

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 4(1).

RESERVED MATTERS

Modifications etc. (not altering text)

- C1** Sch. 3 excluded by 1994 c. 9, s. 30A(11)(a) (as inserted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 9](#))

- 1 The conferral of functions in relation to Northern Ireland on any Minister of the Crown [^{F1}apart from the Advocate General for Northern Ireland] .

Textual Amendments

- F1** Words in Sch. 3 para. 1 inserted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), s. 87(1), [Sch. 12 para. 65\(2\)](#); [S.R. 2010/113](#), art. 2, [Sch. para. 20\(c\)](#)

- 2 Property belonging to Her Majesty in right of the Crown or belonging to a department of the Government of the United Kingdom or held in trust for Her Majesty for the purposes of such a department (other than property used for the purposes of the armed forces of the Crown or the Ministry of Defence Police).
- 3 Navigation, including merchant shipping, but not harbours or inland waters.
- 4 Civil aviation but not aerodromes.
- 5 The foreshore and the sea bed and subsoil and their natural resources (except so far as affecting harbours); submarine pipe-lines; submarine cables, including any land line used solely for the purpose of connecting one submarine cable with another.
- 6 Domicile.
- [^{F2}7 The subject-matter of the Postal Services Act 2000.
This paragraph does not include financial assistance for the provision of services (other than postal services and services relating to postal or money orders) to be provided from public post offices.
In this paragraph “postal services” and “public post offices” have the same meanings as in the Postal Services Act 2000.]

Textual Amendments

- F2** Sch. 3 para. 7 substituted (26.3.2001 subject to transitional provision in arts. 3-42 of the commencing S.I.) by [2000 c. 26](#), s. 127(4), [Sch. 8](#), Pt. II para. 26; [S.I. 2001/1148](#), art. 2, [Sch.](#)

- [^{F3}7A The alteration of the number of members of the Assembly returned for each constituency.

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This paragraph does not include—

- (a) the alteration of that number to a number lower than five or higher than six, or
- (b) the provision of different numbers for different constituencies.]

Textual Amendments

F3 Sch. 3 para. 7A inserted (13.5.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), ss. 6(2), 28(4)

8 Disqualification for membership of the Assembly; privileges, powers and immunities of the Assembly, its members and committees greater than those conferred by section 50.

[^{F4}9 (1) The following matters—

- [^{F5}(a) the subject-matter of Parts 2 and 3 of the Regulation of Investigatory Powers Act 2000, so far as relating to the prevention or detection of crime (within the meaning of that Act) or the prevention of disorder;
- (aa) the subject-matter of the following provisions of the Investigatory Powers Act 2016, so far as relating to the prevention or detection of serious crime (within the meaning of that Act)—
 - (i) sections 3 to 10 and Schedule 1,
 - (ii) Part 2, and
 - (iii) Chapter 1 of Part 6;
- (ab) the subject-matter of section 11, Parts 3 and 4 and Chapter 2 of Part 6 of the Investigatory Powers Act 2016, so far as relating to the prevention or detection of crime (within the meaning of that Act) or the prevention of disorder;
- (ac) the subject-matter of section 12 of, and Schedule 2 to, the Investigatory Powers Act 2016, so far as relating to the prevention or detection of crime (within the meaning of that Act);]
- (b) in relation to the prevention or detection of crime, the subject-matter of Part 3 of the Police Act 1997;
- (c) the operation of—
 - (i) sections 21 to 40 of, and Schedules 3 and 4 to, the Justice and Security (Northern Ireland) Act 2007, and
 - (ii) section 102 of, and Schedule 12 to, the Terrorism Act 2000;
- (d) in relation to terrorism, the exercise of the Royal prerogative of mercy;
- (e) the operation of sections 1 to 8 of, and Schedule 1 to, the Justice and Security (Northern Ireland) Act 2007 and the operation of Part 1 of the Criminal Procedure and Investigations Act 1996 where a certificate under section 1 of the 2007 Act has been issued;
- (f) in relation to the regulation of drugs or other substances through the criminal law (including offences, exceptions to offences, penalties, powers of arrest and detention, prosecutions and the treatment of offenders) or otherwise in relation to the prevention or detection of crime—
 - (i) the subject-matter of the Misuse of Drugs Act 1971;
 - (ii) the subject-matter of sections 12 and 13 of the Criminal Justice (International Co-operation) Act 1990;

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- [^{F6}(g) the National Crime Agency;]
(h) in relation to prisons, the accommodation of persons in separated conditions on the grounds of security, safety or good order.

