

NORTHERN IRELAND (EXECUTIVE FORMATION ETC) BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Northern Ireland (Executive Formation etc) Bill as brought from the House of Commons on 30 November 2022.

- These Explanatory Notes have been prepared by the Northern Ireland Office in order to assist the reader of the Bill and help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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Overview of the Bill

- 1 This Bill seeks to retrospectively extend the period for Executive formation in Northern Ireland (NI) by 6 weeks - from 27 October to 8 December 2022 - with the potential for a further 6 week extension to 19 January 2023. This Bill will also help to address the governance situation in Northern Ireland in the absence of a functioning Northern Ireland Assembly and Northern Ireland Executive.
- 2 The Bill will deliver this by:
 - a. extending the period for Executive formation by a further 6 weeks to 8 December 2022, with the option of a further extension to 19 January 2023 via statutory instrument;
 - b. clarifying the powers NI civil servants have to take decisions in the continued absence of Executive Ministers;
 - c. enabling the Secretary of State to take action on the pay of Members of the Legislative Assembly (MLA) in the absence of a fully functioning NI Assembly; and
 - d. taking a power to set the regional domestic and non-domestic rates for financial year 2023/24 by statutory instrument and to make certain pressing public appointments in Northern Ireland.

Policy background

- 3 Northern Ireland Assembly elections were held on 5 May 2022, as five years had passed since the previous Assembly was elected. Prior to the election, there was no functioning Executive due to the resignation of the First Minister on 4 February 2022. The First Minister's resignation meant that the deputy First Minister also ceased to hold office and that there was no longer any functioning Executive Committee.
- 4 As a result of the election on 5 May, 90 Members of the Legislative Assembly were elected, forming a new Assembly. The Northern Ireland Act 1998 requires that the Assembly first meets within 8 days of a poll, and that meeting commences the period for filling Ministerial offices.
- 5 The Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 implemented changes agreed within New Decade, New Approach (NDNA): the agreement that restored the devolved institutions in 2020. These changes include provision for a longer period of time in which to form an Executive, and now allow for an initial period of 6 weeks from the date that the Assembly first meets, followed by 3 successive periods of 6 weeks (i.e. 24 weeks in total), unless the Assembly resolves (with cross-community support) that the period should not be further extended. During this time, NI Ministers who were in post before the election are allowed to remain so in a caretaker capacity.
- 6 The period for filling Ministerial offices after the Assembly election in May therefore came to an end on 28 October 2022. As those offices were not filled, the Secretary of State for Northern Ireland fell under a duty to propose a date for a further Assembly election as soon as practicable to take place within 12 weeks. NI Ministers in post before the election also lost office at this stage.
- 7 The inability of caretaker Ministers to take significant, cross-cutting and controversial decisions, in the absence of the Executive Committee, and now the absence of Ministers

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altogether, has led to a decision-making gap in Northern Ireland. The Bill would give parties more time to restore the Executive and the Assembly.

Executive formation

- 8 Following consultation with the Northern Ireland political parties and the wider public, the Government assessed that an immediate election would not support the restoration of the devolved institutions. The Bill therefore includes provisions to provide a short extension to the period for filling Ministerial offices. This provision will retrospectively extend the current period by 6 weeks to 8 December 2022. The Bill will also provide for a potential further 6 week extension to 19 January 2023 if necessary via statutory instrument.

