

Northern Ireland (Executive Formation) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Northern Ireland Office, are published separately as Bill 247—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Chris Heaton-Harris 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) are compatible with the Convention rights.

Northern Ireland (Executive Formation) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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Make provision to extend the period following the Northern Ireland Assembly election of 5 May 2022 during which Ministers may be appointed and after which the Secretary of State must propose a date for another election; and to allow the Secretary of State to propose a date for another election before Ministers have been appointed.

BE IT ENACTED by the King’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 making Ministerial appointments

- (1) The Northern Ireland (Executive Formation etc) Act 2022 is amended as follows.
- (2) In section 1—
 - (a) in the title, omit “by six weeks”;
 - (b) for “19 January 2023” (as inserted by the Northern Ireland (Extension of Period for Making Ministerial Appointments) Regulations 2022 (S.I. 2022/1296)) substitute “18 January 2024”.
- (3) After section 1 insert—

“1A Power to propose date for a poll

- (1) The Northern Ireland Act 1998 has effect as if, during the current post-election period, section 32 (extraordinary elections) were amended as follows—
 - (a) after subsection (3A), insert—
 - “(3AA) At any time before the end of the period mentioned in section 16A(3), the Secretary of State may, if the offices mentioned there have not yet been filled, propose a date for the poll for the election of the next Assembly.”;
 - (b) in subsection (3B), omit “16A(3) or”;
 - (c) in subsection (3D)(b), after “(3)” insert “, (3AA)”;
 - (d) in subsection (3E)(b), after “subsection” insert “(3AA) or”;
 - (e) in subsection (3F), in the words before paragraph (a), after “subsection” insert “(3AA) or”;

- (f) in subsection (3G)–
 - (i) in the words before paragraph (a), after “(3)” insert “, (3AA)”;
 - (ii) after paragraph (a), insert –
 - “(aa) in the case of a date proposed under subsection (3AA), withdraw the proposal before the end of the period referred to in section 16A(3), or”;
 - (g) in subsection (4), in the words before paragraph (a), after “(3)” insert “, (3AA)”. 10
- (2) In this section, “the current post-election period” has the meaning given in section 1.
- (4) Omit section 2.

2 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland. 15
- (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 2023.

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*Presented by Secretary Chris Heaton-Harris
supported by the Prime Minister,
Secretary James Cleverly, Secretary Michael Gove,
Secretary Alister Jack, Secretary David T C Davies
and Mr Steve Baker.*

Ordered, by The House of Commons, to be
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