



Northern Ireland Act 1998

1998 CHAPTER 47

PART IX

SUPPLEMENTAL

96 Orders and regulations.

- (1) An order under section 17(4), 25, 26, 27, 31(3) or (6), 38(6), 72(2) or 74(5) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) An order under section [^{F1}4(6),] [^{F2}31(2),] 34(4), 35(1), 55, [^{F3}69C(12),] 75(3)(a) or (d) or 80 or Schedule 1—
 - (a) shall be made by statutory instrument; and
 - (b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.

[^{F4}(2A) Paragraph (b) of subsection (2) does not apply to an order under section 31(2) if the order declares that the Secretary of State considers it to be expedient for the order to be made without the approval mentioned in that paragraph.

- (2B) An order containing a declaration under subsection (2A)—
 - (a) shall be laid before Parliament after being made; and
 - (b) shall cease to have effect if it is not approved by a resolution of each House of Parliament before the end of the period of 28 days beginning with the date on which it is made.

(2C) Subsection (2B)(b) does not prejudice the making of a new order.

(2D) In calculating the period of 28 days mentioned in subsection (2B)(b), 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.]

- (3) Regulations under section 87(4) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the House of Commons.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 96. (See end of Document for details)

- (4) An order under section 61(7)—
- (a) shall be made by statutory instrument; and
 - (b) shall not be made unless a draft has been laid before and approved by resolution of the House of Commons.

^{F5}(4A)

[^{F6}(4B) The powers to make regulations under sections 78F, 78Q and 78U are exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

(4C) Regulations may not be made under section 78F, 78Q or 78U unless a draft of the regulations has been laid before and approved by resolution of the Assembly.]

(5) Regulations under section 87(5) shall be subject to negative resolution (within the meaning given by section 41(6) of the ^{M1}Interpretation Act Northern Ireland) 1954).

- (6) Rules under section 91 or 92—
- (a) shall be made by statutory instrument; and
 - (b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.

Textual Amendments

- F1** Words in s. 96(2) inserted (11.3.2009) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\), ss. 10\(2\), 30\(1\), 31, Sch. 4 para. 11](#); S.I. 2009/448, [art. 2](#)
- F2** Words in s. 96(2) inserted (15.5.2003) by [Northern Ireland Assembly \(Elections and Periods of Suspension\) Act 2003 \(c. 12\), s. 1\(3\)\(a\)](#)
- F3** Words in s. 96(2) inserted (1.8.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\), ss. 16\(2\), 53, \(with s. 20\)](#); S.I. 2007/2045, [art. 2\(2\)\(3\)\(j\)](#)
- F4** S. 96(2A)-(2D) inserted (15.5.2003) by [Northern Ireland Assembly \(Elections and Periods of Suspension\) Act 2003 \(c. 12\), s. 1\(3\)\(b\)](#)
- F5** S. 96(4A) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\), regs. 1\(1\), 3\(5\)](#)
- F6** S. 96(4B)(4C) inserted (6.12.2022) by [Identity and Language \(Northern Ireland\) Act 2022 \(c. 45\), ss. 9\(1\), 10\(1\)](#)

Modifications etc. (not altering text)

- C1** Word '31(2)' in section 96(2) continued (temp. to 15.11.2003) (15.5.2003) by [Northern Ireland Assembly \(Elections and Periods of Suspension\) Act 2003 \(c. 12\), s. 7\(1\)\(a\)\(ii\)](#) (subject to s. 7(4))
- C2** S. 96(2A)-(2D) continued (temp. to 15.11.2003) (15.5.2003) by [Northern Ireland Assembly \(Elections and Periods of Suspension\) Act 2003 \(c. 12\), s. 7\(1\)\(a\)\(iii\)](#) (subject to s. 7(4))

Marginal Citations

- M1** 1954 c.33 (N.I.).

Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 96.