Decision-making powers

- 9 In 2018 in the case of *Buick*, which concerned the approval of planning permission for a major waste disposal incinerator by the Department for Infrastructure, the Court of Appeal¹ upheld the High Court's judgement that powers exercisable by departments in the absence of Ministers are subject to limitations. In particular – and for the purposes of that appeal – it held that departments may not exercise functions in respect of matters that would normally be required to be referred to the Executive Committee of the Assembly because they are cross-cutting, significant or controversial. It also observed that NI departments cannot take decisions that would normally, as a matter of convention or otherwise, go before a NI Minister for approval.
- 10 The conclusions of *Buick* were considered again in the case of *JR80*². This considered whether the Secretary of State for Northern Ireland was legally obliged to establish a scheme of redress for victims of historical institutional abuse as recommended by the independent inquiry during the then ongoing collapse of the devolved institutions. The Court of Appeal confirmed the court's findings in *Buick* as to the limitations on decisions that can be made by NI departments in the absence of Ministers, subject to the effect of the primary legislation passed in response to that case.
- 11 The effect of *Buick* and *JR80* means that legislation is required to clarify that departments can continue to exercise functions in the absence of Ministers where it is in the public interest to do so. This is considered necessary so as to ensure the continued delivery of public services in Northern Ireland and to provide clarity and certainty about decision making while efforts are made to restore the Executive.
- 12 The Bill will therefore clarify that a senior officer of a Northern Ireland department is not prevented from exercising functions of the department, where it is in the public interest to do so, during the period until an Executive is formed, or until the expiry of 6 months from the day on which this Act is passed - whichever happens first. "Senior officer" is given the same meaning as in the Departments (Northern Ireland) Order 1999, namely: a person who is employed in that department and is (a) a member of the Northern Ireland senior civil service; or (b) a member of the Northern Ireland civil service designated by the department as a senior officer for the purposes of that Order.
- 13 The Bill requires the Secretary of State to publish guidance about the exercise of departments' functions, and departments are to have regard to that guidance. It is intended that the guidance will provide a framework to support Accounting Officers and senior officers when considering whether a decision should or should not be taken in the absence of Ministers, and

¹ [2018] NIQB 43

² [2019] NICA 58

will provide a set of principles and factors to be taken into account when making this decision.

- 14 The Bill also makes provision to clarify that the absence of Ministers did not prevent a senior officer of a NI department from exercising functions of the department during the period beginning with 28 October 2022 and ending with the date on which the Act received Royal Assent.

Public appointments

- 15 The Bill will also make provision for key public appointments to be made in the absence of Northern Ireland Ministers. Where appointment functions are conferred on NI Ministers, they cannot be exercised while there are no NI Ministers in post. The Bill addresses the most urgent cases, where the making of an appointment is necessary to maintain governance and public confidence in the institutions in Northern Ireland. These are: the Northern Ireland Commissioner for Children and Young People; and Commissioners for the Northern Ireland Judicial Appointments Commission.
- 16 The absence of Northern Ireland Ministers also affects some appointments made by UK Ministers. Where current legislation states that, in making an appointment, Ministers must consult or obtain the agreement of Northern Ireland Ministers, this cannot be achieved in the absence of an Executive. Where appointments are made by UK Ministers jointly with Northern Ireland Ministers (and, in some cases, also with Scottish and Welsh Ministers), these appointments also cannot be made at present. This legislation will allow those appointments to continue to be made.

Members of the Legislative Assembly pay

- 17 MLAs have continued to be paid a full salary while the Assembly has been unable to sit. In the absence of functioning devolved institutions or an operational Independent Financial Review Panel, no action can currently be taken to address this. The Bill will therefore confer on the Secretary of State the power to amend the salaries and expenses payable to MLAs at any time when the Assembly is not sitting.

Regional rates

- 18 In addition, this Bill will provide the Secretary of State with a power to set the regional domestic and non-domestic rates in Northern Ireland by regulations made by statutory instrument. The power will be exercisable from when the Act is passed and for the 2023/24 financial year only. The power will fall away should an Executive form before the end of the period for Executive formation.

Legal background

- 19 The relevant legal background is explained in the Policy background and Decision-making powers sections of these Notes.

Territorial extent and application

- 20 With the exception of clause 11, the Bill extends to England and Wales, Scotland and Northern Ireland, but only applies in Northern Ireland. Clause 11 of the Bill extends and applies only to Northern Ireland. This Act affects matters within the devolved (transferred) competence of the Northern Ireland Assembly. The Sewel Convention sets out that the UK Parliament will not normally legislate in an area of devolved competence without the agreement of the devolved legislatures. In the absence of the Executive and a functioning Assembly, it is not possible for the Assembly to provide a Legislative Consent Motion. The Government is satisfied that the circumstances of this Act come within the exception allowed by the convention.
- 21 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom.

Fast-track legislation

- 22 The Government intends to ask Parliament to expedite the parliamentary progress of this Bill. In their report on Fast-track Legislation: Constitutional Implications and Safeguards, the House of Lords Select Committee on the Constitution recommended that the Government should provide more information as to why a piece of legislation should be fast-tracked³.

