

## SCHEDULES

### SCHEDULE 1

Section 1(1).

#### POLLS FOR THE PURPOSES OF SECTION 1

- 1 The Secretary of State may by order direct the holding of a poll for the purposes of section 1 on a date specified in the order.
- 2 Subject to paragraph 3, the Secretary of State shall exercise the power under paragraph 1 if at any time it appears likely to him that a majority of those voting would express a wish that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland.
- 3 The Secretary of State shall not make an order under paragraph 1 earlier than seven years after the holding of a previous poll under this Schedule.
- 4 (1) An order under this Schedule directing the holding of a poll shall specify—
  - (a) the persons entitled to vote; and
  - (b) the question or questions to be asked.
- (2) An order—
  - (a) may include any other provision about the poll which the Secretary of State thinks expedient (including the creation of criminal offences); and
  - (b) may apply (with or without modification) any provision of, or made under, any enactment.

### SCHEDULE 2

Section 4(1).

#### EXCEPTED MATTERS

- 1 The Crown, including the succession to the Crown and a regency, but not—
  - (a) functions of the First Minister and deputy First Minister, the Northern Ireland Ministers or the Northern Ireland departments, or functions in relation to Northern Ireland of any Minister of the Crown;
  - (b) property belonging to Her Majesty in right of the Crown or belonging to a government department or held in trust for Her Majesty for the purposes of a government department (other than property used for the purposes of the armed forces of the Crown or the Ministry of Defence Police);
  - (c) the foreshore or the sea bed or subsoil or their natural resources so far as vested in Her Majesty in right of the Crown.
- 2 The Parliament of the United Kingdom; parliamentary elections, including the franchise; disqualifications for membership of that Parliament.
- 3 International relations, including relations with territories outside the United Kingdom, the European Communities (and their institutions) and other

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international organisations, and international development assistance and co-operation, but not—

- (a) the surrender of fugitive offenders between Northern Ireland and the Republic of Ireland;
- (b) the exercise of legislative powers so far as required for giving effect to any agreement or arrangement entered into—
  - (i) by a Minister or junior Minister participating, by reason of a nomination under section 52, in a meeting of the North-South Ministerial Council or the British-Irish Council; or
  - (ii) by, or in relation to the activities of, any body established for implementing, on the basis mentioned in paragraph 11 of Strand Two of the Belfast Agreement, policies agreed in the North-South Ministerial Council;
- (c) observing and implementing international obligations, obligations under the Human Rights Convention and obligations under Community law.

In this paragraph “the Human Rights Convention” means the following as they have effect for the time being in relation to the United Kingdom—

- (a) the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950; and
- (b) any Protocols to that Convention which have been ratified by the United Kingdom.

- 4 The defence of the realm; trading with the enemy; the armed forces of the Crown but not any matter within paragraph 10 of Schedule 3; war pensions; the Ministry of Defence Police.
- 5 Control of nuclear, biological and chemical weapons and other weapons of mass destruction.
- 6 Dignities and titles of honour.
- 7 Treason but not powers of arrest or criminal procedure.
- 8 Nationality; immigration, including asylum and the status and capacity of persons in the United Kingdom who are not British citizens; free movement of persons within the European Economic Area; issue of travel documents.
- 9 The following matters—
  - (a) taxes or duties under any law applying to the United Kingdom as a whole;
  - (b) stamp duty levied in Northern Ireland before the appointed day; and
  - (c) taxes or duties substantially of the same character as those mentioned in sub-paragraph (a) or (b).
- 10 The following matters—
  - (a) national insurance contributions;
  - (b) the control and management of the Northern Ireland National Insurance Fund and payments into and out of that Fund;
  - (c) reductions in and deductions from national insurance contributions;
  - (d) national insurance rebates;
  - (e) payments out of public money to money purchase pension schemes;
  - (f) contributions equivalent premiums;
  - (g) rights to return to the state pension scheme.

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Sub-paragraph (a) includes the determination, payment, collection and return of national insurance contributions and matters incidental to those matters.

Sub-paragraph (b) does not include payments out of the Northern Ireland National Insurance Fund which relate to—

- (i) the benefits mentioned in section 143(1) of the Social Security Administration (Northern Ireland) Act 1992, or benefits substantially of the same character as those benefits; or
- (ii) administrative expenses incurred in connection with matters not falling within sub-paragraphs (a) to (g).

Sub-paragraphs (b) and (e) do not include payments out of or into the Northern Ireland National Insurance Fund under—

- (i) section 172(1)(b), (2)(a) or (7)(c) of the Pension Schemes (Northern Ireland) Act 1993; or
- (ii) Article 202, 227, 234 or 252 of the Employment Rights (Northern Ireland) Order 1996.

In this paragraph “contributions equivalent premium” has the meaning given by section 51(2) of the Pension Schemes (Northern Ireland) Act 1993.

- 11 The appointment and removal of judges of the Supreme Court of Judicature of Northern Ireland, holders of offices listed in column 1 of Schedule 3 to the Judicature (Northern Ireland) Act 1978, county court judges, recorders, resident magistrates, justices of the peace, members of juvenile court panels, coroners, the Chief and other Social Security Commissioners for Northern Ireland, the Chief and other Child Support Commissioners for Northern Ireland and the President and other members of the Lands Tribunal for Northern Ireland.
- 12 Elections, including the franchise, in respect of the Northern Ireland Assembly, the European Parliament and district councils.
- 13 The registration of political parties.
- 14 Coinage, legal tender and bank notes.
- 15 The National Savings Bank.
- 16 The subject-matter of the Protection of Trading Interests Act 1980.
- 17 National security (including the Security Service, the Secret Intelligence Service and the Government Communications Headquarters); special powers and other provisions for dealing with terrorism or subversion; the subject-matter of—
  - (a) the Official Secrets Acts 1911 and 1920;
  - (b) the Interception of Communications Act 1985, except so far as relating to the prevention or detection of serious crime (within the meaning of that Act); and
  - (c) the Official Secrets Act 1989, except so far as relating to any information, document or other article protected against disclosure by section 4(2) (crime) and not by any other provision of sections 1 to 4.
- 18 Nuclear energy and nuclear installations, including nuclear safety, security and safeguards, and liability for nuclear occurrences, but not the subject-matter of—
  - (a) section 3(5) to (7) of the Environmental Protection Act 1990 (emission limits); or
  - (b) the Radioactive Substances Act 1993.

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- 19 Regulation of sea fishing outside the Northern Ireland zone (except in relation to Northern Ireland fishing boats).  
In this paragraph “Northern Ireland fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Northern Ireland as the port to which the vessel is to be treated as belonging.
- 20 Regulation of activities in outer space.
- 21 Any matter with which a provision of the Northern Ireland Constitution Act 1973 solely or mainly deals.
- 22 Any matter with which a provision of this Act falling within the following subparagraphs solely or mainly deals—
- (a) Parts I and II;
  - (b) Part III except sections 19, 20, 22, 23(2) to (4) and 28;
  - (c) Part IV except sections 40, 43, 44(8) and 50 and Schedule 5;
  - (d) in Part V, sections 52 and 54;
  - (e) Part VI except sections 57(1) and 67;
  - (f) Part VII except sections 73, 74(1) to (4), 75 and 77 and Schedules 8 and 9;
  - (g) in Part VIII, sections 79 to 83 and Schedule 10.

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;
- (ii) any matter to which a description specified in this Schedule or Schedule 3 is stated not to apply; or
- (iii) any matter falling within a description specified in Schedule 3.

### SCHEDULE 3

Section 4(1).

#### RESERVED MATTERS

- 1 The conferral of functions in relation to Northern Ireland on any Minister of the Crown.
- 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.
- 7 The Post Office, posts (including postage stamps, postal orders and postal packets) and the regulation of postal services.

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- 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.
- 9 The following matters—
- (a) the criminal law;
  - (b) the creation of offences and penalties;
  - (c) the prevention and detection of crime and powers of arrest and detention in connection with crime or criminal proceedings;
  - (d) prosecutions;
  - (e) the treatment of offenders (including children and young persons, and mental health patients, involved in crime);
  - (f) the surrender of fugitive offenders between Northern Ireland and the Republic of Ireland;
  - (g) compensation out of public funds for victims of crime.
- Sub-paragraphs (a) to (c) do not include any matter within paragraph 17 of Schedule 2.
- Sub-paragraph (e) includes, in particular, prisons and other institutions for the treatment or detention of persons mentioned in that sub-paragraph.
- 10 The maintenance of public order, including the conferring of powers, authorities, privileges or immunities for that purpose on constables, members of the armed forces of the Crown and other persons (other than the Ministry of Defence Police), but not any matter within paragraph 17 of Schedule 2; the Parades Commission for Northern Ireland.
- 11 The establishment, organisation and control of the Royal Ulster Constabulary and of any other police force (other than the Ministry of Defence Police); the Police Authority for Northern Ireland; traffic wardens.
- 12 Firearms and explosives.
- 13 Civil defence.
- 14 The subject-matter of the Emergency Powers Act Northern Ireland) 1926.
- 15 All matters, other than those specified in paragraph 11 of Schedule 2, relating to the Supreme Court of Judicature of Northern Ireland, county courts, courts of summary jurisdiction (including magistrates' courts and juvenile courts) and coroners, including procedure, evidence, appeals, juries, costs, legal aid and the registration, execution and enforcement of judgments and orders but not—
- (a) bankruptcy, insolvency, the winding up of corporate and unincorporated bodies or the making of arrangements or compositions with creditors;
  - (b) the regulation of the profession of solicitors.
- 16 The functions and procedures of the Civil Service Commissioners for Northern Ireland.
- 17 All matters (including procedure and appeals) relating to—
- (a) the Chief and other Social Security Commissioners for Northern Ireland; or
  - (b) the Chief and other Child Support Commissioners for Northern Ireland,
- but not any matter within paragraph 11 of Schedule 2.

