



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART IV

#### THE NORTHERN IRELAND ASSEMBLY

##### *Proceedings etc.*

#### **44 Power to call for witnesses and documents.**

- (1) The Assembly may require any person—
  - (a) to attend its proceedings for the purpose of giving evidence; or
  - (b) to produce documents in his custody or under his control, relating to any of the matters mentioned in subsection (2).
- (2) Those matters are—
  - (a) transferred matters concerning Northern Ireland;
  - (b) other matters in relation to which statutory functions are exercisable by Ministers or the Northern Ireland departments.
- (3) The power in subsection (1) is exercisable in relation to a person outside Northern Ireland only in connection with the discharge by him of functions relating to matters within subsection (2).
- (4) That power is not exercisable in relation to a person who is or has been a Minister of the Crown, or a person who is or has been in Crown employment within the meaning of Article 236 of the <sup>M1</sup>Employment Rights (Northern Ireland) Order 1996, in connection with <sup>F1</sup>—
  - (a) the discharge of any functions prior to the appointed day <sup>F2</sup>or during a period when section 1 of the Northern Ireland Act 2000 was in force<sup>F3</sup>, or
  - (b) the giving of a direction under [section 5A](#) of the Northern Ireland (Executive Formation etc) Act 2022 or the exercise of a function in accordance with such a direction.]

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*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 44. (See end of Document for details)*

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[<sup>F4</sup>(4A) That power is not exercisable in relation to a person mentioned in subsection (4) in connection with the discharge, during a relevant period, of a function which relates to a matter which is a transferred matter by virtue of an Order under section 4.

For this purpose “relevant period” means a period when the matter was not a transferred matter.

(4B) That power is not exercisable in relation to a person mentioned in subsection (4) in connection with the discharge, during a relevant period, of a statutory function which—

- (a) is exercisable by a Minister or a Northern Ireland department; but
- (b) was at any time exercisable by a Minister of the Crown.

For this purpose “relevant period” means a period when the statutory function was exercisable by a Minister of the Crown.]

(5) That power is not exercisable in relation to—

- (a) a person discharging functions of any body whose functions relate to excepted matters, in connection with the discharge by him of those functions;
- (b) a person discharging functions of any body whose functions relate to reserved matters, in connection with the discharge by him of those functions;
- (c) a judge of any court or a member of any tribunal which exercises the judicial power of the State.

(6) That power may be exercised by a committee of the Assembly only if the committee is expressly authorised to do so by standing orders.

(7) The Presiding Officer shall give the person in question notice in writing specifying—

- (a) the time and place at which the person is to attend and the particular matters relating to which he is required to give evidence; or
- (b) the documents, or types of documents, which he is to produce, the date by which he is to produce them and the particular matters to which they are to relate.

(8) Such notice shall be given—

- (a) in the case of an individual, by sending it, by registered post or the recorded delivery service, addressed to him at his usual or last known address or, where he has given an address for service, at that address;
- (b) in any other case, by sending it, by registered post or the recorded delivery service, addressed to the person at the person’s registered or principal office.

(9) A person is not obliged under this section to answer any question or produce any document which he would be entitled to refuse to answer or produce in proceedings in a court in Northern Ireland.

(10) In this section “statutory functions” means functions conferred by virtue of any enactment.

#### Textual Amendments

**F1** Word in s. 44(4) inserted (24.5.2023) by [Northern Ireland \(Interim Arrangements\) Act 2023 \(c. 21\)](#), **ss. 3(a), 6**

**F2** Words in s. 44(4) inserted (12.2.2000) by [2000 c. 1](#), **s. 9(3)**; [S.I. 2000/396](#), **art. 2**

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- F3** S. 44(4)(b) and word inserted (24.5.2023) by Northern Ireland (Interim Arrangements) Act 2023 (c. 21), **ss. 3(b)**, 6
- F4** S. 44(4A)(4B) inserted (11.3.2009) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 18**, 31; S.I. 2009/448, **art. 2**

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**Modifications etc. (not altering text)**

- C1** S. 44(1) excluded (29.10.2021) by Digital Economy Act 2017 (c. 30), **ss. 99(9)(a)**, 118(6); S.I. 2021/1170, reg. 2
- C2** S. 44(1) restricted (22.5.2023) by Identity and Language (Northern Ireland) Act 2022 (c. 45), **ss. 7(4)**, 10(2) (with s. 7(5)); S.I. 2023/566, reg. 2(h)
- C3** S. 44(1) restricted (12.4.2024) by The Windsor Framework (Implementation) Regulations 2024 (S.I. 2024/404), regs. 1(2), **7(2)**
- C4** S. 44(2) excluded (29.10.2021) by Digital Economy Act 2017 (c. 30), **ss. 99(9)(b)**, 118(6); S.I. 2021/1170, reg. 2
- C5** S. 44(3) excluded (29.10.2021) by Digital Economy Act 2017 (c. 30), **ss. 99(9)(b)**, 118(6); S.I. 2021/1170, reg. 2
- C6** Amendment in s. 44(4) continued (10.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), **ss. 2(2)(5)**, 27(4)(5) (as amended by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1)), {Sch. 4 para. 2(8)} (with Sch. 4 para. 2(10)); S.I. 2007/1397, **art. 2**
- C7** S. 44(5)(b) excluded (29.10.2021) by Digital Economy Act 2017 (c. 30), **ss. 99(9)(b)**, 118(6); S.I. 2021/1170, reg. 2

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**Marginal Citations**

- M1** S.I. 1996/1919 (N.I.16).

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 44.