



# Northern Ireland (Executive Formation etc) Act 2022

## 2022 CHAPTER 48

### *Exercise of appointment functions*

#### **6 NI ministerial appointment functions**

- (1) During the current period in which there is no Executive, an appointment function of a Northern Ireland Minister in relation to a specified office may be exercised by the relevant Minister of the Crown.
- (2) The table defines terms for the purposes of [this section](#).

“specified office”	“relevant Minister of the Crown”
[ <sup>F1</sup> King’s Counsel	Lord Chancellor]
Member of the Northern Ireland Judicial Appointments Commission	Lord Chancellor
Commissioner for Children and Young People for Northern Ireland	Secretary of State
[ <sup>F2</sup> Member or chair of the Agricultural Wages Board for Northern Ireland	Secretary of State
[ <sup>F3</sup> Member, chair or deputy chair of the Council for Nature Conservation and the Countryside	Secretary of State
Member of the Drainage Council for Northern Ireland	Secretary of State]
Member, chair or deputy chair of the General Consumer Council for Northern Ireland	Secretary of State

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“specified office”	“relevant Minister of the Crown”
[ <sup>F4</sup> Member, chair or deputy chair of the Health and Safety Executive for Northern Ireland	Secretary of State]
Member or chair of the Historic Buildings Council	Secretary of State
Member or chair of the Labour Relations Agency	Secretary of State
Member or chair of the Livestock and Meat Commission for Northern Ireland	Secretary of State
Trustee or chair of the Board of Trustees of the National Museums and Galleries of Northern Ireland	Secretary of State
[ <sup>F5</sup> Member, chair or chief executive of the Northern Ireland Council for the Curriculum, Examinations and Assessment	Secretary of State]
Member or chair of the Northern Ireland Fishery Harbour Authority	Secretary of State
[ <sup>F6</sup> Member, chair or vice-chair of the Northern Ireland Housing Executive	Secretary of State]
Member or chair of the Northern Ireland Local Government Officers’ Superannuation Committee	Secretary of State
Member of the Northern Ireland Policing Board	Secretary of State
Member, chair or deputy chair of the Northern Ireland Tourist Board	Secretary of State
[ <sup>F7</sup> Commissioner for Older People for Northern Ireland	Secretary of State]
Member of the Police Service of Northern Ireland above the rank of chief superintendent	Secretary of State]
Member, chair or deputy chair of the Probation Board for Northern Ireland	Secretary of State
Commissioner for Public Appointments for Northern Ireland	Secretary of State]
[ <sup>F8</sup> Member, chair or vice-chair of the Sports Council for Northern Ireland	Secretary of State]

- (3) The Secretary of State may by regulations made by statutory instrument add entries to the table.
- (4) A statutory instrument containing regulations under [subsection \(3\)](#) may not be made unless—

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- (a) a draft of the instrument has been laid before and approved by a resolution of each House of Parliament, or
  - (b) the regulations state that the Secretary of State considers it to be expedient for the regulations to be made more quickly than the procedure in [paragraph \(a\)](#) would allow.
- (5) Where regulations contain a statement under [subsection \(4\)\(b\)](#)—
- (a) the instrument containing the regulations must be laid before Parliament after being made, and
  - (b) the regulations cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, it is approved by a resolution of each House of Parliament.
- (6) If regulations cease to have effect as a result of [subsection \(5\)\(b\)](#), that does not—
- (a) affect the validity of anything previously done under the regulations, or
  - (b) prevent the making of new regulations.
- (7) In calculating the period of 28 days mentioned in [subsection \(5\)\(b\)](#), no account is to be taken of any whole days that fall within a period during which—
- (a) Parliament is dissolved or prorogued, or
  - (b) both Houses of Parliament are adjourned for more than four days.
- (8) Before exercising an appointment function in reliance on [subsection \(1\)](#) the relevant Minister of the Crown must consult a Northern Ireland department.
- (9) Any enactment or document is to have effect, so far as may be necessary for or in consequence of the exercise of any functions by the relevant Minister of the Crown in reliance on this section, as if references to a Northern Ireland Minister included, or were, references to the relevant Minister of the Crown.