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- 18 The subject-matter of sections 149 to 151 of and Schedules 5 and 5A to the Social Security Administration (Northern Ireland) Act 1992 (Social Security Advisory Committee and Industrial Injuries Advisory Council).
- 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 National Minimum Wage Act 1998.
- 22 The subject-matter of the following provisions of the 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);
  - (b) section 145 (Pensions Ombudsman).
- 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 Industrial and Provident Societies Act Northern Ireland) 1969;
  - (b) the Credit Unions (Northern Ireland) Order 1985;
  - (c) the Companies (Northern Ireland) Order 1986;
  - (d) the Insolvency (Northern Ireland) Order 1989;
  - (e) the Companies (Northern Ireland) Order 1990;
  - (f) the Companies (No.2) (Northern Ireland) Order 1990;
  - (g) the Open-Ended Investment Companies (Investment Companies with Variable Capital) Regulations (Northern Ireland) 1997.
- 24 The subject-matter of—
- (a) the Building Societies Act 1986;
  - (b) the Friendly Societies Act 1992.
- 25 The subject-matter of the Money Laundering Regulations 1993, but in relation to any type of business.
- 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 Plant Varieties Act 1997 (plant varieties and the Plant Varieties and Seeds Tribunal).
- 28 Units of measurement and United Kingdom primary standards.

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- 29 Telecommunications; wireless telegraphy; the provision of programme services (within the meaning of the Broadcasting Act 1990); internet services; electronic encryption; the subject matter of Part II of the Wireless Telegraphy Act 1949 (electromagnetic disturbance).
- 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 Surrogacy Arrangements Act 1985, including the subject-matter of that Act.
- 33 The subject-matter of the Human Fertilisation and Embryology Act 1990.
- 34 Human genetics.
- 35 Research Councils within the meaning of the Science and Technology Act 1965.
- 36 Areas in which industry may qualify for assistance under Part III of the Industrial Development Act 1982.
- 37 Consumer safety in relation to goods.
- 38 Technical standards and requirements in relation to products in pursuance of an obligation under Community law but not standards and requirements in relation to food, agricultural or horticultural produce, fish or fish products, seeds, animal feeding stuffs, fertilisers or pesticides.
- 39 The subject-matter of section 3(5) to (7) of the Environmental Protection Act 1990 (emission limits); the environmental protection technology scheme for research and development in the United Kingdom.
- 40 The subject-matter of—  
(a) the Data Protection Act 1984;  
(b) the 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).
- 41 Oaths and declarations (including all undertakings and affirmations, by whatever name) other than those within section 77(3).
- 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 and 28;  
(b) in Part VII, sections 73, 74(3) and (4), 75 and 77(1), (2) and (4) to (8) and Schedules 8 and 9;  
(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.

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## SCHEDULE 4

Section 16(10).

### ANNEX A TO STRAND ONE OF BELFAST AGREEMENT

#### PLEDGE OF OFFICE

To pledge:

- (a) to discharge in good faith all the duties of office;
- (b) commitment to non-violence and exclusively peaceful and democratic means;
- (c) to serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination;
- (d) to participate with colleagues in the preparation of a programme for government;
- (e) to operate within the framework of that programme when agreed within the Executive Committee and endorsed by the Assembly;
- (f) to support, and act in accordance with, all decisions of the Executive Committee and Assembly;
- (g) to comply with the Ministerial Code of Conduct.

#### CODE OF CONDUCT

Ministers must at all times:

observe the highest standards of propriety and regularity involving impartiality, integrity and objectivity in relationship to the stewardship of public funds;

be accountable to users of services, the community and, through the Assembly, for the activities within their responsibilities, their stewardship of public funds and the extent to which key performance targets and objectives have been met;

ensure all reasonable requests for information from the Assembly, users of services and individual citizens are complied with; and that Departments and their staff conduct their dealings with the public in an open and responsible way;

follow the seven principles of public life set out by the Committee on Standards in Public Life;

comply with this code and with rules relating to the use of public funds;

operate in a way conducive to promoting good community relations and equality of treatment;

not use information gained in the course of their service for personal gain; nor seek to use the opportunity of public service to promote their private interests;

ensure they comply with any rules on the acceptance of gifts and hospitality that might be offered;

declare any personal or business interests which may conflict with their responsibilities. The Assembly will retain a Register of Interests. Individuals must ensure that any direct or indirect pecuniary interests which members of the public might reasonably think could influence their judgement are listed in the Register of Interests.



## SCHEDULE 5

Section 40(10).

### NORTHERN IRELAND ASSEMBLY COMMISSION

#### *Membership*

- 1 A person appointed under standing orders made under section 40(2)(b) shall hold office until another member of the Assembly is appointed in his place, unless he previously resigns or ceases to be a member of the Assembly otherwise than by virtue of a dissolution.

#### *Staff*

- 2 (1) The Commission may appoint staff.
- (2) The persons appointed by the Commission are referred to in this Act as the staff of the Assembly.
- (3) It is for the Commission to determine the terms and conditions of appointment of the staff of the Assembly, including arrangements for the payment of pensions, gratuities or allowances to, or in respect of, any person who has ceased to be a member of the staff of the Assembly.
- (4) Accordingly, the Commission may—
- (a) make contributions or payments towards provision for such pensions, gratuities or allowances;
  - (b) establish and administer one or more pension schemes.
- (5) The power conferred by sub-paragraph (1) includes power to make arrangements for administrative, secretarial or other assistance to be provided for the Commission by officers of the civil service of Northern Ireland or the civil service; and the reference in sub-paragraph (2) to persons appointed by the Commission shall be construed accordingly.

#### *Powers*

- 3 (1) Subject to sub-paragraph (4), the Commission may do anything which appears to it to be necessary or expedient for the purpose of or in connection with the discharge of its functions.
- (2) That includes, in particular—
- (a) holding property;
  - (b) charging for goods or services;
  - (c) entering into contracts;
  - (d) investing sums not immediately required in relation to the discharge of its functions; and
  - (e) accepting gifts.
- (3) The Commission may sell goods or provide services, and may make arrangements for the sale of goods or provision of services, to the public.
- (4) The Commission may borrow sums in sterling by way of overdraft or otherwise for the purpose of meeting a temporary excess of expenditure over sums otherwise available to meet that expenditure.

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- (5) The Commission may borrow money only under sub-paragraph (4) and may borrow under that sub-paragraph only with the special or general approval of the Assembly.

*Delegation*

- 4 The Commission may delegate any of its functions to the Presiding Officer or a member of the staff of the Assembly.

*Proceedings and business*

- 5 (1) The validity of any acts of the Commission shall not be affected by any vacancy among the members, or by any defect in the appointment, or qualification for membership, of any member.
- (2) The Commission may determine its own procedure.
- (3) The Presiding Officer shall preside at meetings of the Commission, but the Commission may appoint another of its members to preside if the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act.

*Crown status*

- 6 (1) Her Majesty may by Order in Council provide for the Commission to be treated to any extent as a Crown body for the purposes of any enactment.
- (2) In particular, the Order may for the purposes of any enactment provide—
- (a) for employment under the Commission to be treated as employment under the Commission as a Crown body;
  - (b) for land held, used or managed by the Commission, or operations carried out by or on behalf of the Commission, to be treated (as the case may be) as land held, used or managed, or operations carried out by or on behalf of, the Commission as a Crown body.
- (3) For the purposes of this paragraph, “Crown body” means a body which is the servant or agent of the Crown, and includes a government department.
- (4) A statutory instrument containing an Order in Council under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

SCHEDULE 6

Section 41(3).

STANDING ORDERS: FURTHER PROVISION

*Preservation of order*

- 1 (1) The standing orders shall include provision for preserving order in the proceedings of the Assembly, including provision for—
- (a) preventing conduct which would constitute a criminal offence or contempt of court; and
  - (b) a sub judice rule.

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- (2) Such provision may provide for excluding a member of the Assembly from proceedings and for withdrawing his rights and privileges as a member for the period of his exclusion.

*Proceedings to be in public*

- 2 (1) The standing orders shall include provision requiring the proceedings of the Assembly to be held in public, except in such circumstances as the standing orders may provide.
- (2) The standing orders may include provision as to the conditions to be complied with by any member of the public attending the proceedings, including provision for excluding from the proceedings any member of the public who does not comply with those conditions.

*Reporting and publishing proceedings*

- 3 The standing orders shall include provision for reporting the proceedings of the Assembly and for publishing the reports.

*Committees*

- 4 (1) The standing orders shall include provision for ensuring that, in appointing members to committees, regard is had to the balance of parties in the Assembly.
- (2) The standing orders may include provision for excluding from the proceedings of a committee a member of the Assembly who is not a member of the committee.

SCHEDULE 7

Section 68(4).

THE NORTHERN IRELAND HUMAN RIGHTS COMMISSION

*Introductory*

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

*Commissioners' tenure*

- 2 (1) Subject to the provisions of this Schedule, a Commissioner shall hold office in accordance with the terms of his appointment.
- (2) A Commissioner shall not be appointed—
- (a) in the case of the Chief Commissioner, for more than five years at a time; and
- (b) in any other case, for more than three years at a time.
- (3) A person may resign as a Commissioner or as Chief Commissioner by notice in writing to the Secretary of State.
- (4) The Secretary of State may dismiss a person from his office as Commissioner or Chief Commissioner if satisfied—

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- (a) that he has without reasonable excuse failed to discharge his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal;
- (b) that he has been convicted of a criminal offence;
- (c) that a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
- (d) that he is unable or unfit to carry out his functions.

*Commissioners' salary etc.*

- 3 (1) The Commission shall pay to or in respect of Commissioners—
- (a) remuneration;
  - (b) allowances and fees; and
  - (c) sums for the provision of pensions,
- in accordance with directions of the Secretary of State.
- (2) Where a person who by reference to any office or employment is a participant in a scheme under section 1 of the Superannuation Act 1972 becomes a Commissioner or the Chief Commissioner, the Minister for the Civil Service may, notwithstanding any provision made under sub-paragraph (1)(c), determine that the person's service as Commissioner or Chief Commissioner shall be treated for the purposes of the scheme as service in that office or employment.

*Staff*

- 4 (1) The Commission may employ staff subject to the approval of the Secretary of State as to numbers and as to remuneration and other terms and conditions of employment.
- (2) Employment with the Commission shall be included among the kinds of employment to which a superannuation scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) after "Commission for Racial Equality" insert—
- "Northern Ireland Human Rights Commission".
- (3) The Commission shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (2) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

*Annual report*

- 5 (1) The Commission shall, as soon as reasonably practicable after the end of each year, make a report to the Secretary of State on the performance of its functions during the year.
- (2) The Secretary of State shall lay a copy of the report before each House of Parliament.

