



# Northern Ireland Act 1998

## CHAPTER 47

### NORTHERN IRELAND ACT 1998

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### Northern Ireland Act 1998

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- 5 The foreshore and the sea bed and subsoil and their...
- 6 Domicile.
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- 7A The alteration of the number of members of the Assembly...

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- 9 (1) The following matters— (a) the subject-matter of Parts 2...
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- 10 (1) The subject-matter of the Public Processions (Northern Ireland) Act...
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- 12 (1) Items for the time being specified in Article 45(1)...
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- 17 Reserved matters
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- 22 The subject-matter of the following provisions of the Pension Schemes...
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- 41A (1) The division of local government districts into areas (“district...
- 42 Any matter with which a provision of this Act falling...



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To pledge: (a) to discharge in good faith all the...

Code of Conduct

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RESOLUTION OF ASSEMBLY BY VIRTUE OF SECTION 21A(3)

*Introduction*

1 (1) This Part of this Schedule has effect in relation...

*Modification of section 16A*

1A Section 16A(3) shall have effect as if, for paragraph (b)...

*Section 18 not to apply to relevant Minister*

2 (1) Section 18 (Northern Ireland Ministers) shall not apply in...

*Provisions relating to relevant Minister*

3 (1) Where any of the conditions in paragraphs (b) to...

Part 1A — DEPARTMENT IN THE CHARGE OF MINISTER APPROVED BY  
RESOLUTION OF THE ASSEMBLY BY VIRTUE OF SECTION 21A(3A)

3A Introduction

3B Modification of section 16A

3C Section 18 not to apply to relevant Minister

3D Provisions relating to relevant Minister

3E Reappointment of other Northern Ireland Ministers in certain cases

Part 2 — DEPARTMENT IN THE CHARGE OF TWO MINISTERS

*Introduction*

4 (1) This Part of this Schedule has effect in relation...

*Modification of section 16A*

4A Section 16A(3) shall have effect as if, for paragraph (b)...

*Modifications of section 17*

5 (1) Section 17 (Ministerial offices) has effect subject to the...

*Section 18 not to apply to relevant Ministers*

6 (1) Section 18 (Northern Ireland Ministers) shall not apply in...

*Provisions relating to relevant Ministers*

7 (1) Where any of the conditions in paragraphs (b) to...

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MINISTER

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### *Introduction*

8 (1) This Part of this Schedule has effect in relation...

#### *Modification of section 16A*

8A Section 16A(3) shall have effect as if, for paragraph (b)...

#### *Section 18 not to apply to relevant Minister*

9 (1) Section 18 (Northern Ireland Ministers) shall not apply in...

#### *Certain provisions of section 19 not to apply to relevant junior Minister*

10 (1) The provisions of section 19 (junior Ministers) specified in...

#### *Provisions relating to relevant Minister and relevant junior Minister*

11 (1) Where any of the conditions in paragraphs (b) to...

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11B Modification of section 16A

11C Section 18 not to apply to relevant Minister

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#### *Staff*

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#### *Powers*

3 (1) Subject to sub-paragraph (4), the Commission may do anything...

#### *Delegation*

4 The Commission may delegate any of its functions to the...

#### *Proceedings and business*

5 (1) The validity of any acts of the Commission shall...

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*Crown status*

- 6 (1) Her Majesty may by Order in Council provide for...

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*Proceedings to be in public*

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*Reporting and publishing proceedings*

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3 Meaning of “continuation period”, “current period” etc

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- 4 Duty to give notification of the start of the democratic consent process

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- 1 In this Schedule “the Commission” means the Northern Ireland Human...

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*Commissioners' tenure*

- 2 (1) Subject to the provisions of this Schedule, a Commissioner...

*Commissioners' salary etc.*

- 3 (1) The Commission shall pay to or in respect of...

*Staff*

- 4 (1) The Commission may employ staff subject to the approval...

*Annual report*

- 5 (1) The Commission shall, as soon as reasonably practicable after...

*Money*

- 6 The Secretary of State may make grants to the Commission...  
7 (1) The Commission shall keep proper accounts and financial records....

*Procedure*

- 8 (1) In determining its own procedure the Commission may, in...

*Disqualification*

- 9 In Part III of Schedule 1 to the House of...  
10 In Part III of Schedule 1 to the Northern Ireland...

*Status*

- 11 The Commission shall not be regarded as the servant or...