(2) In sub-paragraph (1)(h) “prisons” includes any institution for the detention of persons because of their involvement, or suspected involvement, in crime.

(3) This paragraph does not include any excepted matters or any matter within paragraph 10 of this Schedule.]

Textual Amendments

- F4** Sch. 3 para. 9 substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Amendment of Schedule 3\) Order 2010 \(S.I. 2010/977\)](#), arts. 1(2), **3**
- F5** Sch. 3 para. 9(1)(a)-(ac) substituted for Sch. 3 para. 9(1)(a) (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 para. 2** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 12(g)(i)
- F6** Sch. 3 para. 9(1)(g) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 63**; S.I. 2013/1682, art. 3(v)

^{F7}9A

Textual Amendments

- F7** Sch. 3 para. 9A omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Amendment of Schedule 3\) Order 2010 \(S.I. 2010/977\)](#), arts. 1(2), **8(1)**

[^{F8}10 (1) The subject-matter of the Public Processions (Northern Ireland) Act 1998.

(2) In relation to the maintenance of public order, the armed forces of the Crown (including the conferring of powers, authorities, privileges or immunities on members of the armed forces for the purposes of the maintenance of public order).

(3) This paragraph does not include any matter within paragraph 17 of Schedule 2.]

Textual Amendments

- F8** Sch. 3 para. 10 substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Amendment of Schedule 3\) Order 2010 \(S.I. 2010/977\)](#), arts. 1(2), **4**

[^{F9}11 The operation of the temporary provisions, as defined in section 47 of the Police (Northern Ireland) Act 2000.]

Textual Amendments

- F9** Sch. 3 para. 11 substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Amendment of Schedule 3\) Order 2010 \(S.I. 2010/977\)](#), arts. 1(2), **5**

^{F10}11A

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Textual Amendments

F10 Sch. 3 para. 11A omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Amendment of Schedule 3\) Order 2010 \(S.I. 2010/977\)](#), arts. 1(2), **6**

[^{F11}12 (1) Items for the time being specified in Article 45(1) or (2) of the Firearms (Northern Ireland) Order 2004; and the subject-matter of Article 45(10) of that Order.

(2) The security of explosives, including—

(a) the prevention of loss or theft of explosives,

(b) the prevention of the use of explosives for wrongful purposes, and

(c) the detection, identification and traceability of explosives.

This sub-paragraph does not include the security of fireworks, or the licensing of shotfirers, or the subject-matter of section 2 of the Explosives Act (Northern Ireland) 1970.]

Textual Amendments

F11 Sch. 3 para. 12 substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Amendment of Schedule 3\) Order 2010 \(S.I. 2010/977\)](#), arts. 1(2), **7**

13 Civil defence.

14 The subject-matter of [^{F12}Part 2 of the Civil Contingencies Act 2004] .

Textual Amendments

F12 Words in Sch. 3 para. 14 substituted (10.12.2004) by [Civil Contingencies Act 2004 \(c. 36\)](#), ss. 32, 34, [Sch. 2 para. 13](#); [S.I. 2004/3281](#), art. **2(2)**

^{F13}14A

Textual Amendments

F13 Sch. 3 para. 14A omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Amendment of Schedule 3\) Order 2010 \(S.I. 2010/977\)](#), arts. 1(2), **8(2)**

^{F14}15

Textual Amendments

F14 Sch. 3 para. 15 omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Amendment of Schedule 3\) Order 2010 \(S.I. 2010/977\)](#), arts. 1(2), **8(3)**

^{F15}15A

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Textual Amendments

F15 Sch. 3 para. 15A omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Amendment of Schedule 3\) Order 2010 \(S.I. 2010/977\)](#), arts. 1(2), **8(4)**

16 The ^{F16}... Civil Service Commissioners for Northern Ireland.

Textual Amendments

F16 Words in Sch. 3 para. 16 omitted (13.5.2014) by virtue of [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), ss. **10(2)**, 28(4)

^{F17}17

Textual Amendments

F17 Sch. 3 para. 17 omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Amendment of Schedule 3\) Order 2010 \(S.I. 2010/977\)](#), arts. 1(2), **8(5)**

18 The subject-matter of sections 149 to 151 of and Schedules 5 and 5A to the ^{M1}Social Security Administration (Northern Ireland) Act 1992 (Social Security Advisory Committee and Industrial Injuries Advisory Council).