Why is fast-tracking necessary?

- 23 The period for filling Ministerial offices after the Assembly election in May came to an end on 28 October 2022. As those offices were not filled, the Secretary of State for Northern Ireland fell under a duty to propose a date for a further Assembly election as soon as practicable to take place within 12 weeks.
- 24 In addition, this Bill will take limited but necessary steps to manage the governance gap in Northern Ireland, which has existed since 28 October 2022 in the absence of both NI Ministers and a functioning NI Executive. This Bill is therefore urgently required to protect Northern Ireland's public finances and support the delivery of public services.

What is the justification for fast-tracking each element of the bill?

- 25 The Bill is a relatively short Bill with 15 clauses. The first set of provisions extends the time period for Executive formation from 27 October 2022 until up to 8 December or potentially 19 January 2023 and therefore requires urgent passage. The second set addresses the immediate governance gap in Northern Ireland since 28 October, in the absence of NI Ministers, and clarifies the decision-making powers of senior officers of NI departments to manage the delivery of public services either until the Executive is reformed, or for 6 months from enactment of the legislation - whichever is sooner. The third set provides for key public appointments to continue to be made in the absence of NI Ministers. The fourth set is linked to the first and provides for swift action to be taken to address the ongoing situation whereby MLAs have continued to be paid a full salary while the Assembly has been unable to sit. The fifth set provides a power for the Secretary of State to set the regional rate for Northern Ireland for the 2023/24 financial year. This cannot be set in the absence of a functioning NI Executive and Assembly and must be set before the end of this financial year.

What efforts have been made to ensure the amount of time made available for parliamentary scrutiny has been maximised?

- 26 The Government has sought to introduce the Bill as soon as the parliamentary timetable allows. The Secretary of State for Northern Ireland also gave a statement to Parliament on

³ [House of Lords Constitution Committee, 15th report of session 2008/09, HL paper 116-I, para. 186](#)

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Wednesday 9 November 2022 where he set out his intention to legislate. The Parliamentary Under-Secretary of State for Northern Ireland, Lord Caine, repeated the statement in the House of Lords on Monday 14 November 2022.

To what extent have interested parties and outside groups been given an opportunity to influence the policy proposal?

- 27 The Secretary of State for Northern Ireland has been in frequent contact with the Northern Ireland parties, encouraging the parties to elect an Assembly Speaker and form an Executive at the earliest opportunity following the May 2022 Assembly election. The Secretary of State has also engaged with the Opposition on his intended approach.

Does the bill include a sunset clause (as well as any appropriate renewal procedure)? If not, why does the Government judge that their inclusion is not appropriate?

- 28 The power at clause 1 to further extend the period for making Ministerial appointments would be operable once, and must be exercised within a week of the Bill being granted Royal Assent. Clause 3 of this Bill contains a sunset clause whereby the provisions clarifying the decision-making powers of senior officers of NI departments will expire 6 months following the passing of the bill or when an Executive is formed, whichever is the sooner. The public appointment provisions at clauses 6-9 will lapse once an Executive is formed and the offices of all of the Northern Ireland Ministers are filled. The power at clause 10 regarding MLA pay does not contain a sunset clause. However, this can only be deployed when Speaker/Deputies are not elected following an election. The power granted to the Secretary of State at clause 11 to set the regional rate will only apply for the financial year 2023/24 and during the period in which there is no Executive.

Are mechanisms for effective post-legislative scrutiny and review in place? If not, why does the Government judge that their inclusion is not appropriate?

- 29 The Government does not believe that mechanisms for post-legislative scrutiny and review are necessary, given these are temporary powers and/or only occur in periods when there is no functioning Assembly. The Secretary of State for Northern Ireland is held accountable for the Government's approach to governance in Northern Ireland through the usual mechanisms, for instance parliamentary questions, committee appearances and correspondence.

Has an assessment been made as to whether existing legislation is sufficient to deal with any or all of the issues in question?