SCHEDULE 8 — The Equality Commission for Northern Ireland

*Introductory*

- 1 In this Schedule “the Commission” means the Equality Commission for...

*Commissioners' tenure*

- 2 (1) Subject to the provisions of this Schedule, a Commissioner...

*Commissioners' salary etc.*

- 3 The Department of Economic Development may with the approval of...

*Additional Commissioners*

- 3A (1) Paragraph 2(1) and (2) shall apply to additional Commissioners...

*Staff*

- 4 (1) The Commission may with the approval of the Department...

*Annual report*

- 5 (1) The Commission shall, as soon as reasonably practicable after...

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### *Money*

- 6 (1) Expenditure incurred by the Commission may be defrayed as...  
7 (1) The Commission shall keep accounts and financial records in...

### *Procedure*

- 8 (1) In determining its own procedure the Commission may, in...

### *Disqualification*

- 9 In Part II of Schedule 1 to the House of...  
10 In Part II of Schedule 1 to the Northern Ireland...

### *The Northern Ireland Commissioner for Complaints*

- 11 . . . . .

### *Status*

- 12 The Commission shall not be regarded as the servant or...

## SCHEDULE 9 — Equality: enforcement of duties

### *The Equality Commission*

- 1 The Equality Commission for Northern Ireland shall—

### *Equality schemes*

- 2 (1) A public authority to which this sub-paragraph applies shall,...  
3 (1) Where it thinks appropriate, the Commission may—  
4 (1) A scheme shall show how the public authority proposes...  
5 Before submitting a scheme a public authority shall consult, in...  
6 (1) On receipt of a scheme the Commission shall—  
7 (1) Where a scheme is referred to the Secretary of...  
8 (1) If a public authority wishes to revise a scheme...

### *Duties arising out of equality schemes*

- 9 (1) In publishing the results of such an assessment as...

### *Complaints*

- 10 (1) If the Commission receives a complaint made in accordance...

### *Investigations*

- 11 (1) This paragraph applies to— (a) investigations required by paragraph...

### *Government departments*

- 12 (1) Paragraphs 6, 7 and 11(2)(b) and (3) do not...

## Schedule 9A — The Office of Identity and Cultural Expression

- 1 Status  
2 Membership

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- 3 Tenure of members
- 4 Members' salary etc.
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- 6 Assistance
- 7 Exercise of functions
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- 10 Funding
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- 12 Annual report
- 13 Seal and evidence

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- 12 Property

Schedule 9C — Commissioner for the Ulster Scots and the Ulster British tradition

- 1 Status
- 2 Tenure of office
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- 5 Assistance
- 6 Exercise of functions
- 7 General powers
- 8 Funding
- 9 Accounts
- 10 Annual report
- 11 Seal and evidence
- 12 Property

SCHEDULE 10 — Devolution issues

Part I — PRELIMINARY

- 1 In this Schedule "devolution issue" means— (a) a question whether...
- 2 A devolution issue shall not be taken to arise in...

Part II — PROCEEDINGS IN NORTHERN IRELAND

*Application of Part II*

- 3 This Part of this Schedule applies in relation to devolution...

*Institution of proceedings*

- 4 (1) Proceedings for the determination of a devolution issue may...

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*Notice of devolution issue*

- 5 A court or tribunal shall order notice of any devolution...  
6 A person to whom notice is given in pursuance of...

*Reference of devolution issue to Court of Appeal*

- 7 A court, other than the Supreme Court or the Court...  
8 A tribunal from which there is no appeal shall refer...

*References from Court of Appeal to Supreme Court*

- 9 The Court of Appeal in Northern Ireland may refer any...

*Appeals from Court of Appeal to Supreme Court*

- 10 An appeal against a determination of a devolution issue by...  
Part III — PROCEEDINGS IN ENGLAND AND WALES

*Application of Part III*

- 11 This Part of this Schedule applies in relation to devolution...

*Institution of proceedings*

- 12 (1) Proceedings for the determination of a devolution issue may...

*Notice of devolution issue*

- 13 A court or tribunal shall order notice of any devolution...  
14 A person to whom notice is given in pursuance of...

*Reference of devolution issue to High Court or Court of Appeal*

- 15 A magistrates' court may refer any devolution issue which arises...  
16 (1) A court may refer any devolution issue which arises...  
17 A tribunal from which there is no appeal shall refer...  
18 A court, other than the Supreme Court or the Court...

