

# Northern Ireland (Ministers, Elections and Petitions of Concern) Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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[Amendments marked ★ are new or have been altered]

Amendment  
No.

**Clause 2**

BARONESS SMITH OF BASILDON  
LORD COAKER

1★ Page 2, line 35, leave out subsection (3)

*Member's explanatory statement*

*This is a probing amendment, to probe what powers will be available to a Minister who remains in office for the provided period of up to 24 weeks, or 48 weeks, following an Assembly election.*

**After Clause 2**

BARONESS RITCHIE OF DOWNPATRICK

2 Insert the following new Clause –

**“Appointment of First Ministers**

- (1) The Northern Ireland Act 1998 is amended as follows.
- (2) In section 16A (appointment of Ministers following Assembly election), leave out subsections (4) to (7) and subsection (9), and insert after subsection (3) –
  - “(3ZA) Each candidate for the office of joint First Minister must stand for election jointly with a candidate for the other office.
  - (3ZB) Two candidates standing jointly may not be elected to the two offices without one or more of the following measures of representational support –
    - (a) the support of a majority of members, a majority of designated Nationalists and a majority of designated Unionists; or
    - (b) the support of 60 per cent of members, 40 per cent of designated Nationalists and 40 per cent of designated Unionists; or
    - (c) the support of two thirds of members.
  - (3ZC) The First Minister and the deputy First Minister –

**After Clause 2 - continued**

- (a) may not take up office until each of them has affirmed the terms of the pledge of office; and
  - (b) subject to the provisions of this Part, hold office until the conclusion of the next election for First Ministers.”
- (3) In subsection (3)(a) the reference to “subsections (4) to (7)” is replaced by a reference to “subsections (3ZA) to (3ZC)”.

**Member’s explanatory statement**

*This new Clause would restore the Good Friday Agreement provision for joint election by the Assembly of the joint First Ministers.*

BARONESS RITCHIE OF DOWNPATRICK  
BARONESS SUTTIE

3 Insert the following new Clause—

**“First Minister and deputy First Minister to be referred to as Joint First Ministers**

The First Minister and deputy First Minister elected under the Northern Ireland Act 1998 are to be referred to as Joint First Ministers, and all references in that Act (other than to their election) to the First Minister and deputy First Minister are to be read as references to the Joint First Ministers.”

**Member’s explanatory statement**

*This new Clause provides that First Minister and deputy First Minister be referred to as Joint First Ministers reflecting their identical status, powers and responsibilities.*

LORD EMPEY  
LORD ROGAN

4★ Insert the following new Clause—

**“Appointment of First Minister and deputy First Minister**

For sections 16A to 16C of the Northern Ireland Act 1998 substitute—

**“16A First Minister and deputy First Minister**

- (1) Each Assembly shall, within a period of six weeks beginning with its first meeting, elect from among its members the First Minister and the deputy First Minister.
- (2) Each candidate for either office must stand for election jointly with a candidate for the other office.
- (3) Two candidates standing jointly shall not be elected to the two offices without the support of a majority of the members voting in the election, a majority of the designated Nationalists voting and a majority of the designated Unionists voting.
- (4) The First Minister and the deputy First Minister—
  - (a) shall not take up office until each of them has affirmed the terms of the pledge of office; and
  - (b) subject to the provisions of this Part, shall hold office until the conclusion of the next election for First Minister and deputy First Minister.

**After Clause 2 - continued**

- (5) The holder of the office of First Minister or deputy First Minister may by notice in writing to the Presiding Officer designate a Northern Ireland Minister to exercise the functions of that office—
- (a) during any absence or incapacity of the holder; or
  - (b) during any vacancy in that office arising otherwise than under subsection (7)(a);
- but a person shall not have power to act by virtue of paragraph (a) for a continuous period exceeding 6 weeks.
- (6) The First Minister or the deputy First Minister—
- (a) may at any time resign by notice in writing to the Presiding Officer; and
  - (b) shall cease to hold office if he or she ceases to be a member of the Assembly otherwise than by virtue of a dissolution.
- (7) If either the First Minister or the deputy First Minister ceases to hold office at any time, whether by resignation or otherwise, the other—
- (a) shall also cease to hold office at that time; but
  - (b) may continue to exercise the functions of the office until the election required by subsection (8).
- (8) Where the offices of the First Minister and the deputy First Minister become vacant at any time an election shall be held under this section to fill the vacancies within a period of six weeks beginning with that time.
- (9) Standing orders may make provision with respect to the holding of elections under this section.
- (10) In this Act “the pledge of office” means the pledge of office which, together with the code of conduct to which it refers, is set out in Annex A to Strand One of the Belfast Agreement (the text of which Annex is reproduced in Schedule 4).”