- 30 Under the Northern Ireland Act 1998, the period for forming an Executive ended on 28 October 2022. Without this Bill, the Secretary of State for Northern Ireland would be required to propose a date for a further Assembly election. As the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 repealed the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018, and the powers in that Act had in any case sunsetted, there is no current platform for collective and strategic decision-making or legislation. As such, new legislation is necessary to address the governance gap in Northern Ireland, protect Northern Ireland's finances and maintain the delivery of public services.

Has the relevant parliamentary committee been given the opportunity to scrutinise the legislation?

- 31 The Northern Ireland Affairs Committee of the House of Commons has been briefed on the Bill ahead of introduction. Lord Caine and the Minister of State, Steve Baker MP, also met privately with the Chair of the Constitution Committee after introduction in the House of Commons.

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Commentary on provisions of Bill

Clauses 1 and 2: Executive formation

- 32 These clauses amend section 16A of the Northern Ireland Act 1998 in respect of the period following the 5 May 2022 elections. The legislation will extend the period for filling Ministerial offices which follows from the elections that took place on 5 May 2022 for a further 6 week period to apply retrospectively (lasting until 8 December 2022). The legislation will also provide the capacity for the Secretary of State to extend the period by a further 6 week period (i.e. to extend the period for a further continuous period of 6 weeks ending on 19 January 2023). This power would be operable once, and must be exercised within a week of the Bill being granted Royal Assent.
- 33 For the second 6 week extension to apply, the Secretary of State would be required to make the regulations to that effect. The SI is required to be laid in parliament after being made but does not require parliamentary scrutiny.

Clauses 3 to 5: Exercise of departmental functions

- 34 These clauses make provision for the exercise of Northern Ireland departmental powers either until an Executive is next formed, or until the expiry of 6 months beginning from the day on which this Act is passed - whichever happens first. In particular, section 3(1) clarifies that the absence of Ministers does not prevent a senior officer of a Northern Ireland department from exercising a function of the department if she or he is satisfied that it is in the public interest to do so during the period for forming an Executive.
- 35 The Secretary of State is required to publish guidance about the exercise of departmental functions, including guidance as to the principles to be taken into account in deciding whether or not to exercise a function, and senior officers of departments are required to have regard to that guidance (section 3 (4) and (5)). Before publishing this guidance, the Secretary of State is required to have regard to any representations made to him by Members of the Northern Ireland Assembly (section 3 (6)).
- 36 Section 4 clarifies that the absence of Ministers is not to be treated as having prevented departments from exercising their functions in the period from 28 October 2022 until the Bill comes into force. Subsection (3) preserves the rights of existing litigants to proceed with their pending claims. Such claims will not be affected by the retrospective provision but departments will not be prevented from retaking such decisions.

Clauses 6 to 9: Exercise of Ministerial appointment functions

- 37 These clauses provide a limited power for the relevant UK Minister to exercise appointment functions, in relation to the offices specified in the section, during the current period without an Executive. Appointment functions in relation to those specified offices are currently conferred on Northern Ireland Ministers. It transfers *only* those powers that are currently conferred on Northern Ireland Ministers and makes no further changes to the appointment functions affected.
- 38 The appointments will be made in accordance with the existing legislation, for a period and subject to the terms and conditions decided by the Ministers.
- 39 The table in section 6(2) sets out the offices over which appointment functions will be exercised by the "relevant Minister of the Crown", following consultation with the relevant Northern Ireland department. Unless stated otherwise below, the following appointment functions would be exercised by the Secretary of State:

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1. The Northern Ireland Judicial Appointments Commission (NIJAC), which was established in 2005 under the Justice (Northern Ireland) Act 2002 to select and appoint, or recommend for appointment, in respect of all listed judicial offices up to and including High Court Judge. Chaired by the Lord Chief Justice of Northern Ireland (LCJ), its full membership is five judicial members nominated by the LCJ, 'legal professional' members nominated by the Law Society of Northern Ireland and the General Council of the Bar of Northern Ireland, and five 'lay' members appointed by the First Minister and deputy First Minister acting jointly. The nominated members are also appointed by the First Minister and deputy First Minister so cannot be appointed without those ministers in place.
 2. The Northern Ireland Commissioner for Children and Young People: The Commissioner for Children and Young People (NICCY), was created in accordance with the The Commissioner for Children and Young People (Northern Ireland) Order 2003 to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities.
- 40 In combination with the definition in section 12(2), the power to exercise appointment functions in relation to these offices will cease when there is next a Northern Ireland Executive. This means that these powers would return to Northern Ireland Ministers as soon as they are in post, and any pending appointments or other appointment functions would again fall to them to exercise.
- 41 The Secretary of State is empowered by section 6(3) to amend the list of offices in section 6(2) by statutory instrument, transferring to the relevant UK Minister appointment functions in relation to other bodies and offices in respect of which legislation currently confers those functions on Northern Ireland Ministers. This is included to ensure that vacancies that need to be filled as a matter of urgency can be filled without the need for further primary legislation. Similarly, it would allow other appointment functions to be exercised if needed urgently – for example the removal from an office not covered in section 5 of someone who is no longer eligible to hold that office (for example following bankruptcy) but who can only be removed by a Minister.
- 42 An instrument under section 6(3) is subject to the affirmative resolution procedure. The regulations will either be laid in draft and require approval of both Houses of Parliament before being made, or, else if the Secretary of State considers it expedient for the regulations to be made more quickly, they may be made into law (signed by the minister) before Parliament has considered them, but they will not remain law unless they are approved by Parliament within a certain time period.
- 43 Section 6(8) requires the UK Minister to consult a Northern Ireland department prior to exercising these powers; this reflects the continued responsibility of the sponsor department for all matters to do with the bodies in question other than the appointment functions covered by this Act.
- 44 Section 7 addresses those appointments functions already conferred on UK Ministers that cannot be exercised in the absence of Northern Ireland Ministers. Where legislation requires that UK Ministers consult or obtain the agreement of Northern Ireland Ministers or the Executive Committee before exercising an appointment function, this section replaces that with a requirement that the Northern Ireland department is consulted for as long as there is no Executive Committee.

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- 45 Section 8 addresses appointment functions exercised jointly by UK Ministers and Northern Ireland Ministers, including those made alongside Scottish and Welsh Ministers. In these cases, it enables those functions to be exercised, during the current period in which there is an absence of Northern Ireland Ministers. Instead of acting jointly with the Northern Ireland Minister, the Secretary of State is required, before exercising the appointment functions, to consult the relevant Northern Ireland department.

Clause 10: Northern Ireland Assembly pay

- 46 This clause allows the Secretary of State to make a determination on MLAs' salaries and allowances as well as the allowances and gratuities of persons ceasing to be MLAs during a period when the Assembly is not functioning. Any determination made may apply during the current period until a Presiding Officer and deputies are next elected under section 39(1) of the Northern Ireland Act 1998, and the Secretary of State would also have the power to make a determination during any future period in which MLAs do not elect a Presiding Officer and deputies following an election.
- 47 Subsection (8) allows the Secretary of State to make a determination during the current period (from when the Bill is passed and ending on the day a Presiding Officer and deputies are next elected), and any determination made would cease to have effect at that point. It also allows a determination to be made again in any subsequent period in which MLAs do not elect a Presiding Officer and deputies during the period in which they must first meet under section 31(4) of the Northern Ireland Act 1998 after an election. Until a Presiding Officer and deputies are next elected the Assembly will have no power, through any provision made by them under section 47 and section 48 of the Northern Ireland Act 1998, to amend the effect of a determination made by the Secretary of State. Once MLAs elect a Presiding Officer, any determination made would cease to have effect. The power to make a determination would then return in full to the Assembly, either by means of the Independent Financial Review Panel under the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 (the "2011 Act"), or any other provision made under section 47 or 48 of the Northern Ireland Act 1998.
- 48 Subsection (6) clarifies the position of determinations made by the Secretary of State. Any determination made under this Bill may amend any determination made by the Assembly, either through the Independent Financial Review Panel, or any other provision made by the Assembly under section 47 or section 48 of the Northern Ireland Act 1998. Subsection (5) ensures that MLAs' pensions are not affected by any change to their salaries under any determination made by the Secretary of State.
- 49 Subsections (2) and (3) echo section 14 of the 2011 Act, requiring any determination to be made in writing and to be provided to the Assembly Commission, who must publish it. Subsection (4) applies section 12 of the 2011 Act to any determination made by the Secretary of State in the exercise of these powers.