Marginal Citations

M1 [1992 c.8.](#)

19 The subject-matter of the Vaccine Damage Payment Scheme.

20 Import and export controls and trade with any place outside the United Kingdom but not—

- (a) the furtherance of the trade of Northern Ireland or the protection of traders in Northern Ireland against fraud;
- (b) services in connection with, or the regulation of, the quality, insurance, transport, marketing or identification of agricultural or food products, including livestock;
- (c) the prevention of disease or the control of weeds and pests;
- (d) aerodromes and harbours;
- (e) any matter within paragraph 4 of Schedule 2.

21 The subject-matter of the ^{M2}National Minimum Wage Act 1998.

Marginal Citations

M2 [1998 c.39.](#)

22 The subject-matter of the following provisions of the ^{M3}Pension Schemes Act 1993—

- (a) section 6(1), (2)(a)(i), (iii) and (iv) and (b), (3), (4) and (8) (registration of occupational and personal pension schemes);

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(b) section 145 (Pensions Ombudsman).

Marginal Citations**M3** 1993 c.48.

23

The following matters—

- (a) financial services, including investment business, banking and deposit-taking, collective investment schemes and insurance;
- (b) financial markets, including listing and public offers of securities and investments, transfer of securities and insider dealing.

This paragraph does not include the subject-matter of—

- (a) the ^{M4}Industrial and Provident Societies Act Northern Ireland) 1969;
- (b) the ^{M5}Credit Unions (Northern Ireland) Order 1985;
- (c) the ^{M6}Companies (Northern Ireland) Order 1986;
- (d) the ^{M7}Insolvency (Northern Ireland) Order 1989;
- (e) the ^{M8}Companies (Northern Ireland) Order 1990;
- (f) the ^{M9}Companies (No.2) (Northern Ireland) Order 1990;
- (g) the ^{M10}Open-Ended Investment Companies (Investment Companies with Variable Capital) Regulations (Northern Ireland) 1997.

Marginal Citations**M4** 1969 c.4 (N.I.).**M5** S.I. 1985/1205 (N.I.12).**M6** S.I. 1986/1032 (N.I.6).**M7** S.I. 1989/2405 (N.I.19).**M8** S.I. 1990/593 (N.I.5).**M9** S.I. 1990/504 (N.I.10).**M10** S.R.&O. 1997/251.

24

The subject-matter of—

- (a) the ^{M11}Building Societies Act 1986;
- (b) the ^{M12}Friendly Societies Act 1992.

Marginal Citations**M11** 1986 c.53.**M12** 1992 c.40.

25

The subject-matter of [^{F18}the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017], but in relation to any type of business.

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Textual Amendments

- F18** Words in Sch. 3 para. 25 substituted (26.6.2017) by [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017](#) (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 2(a)** (with regs. 8, 15)

F19 25A

Textual Amendments

- F19** Sch. 3 para. 25A omitted (26.6.2017) by virtue of [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017](#) (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 2(b)** (with regs. 8, 15)

- 26 Regulation of anti-competitive practices and agreements; abuse of dominant position; monopolies and mergers.
- 27 Intellectual property but not the subject-matter of Parts I and II of the ^{M13}Plant Varieties Act 1997 (plant varieties and the Plant Varieties and Seeds Tribunal).

Marginal Citations

- M13** 1997 c.66.

- 28 Units of measurement and United Kingdom primary standards.
- 29 Telecommunications; wireless telegraphy; the provision of programme services (within the meaning of the ^{M14}Broadcasting Act 1990); internet services; electronic encryption; the subject matter of Part II of the ^{M15}Wireless Telegraphy Act 1949 (electromagnetic disturbance).

Marginal Citations

- M14** 1990 c.42.
M15 1949 c.54.

- 30 The National Lottery (except in so far as any matter within Schedule 2 is concerned).
- 31 Xenotransplantation.
- 32 Surrogacy arrangements, within the meaning of the ^{M16}Surrogacy Arrangements Act 1985, including the subject-matter of that Act.