*Money*

- 6 The Secretary of State may make grants to the Commission out of money provided by Parliament.

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- 7 (1) The Commission shall keep proper accounts and financial records.
- (2) The Commission shall—
- (a) prepare a statement of accounts in respect of each financial year containing such information, and in such form, as the Secretary of State with the consent of the Treasury directs; and
  - (b) send a copy to the Secretary of State and to the Comptroller and Auditor General within such period after the end of the financial year as the Secretary of State directs.
- (3) The Comptroller and Auditor General shall—
- (a) examine, certify and report on the statement of accounts; and
  - (b) lay a copy of the statement of accounts and of his report before each House of Parliament.
- (4) For the purposes of this paragraph—
- (a) a financial year is a period of twelve months ending on 31st March; but
  - (b) the first financial year is the period beginning with the day on which section 68 comes into force and ending with the first 31st March which falls at least six months after that day.

#### *Procedure*

- 8 (1) In determining its own procedure the Commission may, in particular, make provision about—
- (a) the discharge of its functions by committees (which may include persons who are not Commissioners);
  - (b) a quorum for meetings of the Commission or a committee.
- (2) The validity of any proceedings of the Commission or a committee shall not be affected by—
- (a) a vacancy in the office of Chief Commissioner; or
  - (b) a defect in the appointment of a Commissioner.

#### *Disqualification*

- 9 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert—
- “Northern Ireland Human Rights Commissioner”.
- 10 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert—
- “Northern Ireland Human Rights Commissioner”.

#### *Status*

- 11 The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and property of the Commission shall not be regarded as property of, or held on behalf of, the Crown.

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## SCHEDULE 8

Section 73(5).

## THE EQUALITY COMMISSION FOR NORTHERN IRELAND

*Introductory*

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

*Commissioners' tenure*

- 2 (1) Subject to the provisions of this Schedule, a Commissioner shall hold office in accordance with the terms of his appointment.
- (2) A Commissioner shall not be appointed—
- (a) in the case of the Chief Commissioner, for more than five years at a time; and
  - (b) in any other case, for more than three years at a time.
- (3) A person may resign as a Commissioner, as the Chief Commissioner or as a Deputy Chief Commissioner by notice in writing to the Secretary of State.
- (4) The Secretary of State may dismiss a person from his office of Commissioner, Chief Commissioner or Deputy Chief Commissioner if satisfied—
- (a) that he has without reasonable excuse failed to discharge his functions for a continuous period of three months beginning not earlier than six months before the day of dismissal;
  - (b) that he has been convicted of a criminal offence;
  - (c) that a bankruptcy order has been made against him, or his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
  - (d) that he is unable or unfit to carry out his functions.

*Commissioners' salary etc.*

- 3 The Department of Economic Development may with the approval of the Department of Finance and Personnel pay to or in respect of Commissioners—
- (a) remuneration;
  - (b) allowances and fees; and
  - (c) sums for the provision of pensions.

*Staff*

- 4 (1) The Commission may with the approval of the Department of Economic Development and the Department of Finance and Personnel as to numbers and as to remuneration and other terms and conditions of employment—
- (a) employ such staff as the Commission considers necessary;
  - (b) employ the services of such other persons as the Commission considers expedient for any particular purpose.
- (2) The Commission may, in the case of such of its staff as may be determined by it with the approval of the Department of Economic Development and the Department of

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Finance and Personnel, pay such pensions, allowances or gratuities, or provide and maintain such pension schemes, as may be so determined.

- (3) Payments made or expenses incurred under this paragraph shall be defrayed out of money appropriated by Act of the Assembly.

#### *Annual report*

- 5 (1) The Commission shall, as soon as reasonably practicable after the end of each year, make a report to the Department of Economic Development—
- (a) on the performance of its functions during the year; and
  - (b) on any steps which, during the year, have been taken by it and other public authorities to promote such equality of opportunity as is mentioned in section 75(1).
- (2) The report shall, in particular, give details of how resources have been divided between the functions previously exercisable by each of the bodies listed in section 74(2).
- (3) The Department shall lay a copy of the report before the Assembly and send a copy of the report to the Secretary of State.
- (4) The Secretary of State shall lay a copy of the report before each House of Parliament.

#### *Money*

- 6 (1) Expenditure incurred by the Commission may be defrayed as expenses of the Department of Economic Development if authorised by that Department and the Department of Finance and Personnel.
- (2) Expenditure defrayed under this paragraph shall be defrayed out of money appropriated by Act of the Assembly and an authorisation for the purposes of this paragraph may be general or specific.
- 7 (1) The Commission shall keep accounts and financial records in a form approved by the Department of Economic Development.
- (2) The Commission shall—
- (a) prepare a statement of accounts in respect of each financial year containing such information, and in such form, as is directed by the Department of Economic Development with the consent of the Department of Finance and Personnel; and
  - (b) send a copy to the Department of Economic Development and to the Comptroller and Auditor General for Northern Ireland within such period after the end of the financial year as the Department directs.
- (3) The Comptroller and Auditor General for Northern Ireland shall—
- (a) examine, certify and report on the statement of accounts; and
  - (b) send a copy of the statement of accounts and of his report to the Department of Economic Development.
- (4) The Department shall lay a copy of the statement of accounts and the Comptroller and Auditor General's report before the Assembly.
- (5) For the purposes of this paragraph—

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

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- (a) a financial year is a period of twelve months ending on 31st March; but
- (b) the first financial year is the period beginning with the day on which section 73 comes into force and ending with the first 31st March which falls at least six months after that day.

*Procedure*

- 8 (1) In determining its own procedure the Commission may, in particular, make provision about—
- (a) the discharge of its functions by committees (which may include persons who are not Commissioners);
  - (b) a quorum for meetings of the Commission or a committee.
- (2) The validity of any proceedings of the Commission or a committee shall not be affected by—
- (a) a vacancy in the office of Chief Commissioner or Deputy Chief Commissioner; or
  - (b) a defect in the appointment of a Commissioner.

*Disqualification*

- 9 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies whose members are disqualified) at the appropriate place insert—
- “The Equality Commission for Northern Ireland”.
- 10 In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified) at the appropriate place insert—
- “The Equality Commission for Northern Ireland”.

*The Northern Ireland Commissioner for Complaints*

- 11 In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (bodies subject to investigation) at the appropriate place insert—
- “The Equality Commission for Northern Ireland”.

*Status*

- 12 The Commission shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and property of the Commission shall not be regarded as property of, or held on behalf of, the Crown.

SCHEDULE 9

Section 75(4).

EQUALITY: ENFORCEMENT OF DUTIES

*The Equality Commission*

- 1 The Equality Commission for Northern Ireland shall—



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

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- (a) keep under review the effectiveness of the duties imposed by section 75;
- (b) offer advice to public authorities and others in connection with those duties;  
and
- (c) carry out the functions conferred on it by the following provisions of this Schedule.

#### *Equality schemes*

- 2 (1) A public authority to which this sub-paragraph applies shall, before the end of the period of six months beginning with the commencement of this Schedule or, if later, the establishment of the authority, submit a scheme to the Commission.
- (2) Sub-paragraph (1) applies to any public authority except one which is notified in writing by the Commission that that sub-paragraph does not apply to it.
- 3 (1) Where it thinks appropriate, the Commission may—
- (a) request a public authority to which paragraph 2(1) does not apply to make a scheme;
  - (b) request any public authority to make a revised scheme.
- (2) A public authority shall respond to a request under this paragraph by submitting a scheme to the Commission before the end of the period of six months beginning with the date of the request.
- 4 (1) A scheme shall show how the public authority proposes to fulfil the duties imposed by section 75 in relation to the relevant functions.
- (2) A scheme shall state, in particular, the authority’s arrangements—
- (a) for assessing its compliance with the duties under section 75 and for consulting on matters to which a duty under that section is likely to be relevant (including details of the persons to be consulted);
  - (b) for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity;
  - (c) for monitoring any adverse impact of policies adopted by the authority on the promotion of equality of opportunity;
  - (d) for publishing the results of such assessments as are mentioned in paragraph (b) and such monitoring as is mentioned in paragraph (c);
  - (e) for training staff;
  - (f) for ensuring, and assessing, public access to information and to services provided by the authority.
- (3) A scheme shall—
- (a) conform to any guidelines as to form or content which are issued by the Commission with the approval of the Secretary of State;
  - (b) specify a timetable for measures proposed in the scheme; and
  - (c) include details of how it will be published.
- (4) In this paragraph—
- “equality of opportunity” means such equality of opportunity as is mentioned in section 75(1);

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

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“the relevant functions” means the functions of the public authority or, in the case of a scheme submitted in response to a request which specifies particular functions of the public authority, those functions.

- 5 Before submitting a scheme a public authority shall consult, in accordance with any directions given by the Commission—
- (a) representatives of persons likely to be affected by the scheme; and
  - (b) such other persons as may be specified in the directions.
- 6 (1) On receipt of a scheme the Commission shall—
- (a) approve it; or
  - (b) refer it to the Secretary of State.
- (2) Where the Commission refers a scheme to the Secretary of State under sub-paragraph (1)(b), it shall notify the Assembly in writing that it has done so and send the Assembly a copy of the scheme.
- 7 (1) Where a scheme is referred to the Secretary of State he shall—
- (a) approve it;
  - (b) request the public authority to make a revised scheme; or
  - (c) make a scheme for the public authority.
- (2) A request under sub-paragraph (1)(b) shall be treated in the same way as a request under paragraph 3(1)(b).
- (3) Where the Secretary of State—
- (a) requests a revised scheme under sub-paragraph (1)(b); or
  - (b) makes a scheme under sub-paragraph (1)(c),
- he shall notify the Assembly in writing that he has done so and, in a case falling within paragraph (b), send the Assembly a copy of the scheme.
- 8 (1) If a public authority wishes to revise a scheme it may submit a revised scheme to the Commission.
- (2) A revised scheme shall be treated as if it were submitted in response to a request under paragraph 3(1)(b).
- (3) A public authority shall, before the end of the period of five years beginning with the submission of its current scheme, or the latest review of that scheme under this sub-paragraph, whichever is the later, review that scheme and inform the Commission of the outcome of the review.

