



# Northern Ireland (Executive Formation etc) Act 2022

## 2022 CHAPTER 48

### *[<sup>F1</sup> Advice and information*

#### Textual Amendments

**F1** Ss. 5A, 5B and cross-heading inserted (24.5.2023) by [Northern Ireland \(Interim Arrangements\) Act 2023 \(c. 21\)](#), ss. 2, 6

#### **5A Advice and information on options for raising public revenue**

- (1) The Secretary of State may use the powers conferred by this section only—
  - (a) during the current period in which there is no Executive, and
  - (b) for the purpose of developing options for raising more public revenue in Northern Ireland or otherwise improving the sustainability of public finances in Northern Ireland.
- (2) The Secretary of State may direct a Northern Ireland department to—
  - (a) give the Secretary of State advice or information about such matters as may be specified in the direction;
  - (b) carry out such consultation as may be specified in the direction.
- (3) A direction to provide advice or information may include provision about—
  - (a) the manner or form in which it is to be provided;
  - (b) when it is to be provided.
- (4) A direction to carry out a consultation may include provision about—
  - (a) who is to be consulted;
  - (b) how the consultation is to be carried out;
  - (c) the content of the consultation (including provision requiring the department to obtain the approval of the Secretary of State to the content of the consultation before the consultation begins);

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*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Executive Formation etc) Act 2022, Cross Heading: Advice and information. (See end of Document for details)*

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- (d) the consultation timetable.
- (5) Where a direction requires a department to give information that is not within its possession, or is not under its control, the department must take reasonable steps to obtain the information for the purpose of complying with the direction.
- (6) The power under [subsection \(2\)\(a\)](#)—
  - (a) may be exercised so as to require two or more departments to give joint advice;
  - (b) may be exercised so as to require two or more departments jointly to collate information and for one or other of them to give it to the Secretary of State.
- (7) A direction under this section lapses at the end of the current period in which there is no Executive.
- (8) In this section “current period in which there is no Executive” means the period—
  - (a) beginning when the Northern Ireland (Interim Arrangements) Act 2023 is passed, and
  - (b) ending when an Executive is next formed.

## **5B Advice and information: data protection**

- (1) A direction under [section 5A\(2\)\(a\)](#) does not require a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the duty to comply with a direction under that section).
- (2) In this section “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).]

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland (Executive Formation etc) Act 2022, Cross Heading: Advice and information.