**Member’s explanatory statement**

*This amendment would re-insert the text of section 16 of the Northern Ireland Act 1998, which has been replaced by sections 16A to 16C, and so re-instate the original provision relating to the appointment of the First Minister and deputy First Minister, which received endorsement by the Referendum held in 1998.*

**After Clause 3**

LORD ALDERDICE

5 Insert the following new Clause—

**“Disqualification of MPs and Members of the Dáil Éireann for membership of the Northern Ireland Assembly**

- (1) In section 1A of the Northern Ireland Assembly Disqualification Act 1975 (members of the House of Commons)—
- (a) in subsection (1), for “the period of 8 days beginning with the day the person is so returned” substitute “the period beginning with the day on which the person is so returned and ending with the day on which Parliament is next dissolved”, and
  - (b) for subsections (2) to (4) substitute—

**After Clause 3 - continued**

- “(2) Where a person is returned as a member of the Northern Ireland Assembly and is subsequently returned as a member of the House of Commons, the person is not disqualified under section 1(1)(za) at any time in the period beginning with the day on which the person is so returned and ending with the day on which Parliament is next dissolved.”
- (2) In section 1B of the Northern Ireland Assembly Disqualification Act 1975 (members of the Dáil Éireann) –
- (a) the existing text becomes subsection (1),
  - (b) in that subsection, for “at any time in the period of 8 days beginning with the day the person is so returned” substitute “before Dáil Éireann is next dissolved”, and
  - (c) after that subsection insert –
 

“(2) Where a person is returned as a member of the Northern Ireland Assembly and is subsequently returned as a member of the Dáil Éireann, the person is not disqualified under section 1(1)(db) at any time in the period beginning with the day on which the person is so returned and ending with the day on which the Dáil is next dissolved.””

**Clause 4**

BARONESS SMITH OF BASILDON

LORD COAKER

BARONESS RITCHIE OF DOWNPATRICK

6★

Page 5, line 34, at end insert “, including by supporting the establishment of the consultative Civic Forum, as provided for under paragraph 34 of Strand One of the Belfast Agreement, and obtaining its views on social, economic and cultural matters;”

***Member’s explanatory statement***

*This would add the re-establishment of a consultative Civic Forum for Northern Ireland, to enable the Assembly to obtain views on social, economic and cultural matters as envisaged in the Belfast (Good Friday) Agreement 1998, to the matters that Ministers must have regard to under the Ministerial code.*

**Clause 5**

BARONESS SUTTIE

7

Page 7, line 39, at end insert –

““cross-community support” means –

- (a) the support of a majority of the members voting, a majority of the designated Nationalists voting, a majority of the designated Unionists voting, and a majority of the designated Others voting, or
- (b) the support of 60 per cent of the members voting, 40 per cent of the designated Nationalists voting, 40 per cent of the designated Unionists voting and 40 per cent of the designated Others voting;”

***Member's explanatory statement***

*This amendment changes the definition of cross-community support for the purpose of the use of the petition of concern, to give the votes of those designated as "Other" equal weight to those designated as "Unionist" or "Nationalist". It is intended to probe the use of designations within the Assembly.*

**After Clause 5**

LORD COAKER  
BARONESS SMITH OF BASILDON  
BARONESS RITCHIE OF DOWNPATRICK

8★ Insert the following new Clause—

**“Report on implementation of The New Decade, New Approach Deal**

- (1) The Secretary of State must lay a report before each House of Parliament and before the Northern Ireland Assembly no later than six months after the date on which this Act is passed.
- (2) The report under subsection (1) must set out—
  - (a) whether, and how, each provision of this Act has been implemented, and
  - (b) what plans the Government has to bring forward further legislative proposals to implement the remainder of The New Decade, New Approach Deal.”

***Member's explanatory statement***

*This new clause requires the Government to report on what parts of The New Decade, New Approach Deal have been achieved under this Act, and what plans the Government has to implement the remainder of the deal.*

**Clause 8**

BARONESS SUTTIE  
BARONESS RITCHIE OF DOWNPATRICK  
BARONESS SMITH OF BASILDON

9 Page 8, line 11, leave out “at the end of the period of two months beginning with” and insert “on”

***Member's explanatory statement***

*This amendment enables the Bill to be commenced with Royal Assent.*

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*9 December 2021*

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