*Duties arising out of equality schemes*

- 9 (1) In publishing the results of such an assessment as is mentioned in paragraph 4(2)(b), a public authority shall state the aims of the policy to which the assessment relates and give details of any consideration given by the authority to—
- (a) measures which might mitigate any adverse impact of that policy on the promotion of equality of opportunity; and
  - (b) alternative policies which might better achieve the promotion of equality of opportunity.
- (2) In making any decision with respect to a policy adopted or proposed to be adopted by it, a public authority shall take into account any such assessment and consultation as is mentioned in paragraph 4(2)(b) carried out in relation to the policy.

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

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- (3) In this paragraph “equality of opportunity” has the same meaning as in paragraph 4.

#### *Complaints*

- 10 (1) If the Commission receives a complaint made in accordance with this paragraph of failure by a public authority to comply with a scheme approved or made under paragraph 6 or 7, it shall—
- (a) investigate the complaint; or
  - (b) give the complainant reasons for not investigating.
- (2) A complaint must be made in writing by a person who claims to have been directly affected by the failure.
- (3) A complaint must be sent to the Commission during the period of 12 months starting with the day on which the complainant first knew of the matters alleged.
- (4) Before making a complaint the complainant must—
- (a) bring the complaint to the notice of the public authority; and
  - (b) give the public authority a reasonable opportunity to respond.

#### *Investigations*

- 11 (1) This paragraph applies to—
- (a) investigations required by paragraph 10; and
  - (b) any other investigation carried out by the Commission where it believes that a public authority may have failed to comply with a scheme approved or made under paragraph 6 or 7.
- (2) The Commission shall send a report of the investigation to—
- (a) the public authority concerned;
  - (b) the Secretary of State; and
  - (c) the complainant (if any).
- (3) If a report recommends action by the public authority concerned and the Commission considers that the action is not taken within a reasonable time—
- (a) the Commission may refer the matter to the Secretary of State; and
  - (b) the Secretary of State may give directions to the public authority in respect of any matter referred to him.
- (4) Where the Commission—
- (a) sends a report to the Secretary of State under sub-paragraph (2)(b); or
  - (b) refers a matter to the Secretary of State under sub-paragraph (3)(a),
- it shall notify the Assembly in writing that it has done so and, in a case falling within paragraph (a), send the Assembly a copy of the report.
- (5) Where the Secretary of State gives directions to a public authority under sub-paragraph (3)(b), he shall notify the Assembly in writing that he has done so.

#### *Government departments*

- 12 (1) Paragraphs 6, 7 and 11(2)(b) and (3) do not apply to a government department which is such a public authority as is mentioned in section 75(3)(a).

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

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- (2) On receipt of a scheme submitted by such a government department under paragraph 2 or 3 the Commission shall—
- (a) approve it; or
  - (b) request the department to make a revised scheme.
- (3) A request under sub-paragraph (2)(b) shall be treated in the same way as a request under paragraph 3(1)(b).
- (4) Where a request is made under sub-paragraph (2)(b), the government department shall, if it does not submit a revised scheme to the Commission before the end of the period of six months beginning with the date of the request, send to the Commission a written statement of the reasons for not doing so.
- (5) The Commission may lay before Parliament and the Assembly a report of any investigation such as is mentioned in paragraph 11(1) relating to a government department such as is mentioned in sub-paragraph (1).

## SCHEDULE 10

Section 79.

### DEVOLUTION ISSUES

#### PART I

##### PRELIMINARY

- 1 In this Schedule “devolution issue” means—
- (a) a question whether any provision of an Act of the Assembly is within the legislative competence of the Assembly;
  - (b) a question whether a purported or proposed exercise of a function by a Minister or Northern Ireland department is, or would be, invalid by reason of section 24;
  - (c) a question whether a Minister or Northern Ireland department has failed to comply with any of the Convention rights, any obligation under Community law or any order under section 27 so far as relating to such an obligation; or
  - (d) any question arising under this Act about excepted or reserved matters.
- 2 A devolution issue shall not be taken to arise in any proceedings merely because of any contention of a party to the proceedings which appears to the court or tribunal before which the proceedings take place to be frivolous or vexatious.

#### PART II

##### PROCEEDINGS IN NORTHERN IRELAND

###### *Application of Part II*

- 3 This Part of this Schedule applies in relation to devolution issues in proceedings in Northern Ireland.

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

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#### *Institution of proceedings*

- 4 (1) Proceedings for the determination of a devolution issue may be instituted or defended by the Attorney General or the Attorney General for Northern Ireland.
- (2) The First Minister and the deputy First Minister acting jointly may defend any such proceedings.
- (3) This paragraph is without prejudice to any power to institute or defend proceedings exercisable apart from this paragraph by any person.

#### *Notice of devolution issue*

- 5 A court or tribunal shall order notice of any devolution issue which arises in any proceedings before it to be given to the Attorney General, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister (unless the person to whom the notice would be given is a party to the proceedings).
- 6 A person to whom notice is given in pursuance of paragraph 5 or, where such notice is given to the First Minister and the deputy First Minister, those Ministers acting jointly may take part as a party in the proceedings, so far as they relate to a devolution issue.

#### *Reference of devolution issue to Court of Appeal*

- 7 A court, other than the House of Lords or the Court of Appeal in Northern Ireland, may refer any devolution issue which arises in any proceedings before it to the Court of Appeal in Northern Ireland.
- 8 A tribunal from which there is no appeal shall refer any devolution issue which arises in any proceedings before it to the Court of Appeal in Northern Ireland; and any other tribunal may make such a reference.

#### *References from Court of Appeal to Judicial Committee*

- 9 The Court of Appeal in Northern Ireland may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 7 or 8) to the Judicial Committee.

#### *Appeals from Court of Appeal to Judicial Committee*

- 10 An appeal against a determination of a devolution issue by the Court of Appeal in Northern Ireland on a reference under paragraph 7 or 8 shall lie to the Judicial Committee, but only with leave of the Court of Appeal in Northern Ireland or, failing such leave, with special leave of the Judicial Committee.

### **PART III**

#### PROCEEDINGS IN ENGLAND AND WALES

#### *Application of Part III*

- 11 This Part of this Schedule applies in relation to devolution issues in proceedings in England and Wales.

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

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*Institution of proceedings*

- 12 (1) Proceedings for the determination of a devolution issue may be instituted or defended by the Attorney General.
- (2) The Attorney General for Northern Ireland or the First Minister and the deputy First Minister acting jointly may defend any such proceedings.
- (3) This paragraph is without prejudice to any power to institute or defend proceedings exercisable apart from this paragraph by any person.

*Notice of devolution issue*

- 13 A court or tribunal shall order notice of any devolution issue which arises in any proceedings before it to be given to the Attorney General, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister (unless the person to whom the notice would be given is a party to the proceedings).
- 14 A person to whom notice is given in pursuance of paragraph 13 or, where such notice is given to the First Minister and the deputy First Minister, those Ministers acting jointly may take part as a party in the proceedings, so far as they relate to a devolution issue.

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

- 15 A magistrates' court may refer any devolution issue which arises in proceedings (other than criminal proceedings) before it to the High Court.
- 16 (1) A court may refer any devolution issue which arises in proceedings (other than criminal proceedings) before it to the Court of Appeal.
- (2) Sub-paragraph (1) does not apply to—
- (a) a magistrates' court, the Court of Appeal or the House of Lords; or
  - (b) the High Court if the devolution issue arises in proceedings on a reference under paragraph 15.
- 17 A tribunal from which there is no appeal shall refer any devolution issue which arises in proceedings before it to the Court of Appeal; and any other tribunal may make such a reference.
- 18 A court, other than the House of Lords or the Court of Appeal, may refer any devolution issue which arises in criminal proceedings before it to—
- (a) the High Court (if the proceedings are summary proceedings); or
  - (b) the Court of Appeal (if the proceedings are proceedings on indictment).

*References from Court of Appeal to Judicial Committee*

- 19 The Court of Appeal may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 16, 17 or 18) to the Judicial Committee.

*Appeals from superior courts to Judicial Committee*

- 20 An appeal against a determination of a devolution issue by the High Court or the Court of Appeal on a reference under paragraph 15, 16, 17 or 18 shall lie to the

Judicial Committee, but only with leave of the High Court or the Court of Appeal or, failing such leave, with special leave of the Judicial Committee.

## PART IV

### PROCEEDINGS IN SCOTLAND

#### *Application of Part IV*

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

#### *Institution of proceedings*

- 22 (1) Proceedings for the determination of a devolution issue may be instituted or defended by the Advocate General for Scotland.
- (2) The Attorney General for Northern Ireland or the First Minister and the deputy First Minister acting jointly may defend any such proceedings.
- (3) This paragraph is without prejudice to any power to institute or defend proceedings exercisable apart from this paragraph by any person.

#### *Intimation of devolution issue*

- 23 Intimation of any devolution issue which arises in any proceedings before a court or tribunal shall be given to the Advocate General for Scotland, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister (unless the person to whom the intimation would be given is a party to the proceedings).
- 24 A person to whom intimation is given in pursuance of paragraph 23 or, where such intimation is given to the First Minister and the deputy First Minister, those Ministers acting jointly may take part as a party in the proceedings, so far as they relate to a devolution issue.

#### *Reference of devolution issue to higher court*

- 25 A court, other than the House of Lords or any court consisting of three or more judges of the Court of Session, may refer any devolution issue which arises in proceedings (other than criminal proceedings) before it to the Inner House of the Court of Session.
- 26 A tribunal from which there is no appeal shall refer any devolution issue which arises in proceedings before it to the Inner House of the Court of Session; and any other tribunal may make such a reference.
- 27 A court, other than any court consisting of two or more judges of the High Court of Justiciary, may refer any devolution issue which arises in criminal proceedings before it to the High Court of Justiciary.

