

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

AMENDMENTS
TO BE MOVED
ON REPORT

After Clause 3

LORD CAINE

Insert the following new Clause—

“Transitional provision

- (1) The amendments made by sections 1(2), (3) and (5) and 2(2) do not apply in a case where section 16A of the Northern Ireland Act 1998 applies as the result of an Assembly being elected before this Act comes into force.
- (2) The new provisions relating to vacancies in the office of First Minister or deputy First Minister—
 - (a) apply in relation to vacancies arising within the period of seven days ending when this Act comes into force, but
 - (b) do not otherwise apply in relation to vacancies arising before this Act comes into force.
- (3) For these purposes “the new provisions relating to vacancies in the office of First Minister or deputy First Minister” means—
 - (a) the amendment made by section 1(4),
 - (b) the new section 18(A1)(c) to be inserted into the Northern Ireland Act 1998 by section 2(3), and
 - (c) the new paragraph 3D(A1)(c) to be inserted into Schedule 4A to that Act by section 2(5).
- (4) The amendments made by section 3 do not apply where the duty of the Secretary of State under section 32(1) or (3) of the Northern Ireland Act 1998 arises before this Act comes into force.”

Member’s explanatory statement

This new Clause makes transitional provision in connection with the provisions of the Bill about executive formation.

After Clause 4

LORD CAINE

Insert the following new Clause –

“MPs qualifying for membership of Assembly

MPs qualifying for membership of Assembly

- (1) In section 1A of the Northern Ireland Assembly Disqualification Act 1975 (members of the House of Commons), for subsections (1) to (3) substitute –
- “(1) Where a person –
- (a) is returned at an election as a member of the House of Commons (“an MP”), and
 - (b) is subsequently returned as a member of the Northern Ireland Assembly,
- the person is not disqualified under section 1(1)(za) at any time during the Parliament to which the person was elected as an MP, unless the person benefited from this subsection or subsection (2) during the previous Parliament.
- (2) Where a person –
- (a) is returned at an election as a member of the Northern Ireland Assembly,
 - (b) on being so returned is a candidate for election to the House of Commons, and
 - (c) is subsequently returned at that election as an MP,
- the person is not disqualified under section 1(1)(za) at any time during the Parliament to which the person was elected as an MP, unless the person benefited from this subsection or subsection (1) during the previous Parliament.”
- (2) In consequence of subsection (1), in section 47(4) of the Northern Ireland Act 1998 (remuneration of members) for “the House of Lords” substitute “either House of Parliament”.
- (3) In consequence of subsection (1), in paragraph 2(1)(b) of the Assembly Members (Salaries and Expenses) Determination (Northern Ireland) 2016 for “the House of Lords” substitute “either House of Parliament”.
- (4) In consequence of subsection (2), in section 3 of the Northern Ireland (Miscellaneous Provisions) Act 2014, omit subsection (4).”

Member’s explanatory statement

This amendment allows an MP to become an MLA, or an MLA to become an MP when elections take place at the same time, for the duration of the Parliament (but not the next one).

Clause 5

BARONESS HOEY

Page 7, line 42, at end insert –

- “(9) This section has effect notwithstanding section 7A of the European Union (Withdrawal) Act 2018.

Clause 5 - continued

- (10) No inference is to be drawn from subsection (9) as to whether this section would otherwise have effect subject to section 7A of the European Union (Withdrawal) Act 2018.””

Member’s explanatory statement

This amendment would ensure that section 7A of the 2018 Act cannot transport the requirements within the Protocol into domestic law, and thus nullify the cross community consent mechanisms.

Clause 6

BARONESS HOEY

Page 8, line 7, at end insert –

“(c) section 56A of the Northern Ireland Act 1998 and Schedule 6A to that Act.”

Member’s explanatory statement

This repeals the Protocol consent mechanisms which were made by regulation by the NI Secretary of State. These consent mechanisms expressly transport the Protocol into domestic law by ensuring the consent of the NI Assembly for its continuation requires only a majority vote (and expressly disapplies cross community consent protections of section 42 of the 1998 Act), rather than cross community consent protections applying pursuant to Strand One (5)(d) of the Belfast Agreement. The Protocol requires (at least in respect Articles 5-10) that positive consent be given for its onward existence.

Clause 8

LORD CAINE

Page 8, line 11, at beginning insert “Except as mentioned in subsection (2),”

Member’s explanatory statement

This amendment is consequential on the amendment to page 8, line 12 that appears in the Minister’s name.

Page 8, line 11, leave out from “force” to “the” on line 12 and insert “on”

Member’s explanatory statement

This amendment provides that the default position is for the Bill to come into force on the day on which it is passed (rather than two months later).

Page 8, line 12, at end insert –

“(2) Section (MPs qualifying for membership of Assembly) comes into force on the day of the next dissolution of the Northern Ireland Assembly following the passing of this Act.”

Member's explanatory statement

This amendment provides for the new Clause relating to MPs qualifying for membership of the Northern Ireland Assembly to come into force when the Assembly is next dissolved following the passing of the Act.

Clause 9

LORD CAINE

Page 8, line 14, leave out “(Ministers, Elections and Petitions of Concern) Act 2021” and insert “(Ministers and Assembly) Act 2022”

Member's explanatory statement

This amendment amends the short title in consequence of the new Clause relating to MPs qualifying for membership of the Assembly.

In the Title

LORD CAINE

Line 2, after “Conduct” insert “, members of the House of Commons qualifying for membership of the Assembly”

Member's explanatory statement

This amendment amends the long title in consequence of the new Clause relating to MPs qualifying for membership of the Assembly.

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12 January 2022
