

SCHEDULES

SCHEDULE 1

Section 1(3).

TEMPORARY PROVISION FOR GOVERNMENT OF NORTHERN IRELAND

Legislative functions

- 1 (1) During the interim period—
 - (a) no Measure shall be passed by the Assembly; and
 - (b) Her Majesty may by Order in Council make laws for Northern Ireland and, in particular, provision for any matter for which the Constitution Act authorises or requires provision to be made by Measure.
- (2) No recommendation shall be made to Her Majesty to make any Order in Council under this paragraph containing a provision in relation to which the Secretary of State would be precluded by section 5(1) of the Constitution Act from giving his consent if it were contained in a proposed Measure.
- (3) The power to make an Order in Council under this paragraph includes power to vary or revoke a previous Order made thereunder.
- (4) No recommendation shall be made to Her Majesty to make an Order in Council under this paragraph unless either—
 - (a) a draft of the Order has been approved by resolution of each House of Parliament; or
 - (b) the Order declares that it has been made to appear to Her Majesty that by reason of urgency the Order requires to be made without a draft having been so approved.
- (5) Any Order in Council under this paragraph, other than an Order of which a draft has been approved by resolution of each House of Parliament, shall be laid before Parliament after being made and, if at the end of the period of forty days after the date on which it is made the Order has not been, approved by resolution of each House, shall then cease to have effect (but without prejudice to anything previously done under the Order or to the making of a new Order).
- (6) In reckoning the period mentioned in sub-paragraph (5) above no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (7) References to Measures in any enactment or instrument (whether passed or made before or after the passing of this Act) shall, so far as the context permits, be deemed to include references to Orders in Council under this paragraph.
- (8) Orders in Council under this paragraph may be omitted from any annual edition of statutory instruments required to be prepared under regulations made by virtue of section 8 of the Statutory Instruments Act 1946.

Status: This is the original version (as it was originally enacted).

Executive functions

- 2 (1) During the interim period—
- (a) no person shall be appointed or hold office under section 8 of the Constitution Act; and
 - (b) any functions of the head of a Northern Ireland department may be discharged by that department and any functions of any other person appointed under that section may be discharged by the Secretary of State.
- (2) During the interim period any functions of a Northern Ireland department, including functions discharged by virtue of sub-paragraph (1)0 above, shall be discharged by the department subject to the direction and control of the Secretary of State.
- (3) Anything required or authorised by or under any enactment or instrument to be done to or in relation to the head of a Northern Ireland department or any other person appointed under the said section 8 in connection with any functions exercisable by virtue of this paragraph by a substituted authority (whether a Northern Ireland department or the Secretary of State) shall, during the interim period, be done instead to or in relation to that authority.
- (4) Any enactment or instrument shall have effect, so far as may be necessary for or in consequence of the exercise of any functions by a substituted authority by virtue of this paragraph, as if references to the head of a Northern Ireland department or any other person appointed under the said section 8 were references to that authority.
- (5) This paragraph shall not invalidate anything done before the beginning of the interim period ; and,
- (a) anything which, at the beginning of that period, is in process of being done by or in relation to the head of a Northern Ireland department or any other person appointed under the said section 8 may be continued by or in relation to the substituted authority ;
 - (b) any order, regulation, rule, direction, authority, appointment, authentication, approval or other instrument or act effective at the beginning of that period as that of the head of a Northern Ireland department or any other person appointed under the said section 8 shall continue to have effect as that of the substituted authority.
- (6) The foregoing provisions of this paragraph apply to functions conferred by any enactment or instrument during as well as before the interim period except in so far as provision to the contrary is made by that enactment or instrument.

Subordinate instruments etc.

- 3 (1) Where under any enactment or instrument it is a condition for the taking of any step (other than the annulment of any instrument) or the coming of anything into operation that a resolution or motion has been passed or an address presented by the Assembly, then, during the interim period, that step may be taken or that thing shall come into operation without any such resolution, motion or address.
- (2) Any statutory instrument made or coming into operation by virtue of sub-paragraph (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any statutory rules made or coming into operation by virtue of sub-paragraph (1) above shall be subject to annulment in pursuance of a resolution of either House of

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Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

- (4) So much of any enactment or instrument as makes the taking of any step or the coming of anything into operation conditional on the laying of any instrument or document before the Assembly, or on any lapse of time after an instrument or document is so laid, shall not apply during the interim period.
- (5) So much of any enactment or instrument as makes it a condition for the continuing of anything in operation that a resolution or motion has been passed or an address presented by the Assembly shall not apply in relation to anything done during the interim period or in relation to anything done previously that would, apart from this sub-paragraph, cease to have effect during that period.
- (6) No instrument made during the interim period shall be liable to annulment or capable of being revoked in pursuance of a resolution, motion or address of the Assembly; and no draft of any such instrument shall be laid before the Assembly nor shall any proceedings be taken in the Assembly with respect to a draft of any such instrument.
- (7) Regulations made during the interim period under section 4 of the Statutory Rules Act (Northern Ireland) 1958 shall not require the concurrence of the presiding officer of the Assembly.

Parliamentary Commissioner and Commissioner for Complaints

- 4 (1) During the interim period any report required to be laid before the Assembly under section 10(3) or (4) of the Parliamentary Commissioner Act (Northern Ireland) 1969 or section 11(3) of the Commissioner for Complaints Act (Northern Ireland) 1969 shall be laid instead before each House of Parliament; and the reference in subsection (5)(a) of the said section 10 to a report to the Assembly shall accordingly include a reference to a report to either House of Parliament.
- (2) During any part of the interim period for which there is no Assembly, any complaint under the Parliamentary Commissioner Act (Northern Ireland) 1969 may be made to, and referred to the Commissioner by, a member of the House of Commons; and references to a member of the Assembly in sections 5, 6 and 10 of that Act shall be construed accordingly.

Accounts

- 5 (1) The accounts and reports to which this paragraph applies shall be laid before the House of Commons instead of the Assembly.
- (2) This paragraph applies to such of the accounts and reports required by section 10, 11, 19, 21 or 22 of the Exchequer and Audit Act (Northern Ireland) 1921 to be laid before (or presented or made to) the Assembly as relate to—
 - (a) the period beginning with 1st January 1974 and ending with 31st March 1974 ;
 - (b) any financial year ending during the interim period ;
 - (c) if part of a financial year ending after the interim period falls within that period, the part falling within that period ;and for the purposes of paragraph (c) above those accounts and reports shall be prepared separately for the part there mentioned and for the remainder of the financial year in question.

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- (3) The functions of any committee constituted under section 25(8) of the Constitution Act shall not extend to the application of moneys during the interim period.

Interpretation

- 6 (1) In this Schedule—
- " the Assembly " means the Northern Ireland Assembly ;
 - " the Constitution Act " means the Northern Ireland Constitution Act 1973 ;
 - " enactment " includes an enactment of the Parliament of Northern Ireland and a Measure ;
 - " functions " includes duties and powers ;
 - " Measure " means a Measure of the Assembly ;
 - " statutory instrument " means a statutory instrument within the meaning of the Statutory Instruments Act 1946 ;
 - " statutory rules " has the same meaning as it has for the purposes of the Statutory Rules Act (Northern Ireland) 1958.
- (2) In this Schedule any reference to an enactment is a reference to that enactment as amended by or under any other enactment.