*References from Court of Appeal to Supreme Court*

- 19 The Court of Appeal may refer any devolution issue which...

*Appeals from superior courts to Supreme Court*

- 20 An appeal against a determination of a devolution issue by...  
Part IV — PROCEEDINGS IN SCOTLAND

*Application of Part IV*

- 21 This Part of this Schedule applies in relation to devolution...

*Institution of proceedings*

- 22 (1) Proceedings for the determination of a devolution issue may...

*Intimation of devolution issue*

- 23 Intimation of any devolution issue which arises in any proceedings...



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24 A person to whom intimation is given in pursuance of...

*Reference of devolution issue to higher court*

- 25 A court, other than the Supreme Court or any court...
- 26 A tribunal from which there is no appeal shall refer...
- 27 A court, other than any court consisting of two or...

*References from superior courts to Supreme Court*

- 28 Any court consisting of three or more judges of the...
- 29 Any court consisting of two or more judges of the...

*Appeals from superior courts to Supreme Court*

- 30 An appeal against a determination of a devolution issue by...
- 31 An appeal against a determination of a devolution issue by—...

Part V — GENERAL

...

32 .....

*Direct references to Supreme Court*

- 33 The Attorney General, the Advocate General for Northern Ireland, the...
- 34 The Attorney General, the Advocate General for Northern Ireland, the...
- 35 (1) This paragraph applies where a reference is made under...

*Delegation by First Ministers*

- 36 The First Minister and the deputy First Minister acting jointly...

*Expenses*

- 37 (1) A court or tribunal before which any proceedings take...

*Procedure of courts and tribunals*

- 38 Any power to make provision for regulating the procedure before...

*Bail and legal aid in criminal proceedings*

- 39 (1) Sub-paragraph (3) applies where a devolution issue arises in...
- 40 Where a devolution issue arises as mentioned in sub-paragraph (1)...

*Interpretation*

- 41 Any duty or power conferred by this Schedule to refer...

SCHEDULE 11 — Tribunal established under section 91

*Introductory*

- 1 In this Schedule “the Tribunal” means the tribunal established under...

*Members*

- 2 (1) The Tribunal shall consist of such number of members...

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2A (1) The Lord Chancellor may only appoint persons to the...

*Chairman*

3 (1) The Lord Chancellor shall appoint one of the members...

*Payments to members*

4 (1) The Lord Chancellor may pay to the members of...

*Proceedings*

5 (1) The Tribunal shall sit at such times and in...

6 The Tribunal shall be deemed to be duly constituted if...

7 The chairman or, in his absence, the deputy chairman, shall...

*Staff*

8 The Lord Chancellor may appoint such officers and servants for...

*Expenses*

9 The Lord Chancellor shall defray the remuneration of persons appointed...

*Disqualification of Tribunal Members*

10 In Part II of Schedule 1 to the House of...

11 In Part II of Schedule 1 to the Northern Ireland...

SCHEDULE 12 — Construction of references in existing laws

*Preliminary*

1 (1) Enactments and instruments shall, except where the context otherwise...

*The Parliament and the old Assembly*

2 (1) References to the Parliament of Northern Ireland shall be...

*Legislation etc of the Parliament or the old Assembly*

3 (1) A reference to an Act or enactment of the...

4 (1) A reference to a resolution or other decision of...

5 A reference to laying a document before, or presenting it...

6 Paragraphs 2 to 5 apply to enactments and instruments passed...

*Money*

7 (1) A reference to— (a) money provided by the Parliament...

*Office-holders and Ministers*

8 (1) A reference to— (a) the Governor of Northern Ireland;...

9 (1) A reference to— (a) the Prime Minister of Northern...

10 (1) A reference to— (a) a particular Ministry of Northern...

11 (1) A reference to— (a) an unspecified Minister of Northern...

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### Courts

12 (1) A reference to the Supreme Court of Judicature in...

#### *Equal opportunity bodies*

13 (1) A reference to— (a) the Fair Employment Commission for...