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*References from superior courts to Judicial Committee*

- 28 Any court consisting of three or more judges of the Court of Session may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 25 or 26) to the Judicial Committee.
- 29 Any court consisting of two or more judges of the High Court of Justiciary may refer any devolution issue which arises in proceedings before it (otherwise than on a reference under paragraph 27) to the Judicial Committee.

*Appeals from superior courts to Judicial Committee*

- 30 An appeal against a determination of a devolution issue by the Inner House of the Court of Session on a reference under paragraph 25 or 26 shall lie to the Judicial Committee.
- 31 An appeal against a determination of a devolution issue by—
- (a) a court of two or more judges of the High Court of Justiciary (whether in the ordinary course of proceedings or on a reference under paragraph 27); or
  - (b) a court of three or more judges of the Court of Session from which there is no appeal to the House of Lords,
- shall lie to the Judicial Committee, but only with leave of the court concerned or, failing such leave, with special leave of the Judicial Committee.

**PART V**

GENERAL

*Proceedings in the House of Lords*

- 32 Any devolution issue which arises in judicial proceedings in the House of Lords shall be referred to the Judicial Committee unless the House considers it more appropriate, having regard to all the circumstances, that it should determine the issue.

*Direct references to Judicial Committee*

- 33 The Attorney General, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister acting jointly or the Advocate General for Scotland may require any court or tribunal to refer to the Judicial Committee any devolution issue which has arisen in proceedings before it to which he is or they are a party.
- 34 The Attorney General, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister acting jointly or the Advocate General for Scotland may refer to the Judicial Committee any devolution issue which is not the subject of proceedings.
- 35 (1) This paragraph applies where a reference is made under paragraph 34 in relation to a devolution issue which relates to the proposed exercise of a function by a Northern Ireland Minister or department.
- (2) The person making the reference shall notify the Northern Ireland Minister or department of that fact.



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- (3) No Northern Ireland Minister or department shall exercise the function in the manner proposed during the period beginning with the receipt of the notification under sub-paragraph (2) and ending with the reference being decided or otherwise disposed of.
- (4) Proceedings relating to any possible failure by a Northern Ireland Minister or department to comply with sub-paragraph (3) may be instituted by the Attorney General for Northern Ireland.
- (5) Sub-paragraph (4) is without prejudice to any power to institute proceedings exercisable apart from that sub-paragraph by any person.

#### *Delegation by First Ministers*

- 36 The First Minister and the deputy First Minister acting jointly may determine that a Minister or Northern Ireland department specified in the determination may exercise on their behalf, in relation to any proceedings under this Schedule so specified, any power conferred on them by this Schedule.

#### *Expenses*

- 37 (1) A court or tribunal before which any proceedings take place may take account of any additional expense of the kind mentioned in sub-paragraph (3) in deciding any question as to costs or expenses.
- (2) In deciding any such question, the court or tribunal may award the whole or part of the additional expense as costs or expenses to the party who incurred it (whatever the decision on the devolution issue).
- (3) The additional expense is any additional expense which the court or tribunal considers that any party to the proceedings has incurred as a result of the participation of any person in pursuance of paragraph 6, 14 or 24.

#### *Procedure of courts and tribunals*

- 38 Any power to make provision for regulating the procedure before any court or tribunal shall include power to make provision for the purposes of this Schedule including, in particular, provision—
- (a) for prescribing the stage in the proceedings at which a devolution issue is to be raised or referred;
  - (b) for the staying or sisting of proceedings for the purpose of any proceedings under this Schedule; and
  - (c) for determining the manner in which and the time within which any notice or intimation is to be given.

#### *Bail and legal aid in criminal proceedings*

- 39 (1) Sub-paragraph (3) applies where a devolution issue arises in proceedings against a person (“the defendant”) for an offence and the issue is referred to the Court of Appeal in Northern Ireland under paragraph 7.
- (2) Sub-paragraphs (3) and (4) apply where such an issue arises in such proceedings and—

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- (a) the issue is referred by the Court to the Judicial Committee under paragraph 9 or 33; or
  - (b) the issue is determined by the Court under paragraph 7 and—
    - (i) an appeal to the Committee against the determination is brought under paragraph 10; or
    - (ii) an application for leave to bring such an appeal is made to the Court under that paragraph.
- (3) The Court may, if it thinks fit, on the application of the defendant, admit him to bail pending the determination of the reference, appeal or application.
- (4) The Court may at any time when it appears to the Court—
- (a) that it is desirable in the interests of justice that the defendant should have legal aid; and
  - (b) that he has not sufficient means to obtain that aid,
- assign to him a solicitor and counsel, or counsel only, in the reference, appeal or application.
- (5) If, on a question of granting a person free legal aid under sub-paragraph (4), there is a doubt—
- (a) whether it is desirable in the interests of justice that he should have legal aid; or
  - (b) whether he has sufficient means to obtain that aid,
- the doubt shall be resolved in favour of granting him free legal aid.
- (6) The fees of any counsel, and the expenses and fees of any solicitor, assigned to a person under sub-paragraph (4) shall be defrayed, up to an amount allowed by the Master (Taxing Office), by the Lord Chancellor out of money provided by Parliament.
- 40 Where a devolution issue arises as mentioned in sub-paragraph (1) of paragraph 39 and—
- (a) the issue is referred to the Judicial Committee under paragraph 9 or 33; or
  - (b) the issue is determined by the Court of Appeal in Northern Ireland under paragraph 7 and—
    - (i) an appeal to the Committee against the determination is brought under paragraph 10; or
    - (ii) an application for special leave to bring such an appeal is made to the Committee under that paragraph,
- sub-paragraphs (3) to (6) of paragraph 39 shall apply as if the references to the Court were references to the Committee.

#### *Interpretation*

- 41 Any duty or power conferred by this Schedule to refer a devolution issue to a court shall be construed as a duty or power to refer the issue to the court for decision.

## SCHEDULE 11

Section 91(1).

### TRIBUNAL ESTABLISHED UNDER SECTION 91

#### *Introductory*

1 In this Schedule “the Tribunal” means the tribunal established under section 91.

#### *Members*

- 2 (1) The Tribunal shall consist of such number of members appointed by the Lord Chancellor as he may determine.
- (2) A member of the Tribunal shall hold and vacate office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for re-appointment.
- (3) A member of the Tribunal may resign his office at any time by notice in writing to the Lord Chancellor.

#### *Chairman*

- 3 (1) The Lord Chancellor shall appoint one of the members of the Tribunal to be its chairman.
- (2) The chairman may nominate a member as deputy chairman to act in his absence.
- (3) A member may not be appointed as chairman or nominated as deputy chairman, unless he holds, or has held, office as a judge of the High Court, the High Court of Justice in Northern Ireland, the Court of Appeal or the Court of Appeal in Northern Ireland.
- (4) The chairman may resign his office at any time by notice in writing to the Lord Chancellor.

#### *Payments to members*

- 4 (1) The Lord Chancellor may pay to the members of the Tribunal such remuneration and allowances as he may determine.
- (2) The Lord Chancellor may, if he thinks fit in the case of any member of the Tribunal pay such pension, allowance or gratuity to or in respect of the member, or such sums towards the provision of such pension, allowance or gratuity, as he may determine.
- (3) If a person ceases to be a member of the Tribunal and it appears to the Lord Chancellor that there are special circumstances which make it right that the person should receive compensation, he may pay to that person a sum of such amount as he may determine.

#### *Proceedings*

- 5 The Tribunal shall sit at such times and in such places as the Lord Chancellor may direct.
- 6 The Tribunal shall be deemed to be duly constituted if it consists of the chairman or deputy chairman and two or more other members.

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7 The chairman or, in his absence, the deputy chairman, shall preside at sittings of the Tribunal.

*Staff*

8 The Lord Chancellor may appoint such officers and servants for the Tribunal as he thinks fit.

*Expenses*

9 The Lord Chancellor shall defray the remuneration of persons appointed under paragraph 8 and such expenses of the Tribunal as he thinks fit.

*Disqualification of Tribunal Members*

10 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified) at the appropriate place insert—

“The Tribunal established under section 91 of the Northern Ireland Act 1998”.

11 In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) at the appropriate place insert—

“The Tribunal established under section 91 of the Northern Ireland Act 1998”.

SCHEDULE 12

Section 95(5).

CONSTRUCTION OF REFERENCES IN EXISTING LAWS

*Preliminary*

1 (1) Enactments and instruments shall, except where the context otherwise requires, be construed in accordance with this Schedule.

(2) In this Schedule “instruments” includes charters, contracts and other documents.

*The Parliament and the old Assembly*

2 (1) References to the Parliament of Northern Ireland shall be construed as including references to—

- (a) the Assembly established under section 1 of the Northern Ireland Assembly Act 1973; and
- (b) the Assembly.

(2) References to the Assembly established under section 1 of the Northern Ireland Assembly Act 1973 shall be construed as including references to the Assembly.

*Legislation etc of the Parliament or the old Assembly*

3 (1) A reference to an Act or enactment of the Parliament of Northern Ireland shall be construed as including a reference to an Order in Council under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972.

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- (2) A reference to an Act or enactment of, or a Bill in, the Parliament of Northern Ireland shall be construed as including a reference to—
- (a) a Measure or proposed Measure of the Assembly established under section 1 of the Northern Ireland Assembly Act 1973; and
  - (b) an Act or Bill of the Assembly.
- (3) A reference to a Measure or proposed Measure of the Assembly so established shall be construed as including a reference to an Act or Bill of the Assembly.
- (4) A reference to a Measure of the Assembly so established shall be construed as including a reference to an Order in Council under paragraph 1 of Schedule 1 to the Northern Ireland Act 1974.
- 4 (1) A reference to a resolution or other decision of the Senate or the House of Commons of the Parliament of Northern Ireland, or of either House of that Parliament, shall be construed as including a reference to a resolution or decision of—
- (a) the Assembly established under section 1 of the Northern Ireland Assembly Act 1973; or
  - (b) the Assembly.
- (2) A reference to a resolution or other decision of the Assembly established under section 1 of the Northern Ireland Assembly Act 1973 shall be construed as a reference to a resolution or decision of the Assembly.
- 5 A reference to laying a document before, or presenting it to—
- (a) the Parliament of Northern Ireland or either House of that Parliament; or
  - (b) the Assembly established under section 1 of the Northern Ireland Assembly Act 1973,
- shall be construed as a reference to laying it before, or presenting it to, the Assembly.
- 6 Paragraphs 2 to 5 apply to enactments and instruments passed or made before the appointed day.

