub-group for a police district, it shall publish notice of the date which is to be the reconstitution date in relation to the sub-group for that police district.

(2B) Notice under sub-paragraph (2A) shall be published in such manner as appears to the Board appropriate for bringing it to the attention of interested persons.”

(5) In paragraph 4(4), for “date of the local general election” substitute “day before the reconstitution date”.

(6) At the end of paragraph 4 add—

“(8) Where an independent member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and paragraph 2 and sub-paragraphs (1) and (2) of this paragraph shall have effect subject to this sub-paragraph.”

Removal of members of sub-group from office

3 In paragraph 7(1) (removal of members of sub-group), for head (c) substitute—

“(c) he has been convicted in Northern Ireland or elsewhere after the date of his appointment of a criminal offence (whether committed before or after that date);”.

Chairman and vice-chairman of sub-group

4 For paragraph 9 (chairman and vice-chairman of sub-group) substitute—

“Chairman and vice-chairman

9 (1) For each sub-group there shall be a chairman appointed by the council from among the political members.

(2) In making appointments to the office of chairman, the council shall ensure that, so far as is practicable—

(a) a person is appointed to that office for a term of 12 months at a time or, where that period is shorter than 18 months, for a

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period ending with the reconstitution date next following his appointment;

- (b) that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.
- (3) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman in accordance with the terms of his appointment.
 - (4) A person may at any time resign as chairman by notice in writing to the council.
 - (5) If the chairman ceases to be a member of the sub-group, he shall also cease to hold office as chairman.
- 9A
- (1) For each sub-group there shall be a vice-chairman elected by the independent members from among such members.
 - (2) The election of a vice-chairman shall be conducted in accordance with procedures determined by the sub-group under paragraph 14(4).
 - (3) Subject to the following provisions of this paragraph, a person shall hold and vacate office as vice-chairman in accordance with such terms as the Board may determine.
 - (4) In determining terms under sub-paragraph (3), the Board shall ensure that, so far as is practicable, a person holds office as vice-chairman for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following his election to that office.
 - (5) A person may at any time resign as vice-chairman by notice in writing to the Board.
 - (6) If the vice-chairman ceases to be a member of the sub-group, he shall also cease to hold office as vice-chairman.”