#### Textual Amendments

- F1** Words in s. 6(2) table inserted (3.10.2023) by [The Northern Ireland \(Ministerial Appointment Functions\) \(No. 2\) Regulations 2023 \(S.I. 2023/1061\)](#), regs. 1(2), **2(2)**
- F2** Words in s. 6(2) table inserted (11.7.2023) by [The Northern Ireland \(Ministerial Appointment Functions\) Regulations 2023 \(S.I. 2023/776\)](#), regs. 1(2), **2(2)**
- F3** Words in s. 6(2) table inserted (3.10.2023) by [The Northern Ireland \(Ministerial Appointment Functions\) \(No. 2\) Regulations 2023 \(S.I. 2023/1061\)](#), regs. 1(2), **2(3)**
- F4** Words in s. 6(2) table inserted (3.10.2023) by [The Northern Ireland \(Ministerial Appointment Functions\) \(No. 2\) Regulations 2023 \(S.I. 2023/1061\)](#), regs. 1(2), **2(4)**
- F5** Words in s. 6(2) table inserted (3.10.2023) by [The Northern Ireland \(Ministerial Appointment Functions\) \(No. 2\) Regulations 2023 \(S.I. 2023/1061\)](#), regs. 1(2), **2(5)**
- F6** Words in s. 6(2) table inserted (3.10.2023) by [The Northern Ireland \(Ministerial Appointment Functions\) \(No. 2\) Regulations 2023 \(S.I. 2023/1061\)](#), regs. 1(2), **2(6)**
- F7** Words in s. 6(2) table inserted (3.10.2023) by [The Northern Ireland \(Ministerial Appointment Functions\) \(No. 2\) Regulations 2023 \(S.I. 2023/1061\)](#), regs. 1(2), **2(7)**
- F8** Words in s. 6(2) table inserted (3.10.2023) by [The Northern Ireland \(Ministerial Appointment Functions\) \(No. 2\) Regulations 2023 \(S.I. 2023/1061\)](#), regs. 1(2), **2(8)**

#### Commencement Information

- I1** S. 6 not in force at Royal Assent, see [s. 14\(1\)](#)
- I2** S. 6 in force at 7.2.2023 by [S.I. 2023/89](#), [reg. 2\(a\)](#)

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

## 7 Minister of the Crown appointment functions

Any requirement for a Minister of the Crown to consult, or obtain the approval of, a Northern Ireland Minister or the Executive Committee of the Northern Ireland Assembly before exercising an appointment function has effect, during the current period in which there is no Executive, as a requirement to consult a Northern Ireland department.

### Commencement Information

- I3** S. 7 not in force at Royal Assent, see [s. 14\(1\)](#)  
**I4** S. 7 in force at 7.2.2023 by [S.I. 2023/89](#), [reg. 2\(b\)](#)

## 8 Joint UK appointment functions etc

- (1) During the current period in which there is no Executive, the Secretary of State may exercise any appointment function of a Northern Ireland Minister that is exercisable jointly with one or more other persons who include the Secretary of State.
- (2) Before exercising an appointment function in reliance on [subsection \(1\)](#) the Secretary of State must consult a Northern Ireland department.
- (3) Any enactment or document is to have effect, so far as may be necessary for or in consequence of the exercise of any functions by the Secretary of State in reliance on [this section](#), as if references to a Northern Ireland Minister included, or were, references to the Secretary of State.

### Commencement Information

- I5** S. 8 not in force at Royal Assent, see [s. 14\(1\)](#)  
**I6** S. 8 in force at 7.2.2023 by [S.I. 2023/89](#), [reg. 2\(c\)](#)

## 9 Sections 6 to 8: core definitions

- (1) In [sections 6 to 8](#)—
  - “appointment function” means—
    - (a) the function of appointing a person to an office or recommending a person for appointment;
    - (b) the function of requesting nominations for an appointment;
    - (c) the function of determining terms of appointment;
    - (d) the function of determining remuneration, pensions or other payments in respect of appointments, loss of office or suspension from office;
    - (e) the function of suspending or removing a person from office, receiving notice of a person’s resignation from office or calling on a person to resign or retire;
    - (f) the function of approving or being consulted about the exercise of any of the functions listed in paragraphs (a) to (e);
    - (g) the function of requiring or requesting another person to exercise any of the functions listed in paragraphs (a) to (e);
    - (h) a function ancillary to any of the functions listed above;

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“current period in which there is no Executive” means the period beginning when [this section](#) and [sections 6 to 8](#) come into force and ending when an Executive is next formed.

- (2) A reference in those sections to the function of a person includes a function that is exercisable by that person jointly with one or more other persons.
- (3) The Secretary of State may by regulations made by statutory instrument amend the definition of “appointment function”.
- (4) A statutory instrument containing regulations under [subsection \(3\)](#) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

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**Commencement Information**

- I7** S. 9 not in force at Royal Assent, see [s. 14\(1\)](#)  
**I8** S. 9 in force at 7.2.2023 by [S.I. 2023/89](#), [reg. 2\(d\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland (Executive Formation etc) Act 2022, Cross Heading: Exercise of appointment functions.