#### *Money*

- 7 (1) A reference to—
- (a) money provided by the Parliament of Northern Ireland; or
  - (b) money appropriated by Measure of the Assembly established under section 1 of the Northern Ireland Assembly Act 1973,
- shall be construed as a reference to money appropriated by Act of the Assembly.
- (2) A reference to payment into or out of the Exchequer of Northern Ireland shall be construed as a reference to payment into or out of the Consolidated Fund of Northern Ireland.
- (3) This paragraph applies to enactments and instruments passed or made before the appointed day.

#### *Office-holders and Ministers*

- 8 (1) A reference to—
- (a) the Governor of Northern Ireland;
  - (b) the Governor of Northern Ireland in Council; or

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- (c) the making of an Order in Council by the Governor of Northern Ireland, shall be construed as a reference to the Secretary of State or, as the case may be, the making of an order by the Secretary of State.
- (2) This paragraph applies to enactments and instruments passed or made before 1st January 1974.
- 9 (1) A reference to—
- (a) the Prime Minister of Northern Ireland; or
- (b) the chief executive member,
- shall be construed as a reference to the First Minister and deputy First Minister acting jointly.
- (2) References to Northern Ireland executive authorities shall be construed as references to Ministers and the Northern Ireland departments.
- (3) A reference to—
- (a) the Executive Committee for Northern Ireland; or
- (b) the Northern Ireland Executive,
- shall be construed as a reference to the Executive Committee established by section 20.
- (4) This paragraph applies to enactments and instruments passed or made before the appointed day.
- 10 (1) A reference to—
- (a) a particular Ministry of Northern Ireland; or
- (b) the Minister in charge of a particular Ministry,
- shall, in relation to a function, be construed as a reference to the Northern Ireland department which exercises that function or to the Northern Ireland Minister in charge of that department.
- (2) A reference to an unspecified Ministry shall be construed as a reference to a Northern Ireland department.
- (3) This paragraph applies to enactments and instruments passed or made before 1st January 1974.
- 11 (1) A reference to—
- (a) an unspecified Minister of Northern Ireland; or
- (b) the head of a Northern Ireland department,
- shall be construed as a reference to a Northern Ireland Minister.
- (2) A reference to the head of a specified Northern Ireland department shall, in relation to a function, be construed as a reference to the Northern Ireland Minister in charge of the department which exercises that function.
- (3) In sub-paragraph (1) “Northern Ireland Minister” includes the First Minister and the deputy First Minister.
- (4) This paragraph applies to enactments and instruments passed or made before the appointed day.

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### *Courts*

- 12 (1) A reference to the Supreme Court of Judicature in Ireland shall be construed as a reference to the Supreme Court of Judicature of Northern Ireland.
- (2) A reference to the High Court of Justice in Ireland shall be construed as a reference to the High Court of Justice in Northern Ireland.
- (3) A reference to the Court of Appeal in Ireland shall be construed as a reference to the Court of Appeal in Northern Ireland.
- (4) This paragraph applies to enactments and instruments passed or made before the passing of the Government of Ireland Act 1920.

### *Equal opportunity bodies*

- 13 (1) A reference to—
- (a) the Fair Employment Commission for Northern Ireland;
  - (b) the Equal Opportunities Commission for Northern Ireland;
  - (c) the Commission for Racial Equality for Northern Ireland; or
  - (d) the Northern Ireland Disability Council,
- shall be construed as a reference to the Equality Commission for Northern Ireland.
- (2) This paragraph applies to enactments and instruments passed or made before section 74 comes into force.

## SCHEDULE 13

Section 99.

### MINOR AND CONSEQUENTIAL AMENDMENTS

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

- 1 (1) The Fair Employment (Northern Ireland) Act 1976 shall be amended as follows.
- (2) In section 1 (the Fair Employment Commission for Northern Ireland)—
- (a) for the words in subsection (1) before paragraph (a) substitute “The Commission shall have the duties of”; and
  - (b) subsection (2) shall cease to have effect.
- (3) In section 2 (educational functions) after “discharging its duties” insert “under section 1”.
- (4) In section 57(1) (interpretation), in the definition of “the Commission” for “the Fair Employment Commission for Northern Ireland” substitute “the Equality Commission for Northern Ireland”.
- (5) Schedule 1 (the Fair Employment Commission for Northern Ireland) shall cease to have effect.

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

- 2 (1) The Sex Discrimination (Northern Ireland) Order 1976 shall be amended as follows.

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- (2) In Article 2(2) (interpretation), in the definition of “the Commission” for “the Equal Opportunities Commission for Northern Ireland” substitute “the Equality Commission for Northern Ireland”.
- (3) In Article 54(1) (establishment of Equal Opportunities Commission for Northern Ireland)—
  - (a) in paragraph (1) for the words before paragraph (a) substitute “The Commission shall have the following duties”; and
  - (b) paragraphs (2) to (4) shall cease to have effect.
- (4) Schedule 3 (the Equal Opportunities Commission for Northern Ireland) shall cease to have effect.

*Interpretation Act 1978 (c. 30)*

- 3 In section 24(5) of the Interpretation Act 1978 (meaning of “Northern Ireland legislation”), for paragraphs (d) and (e) substitute—
  - “(d) Measures of the Northern Ireland Assembly established under section 1 of the Northern Ireland Assembly Act 1973;
  - (e) Orders in Council under Schedule 1 to the Northern Ireland Act 1974;
  - (f) Acts of the Northern Ireland Assembly; and
  - (g) Orders in Council under section 85 of the Northern Ireland Act 1998.”

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

- 4 In Part II of Schedule 1 to the Statutory Rules (Northern Ireland) Order 1979 (rule-making authorities), for “section 40 of and paragraph 4 of Schedule 5 to the Northern Ireland Constitution Act 1973” substitute “section 95(5) of and paragraph 8 of Schedule 12 to the Northern Ireland Act 1998”.

*Mental Health Act 1983 (c. 20)*

- 5 (1) The Mental Health Act 1983 shall be amended as follows.
  - (2) In section 134(3)(a) (correspondence of patients), after “Parliament” insert “or of the Northern Ireland Assembly”.
  - (3) In section 141 (members of the House of Commons suffering from mental illness), after subsection (9) insert—
    - “(10) This section also has effect in relation to members of the Northern Ireland Assembly but as if—
      - (a) references to the House of Commons were to the Assembly and references to the Speaker were to the Presiding Officer; and
      - (b) in subsection (7), for “provided by Parliament” there were substituted “appropriated by Act of the Assembly”.”



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*Insolvency Act 1986 (c. 45)*

- 6 In section 427 of the Insolvency Act 1986 (members of the House of Commons who are adjudged bankrupt etc.), after subsection (6B) insert—

“(6C) Subsection (1), as applied to a member of the Northern Ireland Assembly by virtue of section 36(4) of the Northern Ireland Act 1998, has effect as if “or Northern Ireland” were omitted; and subsections (4) to (6) have effect in relation to such a member as if—

- (a) references to the House of Commons were to the Assembly and references to the Speaker were to the Presiding Officer; and
- (b) in subsection (4), for “under this section” there were substituted “under section 36(4) of the Northern Ireland Act 1998 by virtue of this section”.

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

- 7 In Article 6(2) of the Audit (Northern Ireland) Order 1987 (expenses and accounts of Northern Ireland Audit Office)—

- (a) for “the Department”, in the first place where it occurs, substitute “the committee established under section 66 of the Northern Ireland Act 1998”; and
- (b) for “the Department”, in the second place where it occurs, substitute “that committee”.

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

- 8 (1) The Copyright, Designs and Patents Act 1988 shall be amended as follows.
- (2) In section 12(9) (duration of copyright in literary, dramatic, musical or artistic works), for “166A” substitute “166B”.
  - (3) In section 153(2) (qualification for copyright protection), for “166A” substitute “166B”.
  - (4) In section 163(6) (Crown copyright), for “166A” substitute “166B”.
  - (5) In section 164(1) (Crown copyright in Acts of Parliament, etc.), after “Scottish Parliament” insert “, Act of the Northern Ireland Assembly”.
  - (6) After section 166A insert—

**“166B Copyright in Bills of the Northern Ireland Assembly**

- (1) Copyright in every Bill introduced into the Northern Ireland Assembly belongs to the Northern Ireland Assembly Commission.
- (2) Copyright under this section subsists from the time when the text of the Bill is handed in to the Assembly for introduction—
  - (a) until the Bill receives Royal Assent, or
  - (b) if the Bill does not receive Royal Assent, until it is withdrawn or rejected or no further proceedings of the Assembly may be taken in respect of it.

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- (3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.
- (4) No other copyright, or right in the nature of copyright, subsists in a Bill after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a Bill which, not having received Royal Assent, is later reintroduced into the Assembly.”
- (7) In the definition of “parliamentary proceedings” in section 178 (definitions), the words “, of the New Northern Ireland Assembly” shall cease to have effect.
- (8) In section 179 (index of defined expressions), in column 2 of the entry for “Parliamentary copyright”, for “and 166A(3)” substitute “166A(3) and 166B(3)”.

*Official Secrets Act 1989 (c. 6)*

- 9 (1) Section 12 of the Official Secrets Act 1989 (interpretation) shall be amended as follows.
- (2) Subsection (1)(b) shall cease to have effect.
- (3) After subsection (4) insert—
  - “(5) This Act shall apply to the following as it applies to persons falling within the definition of Crown servant—
    - (a) the First Minister and deputy First Minister in Northern Ireland; and
    - (b) Northern Ireland Ministers and junior Ministers.”

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

- 10 (1) The Fair Employment (Northern Ireland) Act 1989 shall be amended as follows.
- (2) The following shall be substituted for section 1—

**“1 The Equality Commission for Northern Ireland**

In this Act “the Commission” means the Equality Commission for Northern Ireland.”

- (3) In section 9(6) (approval of Code of Practice), for “section 27(2) of the Northern Ireland Constitution Act 1973” substitute “section 31(1) or (2) of the Northern Ireland Act 1998”.
- (4) In Schedule 2 (minor and consequential amendments), paragraphs 5 and 6 and 22 to 28 shall cease to have effect.