Clause 11: Regional rate

- 50 This clause provides the Secretary of State the power to set the regional domestic and non-domestic rates in Northern Ireland for the 2023/24 financial year by statutory instrument and only during the current period when there is no Northern Ireland Executive.
- 51 Section 11(6) provides that the Department of Finance may, when the Executive is next formed, vary the rates set by using the established procedure of an order under the Rates (Northern Ireland) Order 1977 and section 11(7) provides that it may set the rates for the whole of the year in which an order is made.

Clause 12: Interpretation

- 52 The key terms used in sections 5 to 7 of the Act are defined in section 9(1). Of note are the following definitions:
- 53 In this Act—
- “enactment” includes any provision of, or of any instrument made under Northern Ireland legislation (within the meaning given by section 98 of the Northern Ireland Act 1998);
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
- “Northern Ireland Minister” includes the First Minister and the deputy First Minister;
- “senior officer of a Northern Ireland department” has the same meaning as in the Departments (Northern Ireland) Order 1999 (see Article 2(3) of that Order).
- 54 For the purposes of this Act, an Executive is formed once the offices of First Minister and deputy First Minister and those to be held by the other Northern Ireland Ministers are all filled.

Commencement

- 55 Clauses 6 to 9 come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint. The other provisions of this Bill will come into force on the day on which this Act is passed.

Financial implications of the Bill

- 56 Clauses 1 and 2 will not generate additional expenditure. Equally, the powers included at clauses 3 to 9 are merely changing who can exercise existing functions, rather than conferring new ones with new potential for expenditure.
- 57 Clause 10 confers on the Secretary of State the power to amend the salaries and expenses payable to MLAs when the Assembly is not sitting.
- 58 Clause 11 grants the Secretary of State the power to set the regional domestic and non-domestic rates in Northern Ireland for the 2023/24 financial year by statutory instrument and only during the current period when there is no Northern Ireland Executive.

Parliamentary approval for financial costs or for charges imposed

- 59 House of Commons Standing Order No. 49 provides that any charge on the public revenue must be authorised by resolution of the House of Commons (a "money resolution"), but this rule does not apply to payments made out of the Consolidated Fund of Northern Ireland. Even if the power to set pay for Members of the Northern Ireland Assembly did generate additional expenditure, such sums would come out of the Consolidated Fund of Northern Ireland and so would not require a money resolution.
- 60 The House requires that charges on the people be authorised by a ways and means resolution. However, "charges on the people" refers to charges imposed generally and intended to be used for general purposes. Regional rates are a local tax, and therefore the power to set them does not require a ways and means resolution.

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Compatibility with the European Convention on Human Rights

- 61 Section 19 of the Human Rights Act 1998 requires a Minister in charge of a Bill in either House of Parliament to make a statement about the compatibility of the Bill with Convention rights (as defined by section 1 of that Act).
- 62 The Parliamentary Under-Secretary of State for Northern Ireland, Lord Caine, has made the following statement:

“In my view, the provisions of the Northern Ireland (Executive Formation etc) Bill are compatible with Convention rights.”
- 63 The Northern Ireland Office does not consider that the provisions of the Bill engage Convention rights.

Environmental law for the purposes of the Environment Act 2021

- 64 Lord Caine is of the view that the Bill as introduced into the House of Lords does not contain provision which, if enacted, would be environmental law for the purposes of section 20 of the Environment Act 2021. Accordingly, no statement under that section has been made.

Related documents

- 65 The following documents are relevant to the Northern Ireland (Executive Formation etc) Bill:
 - [The New Decade, New Approach Deal](#)
 - [The Northern Ireland Act 1998](#)

Annex A – Territorial extent and application in the United Kingdom

Provision	England	Wales		Scotland		Northern Ireland	
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Legislative Consent Motion process engaged?	Extends and applies to Scotland?	Legislative Consent Motion process engaged?	Extends and applies to Northern Ireland?	Legislative Consent Motion process engaged?
Section 11	No	No	No	No	No	Yes	No
Remainder of the Bill	Yes	Yes	No	Yes	No	Yes	No

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