

# **Northern Ireland (Executive Formation) Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Northern Ireland Office, are published separately as Bill 417 – EN.

## EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Karen Bradley has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Northern Ireland (Executive Formation) Bill are compatible with the Convention rights.

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Extend the period for forming an Executive under section 1(1) of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 and to impose a duty on the Secretary of State to report on progress towards the formation of an Executive in Northern Ireland.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Extension of period for forming an Executive**

In section 1(1) of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018, for “25 August 2019” substitute “21 October 2019”.

**2 Limited power to further extend period for Executive formation**

For section 2 of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 substitute— 5

**“2 Limited power to further extend period for Executive formation**

- (1) The Secretary of State may by regulations amend section 1(1) so as to replace “21 October 2019” with “13 January 2020”.
- (2) The power under subsection (1) may only be used on or before 21 October 2019. 10
- (3) Regulations under subsection (1) are to be made by statutory instrument.
- (4) A statutory instrument containing regulations under subsection (1) must be laid before Parliament after being made. 15
- (5) If the instrument is not approved by a resolution of each House of Parliament within the period of 28 days beginning with the day on which it is made, the regulations cease to have effect.

- (6) If the regulations cease to have effect in accordance with subsection (5) on or before 21 October 2019, the period mentioned in section 1(1) is to be treated for all purposes as ending with that date.
- (7) If the regulations cease to have effect in accordance with subsection (5) after 21 October 2019, the period mentioned in section 1(1) is to be treated for all purposes as ending when the regulations cease to have effect. 5
- (8) In calculating the period of 28 days mentioned in subsection (5), no account is to be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.” 10

### 3 Progress report

- (1) The Secretary of State must, on or before 21 October 2019, publish a report explaining what progress has been made towards the formation of an Executive in Northern Ireland (unless an Executive has already been formed). 15
- (2) The Secretary of State must lay the report before Parliament.
- (3) For the purposes of this section an Executive is formed once the offices of the First Minister, deputy First Minister and the Northern Ireland Ministers are all filled.

### 4 Extent, commencement and short title 20

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Northern Ireland (Executive Formation) Act 2019.

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## B I L L

To extend the period for forming an Executive under section 1(1) of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 and to impose a duty on the Secretary of State to report on progress towards the formation of an Executive in Northern Ireland.

*Presented by Secretary Karen Bradley  
supported by  
The Prime Minister,  
The Chancellor of the Duchy of Lancaster,  
Secretary David Gauke, Secretary David Mundell,  
Secretary Alun Cairns,  
John Penrose and Kevin Foster.*

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*Ordered, by The House of Commons,  
to be Printed, 4th July 2019.*

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