### SCHEDULE 12A — Effect of application of section 95A(6) or (7)

#### *Directions under section 30A(5): Northern Ireland Ministers and junior Ministers*

- 1 Effect of application of section 95A(6) or (7)
- 2 Effect of application of section 95A(6) or (7)
- 3 Effect of application of section 95A(6) or (7)
- 4 Effect of application of section 95A(6) or (7)

#### *Directions under section 30A(2) or (5): the First Minister and deputy First Minister*

- 5 Effect of application of section 95A(6) or (7)
- 6 Effect of application of section 95A(6) or (7)
- 7 Effect of application of section 95A(6) or (7)
- 8 Effect of application of section 95A(6) or (7)

#### *Directions under section 47B or 51B*

- 9 Effect of application of section 95A(6) or (7)

#### *General*

10 Effect of application of section 95A(6) or (7)

### SCHEDULE 13 — Minor and consequential amendments

#### *Fair Employment (Northern Ireland) Act 1976 (c.25)*

1 .....

#### *Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15))*

2 (1) The Sex Discrimination (Northern Ireland) Order 1976 shall be...

#### *Interpretation Act 1978 (c.30)*

3 In section 24(5) of the Interpretation Act 1978 (meaning of...

#### *Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I.12))*

4 In Part II of Schedule 1 to the Statutory Rules...

#### *Mental Health Act 1983 (c.20)*

5 (1) The Mental Health Act 1983 shall be amended as...

#### *Insolvency Act 1986 (c.45)*

6 In section 427 of the Insolvency Act 1986 (members of...

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*Audit (Northern Ireland) Order 1987 (S.I. 1987/460 (N.I.5))*

7 In Article 6(2) of the Audit (Northern Ireland) Order 1987...

*Copyright, Designs and Patents Act 1988 (c.48)*

8 (1) The Copyright, Designs and Patents Act 1988 shall be...

*Official Secrets Act 1989 (c.6)*

9 (1) Section 12 of the Official Secrets Act 1989 (interpretation)...

*Fair Employment (Northern Ireland) Act 1989 (c.32)*

10 .....

*Social Security Administration Act 1992 (c.5)*

11 In section 189 of the Social Security Administration Act 1992...

*Social Security Administration (Northern Ireland) Act 1992 (c.8)*

12 In section 165 of the Social Security Administration (Northern Ireland)...

*Environment and Safety Information (Northern Ireland) Order 1993 (S.I. 1993/3159 (N.I.14))*

13 In the second column of Schedule 1 to the Environment...

*Civil Service (Management Functions) (Northern Ireland) Order 1994 (S.I. 1994/1894 (N.I.9))*

14 In Article 3(1) of the Civil Service (Management Functions) (Northern...

*Olympic Symbol etc. Protection Act 1995 (c.32)*

15 In section 4(16) of the Olympic Symbol etc. Protection Act...

*Disability Discrimination Act 1995 (c.50)*

16 .....

*Commissioner for Complaints (Northern Ireland) Order 1996 (S.I. 1996/1297 (N.I.7))*

17 .....

*Ombudsman (Northern Ireland) Order 1996 (S.I. 1996/1298 (N.I.8))*

18 In Article 10(3) of the Ombudsman (Northern Ireland) Order 1996...

*Race Relations (Northern Ireland) Order 1997 (S.I. 1997/869 (N.I.6))*

19 (1) The Race Relations (Northern Ireland) Order 1997 shall be...

*Northern Ireland (Elections) Act 1998 (c.12)*

20 In Schedule 1 to the Northern Ireland (Elections) Act 1998...

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*Data Protection Act 1998 (c.29)*

21 (1) In paragraph 4 of Schedule 7 to the Data...

SCHEDULE 14 — Transitional provisions and savings

*Human rights*

1 In relation to any time before the Human Rights Act...

*First Minister and deputy First Minister*

2 Any election of the First Minister and the deputy First...

*Ministerial offices*

3 Any determination of— (a) the number of Ministerial offices to...

*Northern Ireland Ministers*

4 Any nomination of a person to hold a Ministerial office...

*Junior Ministers*

5 Any of the following made and approved before the appointed...

*Department of First Minister and deputy First Minister*

6 Any Northern Ireland department established before the appointed day under...

*Prerogative orders*

7 Any prerogative order made by the Secretary of State under...

*Agency arrangements*

8 Any arrangements made under section 11 of the Northern Ireland...

*Statutory committees*

9 (1) Any committee of the Assembly established before the appointed...

*Elections of members*

10 Any order made under section 2(5) of the Northern Ireland...

*Vacancies*

11 Any order made under section 3 of the Northern Ireland...

*Disqualification*

12 A person elected on 25th June 1998 shall not be...

*Presiding Officer and deputy*

13 Any person appointed or elected under paragraph 3 of the...

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*Standing orders*

- 14 Any standing orders made by the Secretary of State under...

