

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

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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[Amendments marked ★ are new or have been altered]

Amendment  
No.

**After Clause 2**

BARONESS RITCHIE OF DOWNPATRICK  
BARONESS SUTTIE

1 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

2 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.

**After Clause 2 - continued**

- (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.
- (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 CAINE

3 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

4 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.

**After Clause 4 - continued**

- (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  
LORD DODDS OF DUNCAIRN

5 Page 7, line 42, at end insert—

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

**After Clause 5**

LORD COAKER  
BARONESS SMITH OF BASILDON

6★ 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 arrange for it to be laid 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 6**

BARONESS HOEY  
LORD DODDS OF DUNCAIRN

7 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

8 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.*

9 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).*

10 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

11 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

12 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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*17 January 2022*

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