Marginal Citations

- M16** 1985 c.49.

- 33 The subject-matter of the ^{M17}Human Fertilisation and Embryology Act 1990.

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34 Human genetics.

35 Research Councils within the meaning of the ^{M18}Science and Technology Act 1965.**Marginal Citations****M18** 1965 c.4.[^{F20}35A United Kingdom Research and Innovation.]**Textual Amendments****F20** Sch. 3 para. 35A substituted (31.10.2018) by [Higher Education and Research Act 2017 \(c. 29\), s. 124\(5\), Sch. 12 para. 17; S.I. 2018/1054, reg. 2\(d\)\(vii\)](#)36 Areas in which industry may qualify for assistance under Part III of the ^{M19}Industrial Development Act 1982.**Marginal Citations****M19** 1982 c.52.

37 Consumer safety in relation to goods.

38 [^{F21}The subject matter of all technical standards and requirements in relation to products that had effect immediately before [^{F22}IP completion day] in pursuance of an obligation under EU law, other than] standards and requirements in relation to food, agricultural or horticultural produce, fish or fish products, seeds, animal feeding stuffs, fertilisers or pesticides.**Textual Amendments****F21** Words in [Sch. 3 para. 38](#) substituted (31.12.2020) by [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\), Sch. 3 para. 61](#) (with [s. 19, Sch. 8 para. 37](#)); [S.I. 2020/1622, reg. 3\(l\)](#) (with [reg. 10](#))**F22** Words in [Sch. 3 para. 38](#) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 26](#) (with [s. 38\(3\)](#)); [S.I. 2020/1622, reg. 5\(j\)](#) (with [reg. 10](#))39 The subject-matter of section 3(5) to (7) of the ^{M20}Environmental Protection Act 1990 (emission limits); the environmental protection technology scheme for research and development in the United Kingdom.**Marginal Citations****M20** 1990 c.43.

40 The subject-matter of—

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- (a) the ^{M21}Data Protection Act 1984;
- (b) the ^{M22}Data Protection Act 1998; and
- (c) Council Directive [95/46/EC](#) (protection of individuals with regard to the processing of personal data and free movement of such data).

Marginal Citations

M21 [1984 c.35.](#)

M22 [1998 c.35.](#)

41 Oaths and declarations (including all undertakings and affirmations, by whatever name) other than those within section 77(3).

[^{F23}41A(1) The division of local government districts into areas (“district electoral areas”) for the purposes of elections to the councils of those districts.

(2) The determination of the names of district electoral areas.

(3) The determination of the number of councillors to be elected for a district electoral area or a local government district.]

Textual Amendments

F23 Sch. 3 para. 41A inserted (13.5.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), [ss. 12\(2\), 28\(4\)](#)

42 Any matter with which a provision of this Act falling within the following subparagraphs solely or mainly deals—

(a) in Part III, sections 19, 20 [^{F24}, 28, 28A and 28B] ;

[^{F25}(aa) in Part VII, sections 68 to 69A, 69C to 70, 71(2A) to (2C) and Schedule 7;]

(b) in Part VII, sections 73, 74(3) and (4), 75 and 77(1), (2) and (4) to (8) and Schedules 8 and 9;

[^{F26}(ba) in Part VII, sections 78A to 78E;]

(c) in Part VIII, sections 90 to 93 and Schedule 11.

This paragraph does not apply to—

(i) any matter in respect of which it is stated by this Act that provision may be made by Act of the Assembly; or

(ii) any matter to which a description specified in this Schedule or Schedule 2 is stated not to apply.

Textual Amendments

F24 Words in Sch. 3 para. 42(a) substituted (8.5.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), [ss. 19, 27\(4\)\(5\)](#) (as amended by [Northern Ireland \(St Andrews Agreement\) Act 2007 \(c. 4\)](#), [s. 1\(1\)](#)), {Sch. 7 para. 5} (with [s. 1\(3\)](#)); [S.I. 2007/1397](#), [art. 2](#)

F25 Sch. 3 para. 42(aa) inserted (13.5.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), [ss. 11\(2\), 28\(4\)](#)

F26 Sch. 3 para. 42(ba) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), [s. 42\(7\)](#), [Sch. 3 para. 8](#) (with [s. 38\(3\)](#)); [S.I. 2020/1622](#), [reg. 5\(i\)](#)

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