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

- 11 In section 189 of the Social Security Administration Act 1992 (regulations and orders: general)—
  - (a) in subsection (9), for “175 and 178” substitute “and 175”; and
  - (b) in subsection (11), for “any of sections 177 to 179” substitute “section 179”.

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

- 12 In section 165 of the Social Security Administration (Northern Ireland) Act 1992 (regulations and orders: general)—
- (a) in subsection (10), for “152 and 154” substitute “and 152”; and
  - (b) in subsection (11), for “any of sections 153 to 155” substitute “section 155”.

*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 and Safety Information (Northern Ireland) Order 1993 (enforcing authorities), for “section 43(2) of the Northern Ireland Constitution Act 1973” substitute “section 4(1) of the Northern Ireland Act 1998”.

*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 Ireland) Order 1994, for paragraphs (a) and (b) substitute “which, by virtue of a prerogative order made under section 23(3) of the Northern Ireland Act 1998, is exercisable by the Department of Finance and Personnel”.

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

- 15 In section 4(16) of the Olympic Symbol etc. Protection Act 1995 (definitions), in the definition of “Royal Commission”, for “by the Secretary of State in pursuance of the prerogative powers of Her Majesty delegated to him under section 7(2) of the Northern Ireland Constitution Act 1973” substitute “by a Minister, within the meaning of the Northern Ireland Act 1998, or Northern Ireland department in pursuance of the prerogative powers of Her Majesty exercisable by the Minister or department under section 23 of that Act”.

*Disability Discrimination Act 1995 (c. 50)*

- 16 (1) The Disability Discrimination Act 1995 shall be amended as follows.
- (2) In Schedule 8—
- (a) for “the Council” and “the Northern Ireland Disability Council” substitute “the Equality Commission for Northern Ireland”;
  - (b) for paragraph 33(1) substitute—
    - “33 (1) In sections 50 to 52, for “the Council” substitute, in each place, the “Equality Commission for Northern Ireland”.
    - (1A) Section 50(1) shall have no effect.”; and
  - (c) for paragraph 52 substitute—
    - “52 (1) Schedule 5, except paragraph 7(a) to (c), shall have no effect.
    - (2) In paragraph 7(a) to (c), for “Secretary of State” wherever it occurs substitute “Department of Health and Social Services”.

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

- 17 In Article 9(3) of the Commissioner for Complaints (Northern Ireland) Order 1996 (matters not subject to investigation), for “section 22 of the Northern Ireland Constitution Act 1973” substitute “section 78 of the Northern Ireland Act 1998”.

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

- 18 In Article 10(3) of the Ombudsman (Northern Ireland) Order 1996 (matters not subject to investigation), for “section 22 of the Northern Ireland Constitution Act 1973” substitute “section 78 of the Northern Ireland Act 1998”.

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

- 19 (1) The Race Relations (Northern Ireland) Order 1997 shall be amended as follows.
- (2) In Article 2(2) (interpretation), in the definition of “the Commission” for “the Commission for Racial Equality for Northern Ireland” substitute “the Equality Commission for Northern Ireland”.
- (3) Article 42(1) and (3) to (5) and Schedule 1 (establishment of Commission for Racial Equality for Northern Ireland) shall cease to have effect.

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

- 20 In Schedule 1 to the Northern Ireland (Elections) Act 1998 (the Assembly), for paragraph 8 substitute—
- “8 (1) For the purposes of the law of defamation, absolute privilege shall attach to—
- (a) the making of a statement in proceedings of the Assembly; and
- (b) the publication of a statement under the Assembly’s authority.
- (2) In this paragraph “statement” has the same meaning as in the Defamation Act 1996.”

*Data Protection Act 1998 (c. 29)*

- 21 (1) In paragraph 4 of Schedule 7 to the Data Protection Act 1998 (miscellaneous exceptions), for “Northern Ireland department” substitute “Northern Ireland authority”.
- (2) Renumber that paragraph (as so amended) as sub-paragraph (1) and after that provision as so renumbered insert—
- “(2) In this paragraph “Northern Ireland authority” means the First Minister, the deputy First Minister, a Northern Ireland Minister or a Northern Ireland department.”

## SCHEDULE 14

Section 100(1).

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *Human rights*

- 1 In relation to any time before the Human Rights Act 1998 is fully in force, sections 6(2)(c), 24(1) and 71 and Schedule 10 shall have effect as if that Act were so in force.

#### *First Minister and deputy First Minister*

- 2 Any election of the First Minister and the deputy First Minister held before the appointed day shall on and after that day have effect as if it had been held under section 16.

#### *Ministerial offices*

- 3 Any determination of—
- (a) the number of Ministerial offices to be held by Northern Ireland Ministers; and
  - (b) the functions to be exercisable by the holder of each such office,
- made and approved before the appointed day shall on and after that day have effect as if it had been made and approved under section 17.

#### *Northern Ireland Ministers*

- 4 Any nomination of a person to hold a Ministerial office made before the appointed day shall on and after that day have effect as if it had been made under section 18.

#### *Junior Ministers*

- 5 Any of the following made and approved before the appointed day—
- (a) a determination of the number of junior Ministers to be appointed;
  - (b) a determination of the functions to be exercised by the holder of each junior Ministerial office; and
  - (c) an appointment of a junior Minister,
- shall have effect on and after that day as if it had been made and approved under section 19.

#### *Department of First Minister and deputy First Minister*

- 6 Any Northern Ireland department established before the appointed day under the charge of the First Minister and deputy First Minister acting jointly shall be treated on and after that day as if it had been established by an Act of the Assembly under section 21.

#### *Prerogative orders*

- 7 Any prerogative order made by the Secretary of State under the Letters Patent of Her Majesty dated 20th December 1973 before the appointed day shall on and after

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that day have effect as if it had been validly made under section 23(3) by the First Minister and the deputy First Minister acting jointly.

*Agency arrangements*

- 8 Any arrangements made under section 11 of the Northern Ireland Constitution Act 1973 before the appointed day shall on and after that day have effect as if they had been made under section 28.

*Statutory committees*

- 9 (1) Any committee of the Assembly established before the appointed day to advise and assist a Northern Ireland Minister in the formulation of policy with respect to his responsibilities as a Minister shall be treated on and after that day as if it had been established by standing orders under section 29.
- (2) Any appointment of a member, or the chairman or deputy chairman, of such a committee made before the appointed day shall have effect on and after that day as if it had been made under section 29.

*Elections of members*

- 10 Any order made under section 2(5) of the Northern Ireland (Elections) Act 1998 before the appointed day shall on and after that day have effect, with any necessary modifications, as if it had been made under section 34(4).

*Vacancies*

- 11 Any order made under section 3 of the Northern Ireland (Elections) Act 1998 before the appointed day shall on and after that day have effect, with any necessary modifications, as if it had been made under section 35.

*Disqualification*

- 12 A person elected on 25th June 1998 shall not be disqualified from membership of the Assembly by virtue of section 36 if he was not disqualified from such membership under section 4 of the Northern Ireland (Elections) Act 1998.

*Presiding Officer and deputy*

- 13 Any person appointed or elected under paragraph 3 of the Schedule to the Northern Ireland (Elections) Act 1998 who holds office immediately before the appointed day shall on and after that day hold office as Presiding Officer or, as the case may be, deputy Presiding Officer as if he had been elected by the Assembly under section 39.

*Standing orders*

- 14 Any standing orders made by the Secretary of State under paragraph 10 to the Schedule to the Northern Ireland (Elections) Act 1998 before the appointed day shall on and after that day have effect as if they had been made by the Assembly under section 41.

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*Civic Forum*

- 15 Any such arrangements as are mentioned in subsection (1) of section 56 which are made and approved before the commencement of that section shall have effect, after that commencement, as if they had been made and approved under that section.

*Comptroller and Auditor General for Northern Ireland*

- 16 Any appointment made by Her Majesty under section 36(1)(d) of the Northern Ireland Constitution Act 1973 before the appointed day shall on and after that day have effect as if it had been an appointment made by Her Majesty on the nomination of the Assembly under section 65.

*Social security and child support*

- 17 Any regulations made under any enactment repealed by virtue of section 87 shall have effect, with any necessary modifications as if they had been made under subsection (4) or, as the case may require, subsection (5) of that section.

*Certificates by Secretary of State*

- 18 Section 90 shall have effect—
- (a) in relation to any act done before the appointed day, as if the reference to section 24 were a reference to section 19 of the Northern Ireland Constitution Act 1973 so far as relating to a member of the Northern Ireland Executive or other person appointed under section 8 of that Act or a Northern Ireland department;
  - (b) in relation to any act done before the commencement of section 76, as if the reference to that section were a reference to section 19 of that Act so far as relating otherwise than as mentioned in sub-paragraph (a); and
  - (c) in relation to any such act as is mentioned in sub-paragraph (a) or (b), as if—
    - (i) the reference in subsection (1)(b) to a certificate were a reference to a certificate purporting to be signed by or on behalf of the Secretary of State and certifying that an act specified in the certificate was done for the purpose of safeguarding national security; and
    - (ii) subsection (3)(b) were omitted.

*Devolution issues*

- 19 In relation to any time before the first appointment of the Advocate General for Scotland, paragraphs 22, 23, 33 and 34 of Schedule 10 shall have effect as if references to him were references to the Lord Advocate.

*Relations with Republic of Ireland*

- 20 The repeal effected by this Act of section 12 of the Northern Ireland Constitution Act 1973 shall not affect the operation of any agreement or arrangement made under that section.

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*Discrimination in legislation*

- 21 The repeals effected by this Act shall not affect the operation of sections 17 and 18 of the Northern Ireland Constitution Act 1973 (read with section 23 of that Act) in relation to—
- (a) Acts of the Parliament of Northern Ireland;
  - (b) Measures of the Northern Ireland Assembly established under section 1 of the Northern Ireland Assembly Act 1973;
  - (c) Orders in Council under Schedule 1 to the Northern Ireland Act 1974; and
  - (d) relevant subordinate instruments (within the meaning of section 17 of the Northern Ireland Constitution Act 1973) made before the appointed day.