*Civic Forum*

- 15 Any such arrangements as are mentioned in subsection (1) of...

*Comptroller and Auditor General for Northern Ireland*

- 16 Any appointment made by Her Majesty under section 36(1)(d) of...

*Social security and child support*

- 17 Any regulations made under any enactment repealed by virtue of...

*Certificates by Secretary of State*

- 18 Section 90 shall have effect— (a) in relation to any...

*Devolution issues*

- 19 In relation to any time before the first appointment of...

*Relations with Republic of Ireland*

- 20 The repeal effected by this Act of section 12 of...

*Discrimination in legislation*

- 21 The repeals effected by this Act shall not affect the...

*Discrimination by public bodies*

- 22 The repeals effected by this Act shall not affect the...

*Members' Pensions*

- 23 The repeals effected by this Act shall not affect the...

SCHEDULE 15 — Repeals

### Changes to legislation:

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### Changes and effects yet to be applied to :

- s. 7(1) words substituted by [2018 c. 16 Sch. 3 para. 51\(2\)\(a\)](#) (This amendment is superseded by the substitution of words by [2020 c. 1, Sch. 5 para. 24\(2\)](#) on 23.1.2020)
- s. 16(1) excluded (cond.) by [2006 c. 17 Sch. 2 para. 2\(4\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- s. 18(1) excluded (cond.) by [2006 c. 17 Sch. 2 para. 2\(4\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- s. 31(1) words substituted (cond.) by [2006 c. 17 Sch. 3 para. 2\(2\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- s. 31(1) words substituted (cond.) by [2006 c. 53 Sch. 3 para. 2\(2\)](#) (This amendment not applied to legislation.gov.uk to legislation.gov.uk. It is a conditional amendment that was never brought into force. Sch. 3 repealed (10.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), s. 2(5) (as amended by [2007 c. 4, s. 1\(1\)](#)), Sch. 4 para. 3 (with s. 1(3)); S.I. 2007/1397, art. 2)
- s. 31(2) substituted (cond.) by [2006 c. 17 Sch. 2 para. 4\(1\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- s. 36 savings for effects of [2022 c. 37, Sch. 8 para. 10](#) by [S.I. 2024/319 reg. 16](#)
- s. 36 savings for effects of [2022 c. 37, Sch. 8 para. 10](#) by [S.I. 2024/319 reg. 17](#)
- s. 39(1) modified (cond.) by [2006 c. 17 Sch. 2 para. 2\(6\)\(7\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- s. 44(4) amendment continued (cond.) by [2006 c. 17 Sch. 2 para. 3\(9\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- s. 47 restricted (cond.) by [2006 c. 17 Sch. 2 para. 3\(2\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- s. 65(4) by [2001 c. 6 \(N.I.\) Sch. 1 para. 6](#)
- s. 96(1) words substituted (cond.) by [2006 c. 17 Sch. 3 para. 3\(2\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- s. 96(2) words repealed (cond.) by [2006 c. 17 Sch. 2 para. 4\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- s. 96(2A)-(2D) repealed (cond.) by [2006 c. 17 Sch. 2 para. 4\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Conditional repeal never in force)
- Sch. 10 para. 39(4)-(6) repealed by [S.I. 2003/435 \(N.I.\) Sch. 5](#)

### Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified (cond.) by [2006 c. 17 Sch. 2 para. 2\(5\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 31(2)-(2D) substituted for s. 31(2) (cond.) by [2006 c. 17 Sch. 3 para. 2\(1\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)
- s. 31(2)-(2D) substituted for s. 31(2) (cond.) by [2006 c. 53 Sch. 3 para. 2\(1\)](#) (This amendment not applied to legislation.gov.uk to legislation.gov.uk. It is a conditional amendment that was never brought into force. Sch. 3 repealed (10.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), s. 2(5) (as amended by [2007 c. 4, s. 1\(1\)](#)), Sch. 4 para. 3 (with s. 1(3)); S.I. 2007/1397, art. 2)
- s. 31(2E) inserted (cond.) by [2006 c. 17 Sch. 3 para. 3\(1\)](#) (This amendment not applied to legislation.gov.uk. Conditional amendment never in force)

- Sch. 2 para. 9B inserted by [2009 c. 8 s. 27](#) (This amendment not applied to [legislation.gov.uk](#). The amending provision was repealed (16.2.2011) without ever being in force by 2010 c. 36, ss. 2(1), 4(2))