*Discrimination by public bodies*

- 22 The repeals effected by this Act shall not affect the operation of section 19 of the Northern Ireland Constitution Act 1973 (read with section 23 of that Act)—
- (a) so far as section 19 relates to a member of the Northern Ireland Executive or other person appointed under section 8 of that Act or a Northern Ireland department, in relation to any act done before the appointed day;
  - (b) so far as section 19 relates otherwise than as mentioned in subparagraph (a), in relation to any act done before the commencement of section 76.

*Members' Pensions*

- 23 The repeals effected by this Act shall not affect the operation of the Ministerial Offices Act Northern Ireland) 1952, the Ministerial Salaries and Members' Pensions Act Northern Ireland) 1965 or the Members' Pensions (Northern Ireland) Order 1976 in relation to service completed before the appointed day.

SCHEDULE 15

Section 100(2).

REPEALS

<i>Chapter or Number</i>	<i>Short title</i>	<i>Extent of repeal</i>
3 Edw 7 c.37.	Irish Land Act 1903.	Sections 27 to 42. Section 47.
10 & 11 Geo 5 c.67.	Government of Ireland Act 1920.	The whole Act.
12 Geo 5 c.2 (N.I.).	Exchequer and Audit Act (Northern Ireland) 1921.	Section 5. Section 28(1).
14 & 15 Geo 5 c.11 (N.I.).	Ministers (Temporary Exercise of Powers) Act (Northern Ireland) 1924.	The whole Act.
10 & 11 Geo 6 c.37.	Northern Ireland Act 1947.	Section 8. Section 9(1) and (5).



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<i>Chapter or Number</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Section 14(1) and (2).
1 & 2 Eliz 2 c.3.	Public Works Loans Act 1952.	Section 6.
1 & 2 Eliz 2 c.15 (N.I.).	Ministerial Offices Act (Northern Ireland) 1952.	The whole Act.
2 & 3 Eliz 2 c.33 (N.I.).	Interpretation Act (Northern Ireland) 1954.	Section 13(2). In section 46(2), in the definition of “the constitutional laws of Northern Ireland”, the words “the Government of Ireland Act 1920, and” and “amending or extending it or otherwise”.
1965 c. 18 (N.I.).	Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965.	The whole Act.
1969 c. 7 (N.I.).	Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969.	Section 4.
1972 c. 22.	Northern Ireland (Temporary Provisions) Act 1972.	The whole Act.
1973 c. 17.	Northern Ireland Assembly Act 1973.	The whole Act.
1973 c. 36.	Northern Ireland Constitution Act 1973.	Sections 1 to 9. Sections 11 to 32. Section 33(1). Section 36(1)(d). Section 37(1). Sections 38 to 40. Schedules 1 to 5.
1973 c. 69.	Northern Ireland Constitution (Amendment) Act 1973.	The whole Act.
1974 c. 28.	Northern Ireland Act 1974.	The whole Act.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Schedule 1, in Part II, the entries relating to the Equal Opportunities Commission for Northern Ireland, the Fair Employment Commission for Northern Ireland and the Northern Ireland Disability Council; in Part III, the entry

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<i>Chapter or Number</i>	<i>Short title</i>	<i>Extent of repeal</i>
		relating to the Additional Commissioner of the Equal Opportunities Commission for Northern Ireland.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	Section 5(1). In Schedule 1, in Part II, the entries relating to the Commission for Racial Equality for Northern Ireland, the Equal Opportunities Commission for Northern Ireland, the Fair Employment Commission for Northern Ireland and the Northern Ireland Disability Council; in Part III, the entries relating to the Additional Commissioner of the Commission for Racial Equality for Northern Ireland and the Additional Commissioner of the Equal Opportunities Commission for Northern Ireland.
		Schedule 2.
1976 c. 25.	Fair Employment (Northern Ireland) Act 1976.	Section 1(2). Section 58(1). Schedule 1. Schedule 6.
S.I. 1976/426 (N.I.8).	Members' Pensions (Northern Ireland) Order 1976.	The whole Order.
S.I. 1976/1042 (N.I.15).	Sex Discrimination (Northern Ireland) Order 1976.	In Article 2(2), the definition of “the interim period”. Article 54(2) to (4). Schedule 3.
		In Schedule 6, paragraph 2.
S.I. 1979/1573 (N.I.12).	Statutory Rules (Northern Ireland) Order 1979.	In Article 7(1), the words from “subject to” to “1974”. Article 11(4). In Schedule 4, paragraph 14.
1981 c. 35.	Finance Act 1981.	Section 137(1) and (2).
S.I. 1982/713 (N.I.10).	Probation Board (Northern Ireland) Order 1982.	In Schedule 1, paragraph 1(2).

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<i>Chapter or Number</i>	<i>Short title</i>	<i>Extent of repeal</i>
1982 c. 38.	Northern Ireland Act 1982.	The whole Act.
S.I. 1984/1821 (N.I.11).	Fire Services (Northern Ireland) Order 1984.	In Article 5(1)(f), the words “under section 12 of the Northern Ireland Constitution Act 1973”.
1986 c. 50.	Social Security Act 1986.	In Schedule 9, paragraph 6.
1986 c. 53.	Building Societies Act 1986.	Section 122(2).
1986 c. 56.	Parliamentary Constituencies Act 1986.	In Schedule 3, paragraphs 1 and 2.
1986 c. 60.	Financial Services Act 1986.	Section 209(2).
S.I. 1986/595 (N.I.4).	Mental Health (Northern Ireland) Order 1986.	In Schedule 5, in Part II the amendment of the Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965.
1987 c. 22.	Banking Act 1987.	Section 109(2).
1987 c. 43.	Consumer Protection Act 1987.	Section 49(2).
S.I. 1987/460 (N.I.5).	Audit (Northern Ireland) Order 1987.	In Article 2(2), the definition of “the interim period”. Article 4(2), (6) and (7). Article 6(6). Article 11(2) and (3). In Schedule 1, paragraph 4(3). In Schedule 2, paragraph 4(3).
S.I. 1987/2203 (N.I.22).	Adoption (Northern Ireland) Order 1987.	In Schedule 4, paragraph 1.
1989 c. 6.	Official Secrets Act 1989.	Section 12(1)(b).
1989 c. 32.	Fair Employment (Northern Ireland) Act 1989.	In section 21(1), the definition of “the Commission”. In Schedule 2, paragraphs 2, 5, 6 and 22 to 28.
1989 c. 40.	Companies Act 1989.	In section 213(7), the words from “Subject to any Order” to the end.
1990 c. 37.	Human Fertilisation and Embryology Act 1990.	Section 48(2).

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<i>Chapter or Number</i>	<i>Short title</i>	<i>Extent of repeal</i>
1990 c. 42.	Broadcasting Act 1990.	In Schedule 20, paragraph 19.
1990 c. 43.	Environmental Protection Act 1990.	Section 3(8). Section 153(5).
1991 c. 48.	Child Support Act 1991.	Section 23(4) and (5). Section 56(2) to (4). In Schedule 5, paragraph 2.
S.I. 1991/2628 (N.I.23).	Child Support (Northern Ireland) Order 1991.	Article 49(2) and (3).
1992 c. 5.	Social Security Administration Act 1992.	Sections 177 and 178. Schedule 8.
1992 c. 8.	Social Security Administration (Northern Ireland) Act 1992.	Sections 153 and 154. In section 167(1), the definition of “Joint Authority”.
1992 c. 40.	Friendly Societies Act 1992.	Section 124(2).
1993 c. 36.	Criminal Justice Act 1993.	Section 79(11).
1993 c. 39.	National Lottery etc. Act 1993.	Section 63(2).
1993 c. 48.	Pension Schemes Act 1993.	In section 167(2), the words “section 177 (co-ordination with Northern Ireland)”. Section 187.
1993 c. 49.	Pension Schemes (Northern Ireland) Act 1993.	In section 163(2), the words “section 153 (co-ordination with Great Britain)”.
S.I. 1993/1252 (N.I.5).	Financial Provisions (Northern Ireland) Order 1993.	Article 8(6A).
1994 c. 26.	Trade Marks Act 1994.	In Schedule 4, the entry in paragraph 1(2) relating to the Northern Ireland Constitution Act 1973.
1995 c. 34.	Child Support Act 1995.	Section 29(2) to (4).
S.I. 1995/2702 (N.I.13).	Child Support (Northern Ireland) Order 1995.	Article 20.
1996 c. 11.	Northern Ireland (Entry to Negotiations, etc.) Act 1996.	The whole Act.
1996 c. 22.	Northern Ireland (Emergency Provisions) Act 1996.	In Schedule 6, paragraph 1.

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

<i>Chapter or Number</i>	<i>Short title</i>	<i>Extent of repeal</i>
<a href="#">S.I. 1996/1297 (N.I.7).</a>	Commissioner for Complaints (Northern Ireland) Order 1996.	Article 23(1). In Schedule 2, the entries relating to the Equal Opportunities Commission for Northern Ireland, the Fair Employment Commission for Northern Ireland and the Commission for Racial Equality for Northern Ireland. Schedule 4.
<a href="#">S.I. 1996/1298 (N.I.8).</a>	Ombudsman (Northern Ireland) Order 1996.	Article 3(3). In Schedule 5, the amendments of sections 19 to 22 of the Northern Ireland Constitution Act 1973 and the Northern Ireland Act 1974.
<a href="#">S.I. 1997/869 (N.I.6).</a>	Race Relations (Northern Ireland) Order 1997.	Article 42(1) and (3) to (5). Schedule 1. In Schedule 2, paragraphs 1 and 7.
<a href="#">1998 c. 12.</a>	Northern Ireland (Elections) Act 1998.	The whole Act.
<a href="#">1998 c. 32.</a>	Police (Northern Ireland) Act 1998.	Section 1(2). Section 18(4).
<a href="#">1998 c. 47.</a>	Northern Ireland Act 1998.	In Schedule 13, paragraph 18.
<a href="#">1998 c. 48.</a>	Registration of Political Parties Act 1998.	In section 2(2)(e) the word “New”.
<a href="#">S.I. 1998/749 (N.I.4).</a>	Financial Provisions (Northern Ireland) Order 1998.	Article 7.