

2003 No. 3039

**NORTHERN IRELAND
CONSTITUTIONAL LAW**

The Northern Ireland Act 1998 (Modification) Order 2003

Approved by both Houses of Parliament

Made - - - - - 27th November 2003

Laid before Parliament 27th November 2003

Coming into force - - 4th December 2003

Whereas the Secretary of State considers it expedient to make the modification of the enactment set out below in connection with provision made by section 1 of the Northern Ireland Act 2000(a);

And whereas the Secretary of State considers it expedient for this Order to be made without a draft having been approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 6 of the Northern Ireland Act 2000, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Northern Ireland Act 1998 (Modification) Order 2003 and shall come into force on 4th December 2003.

Modification of section 47 (remuneration of members) of the Northern Ireland Act 1998

2. In relation to those returned as members of the Assembly following the poll for the election on 26th November 2003, section 47(9)(a) (membership for the purposes of section 47) of the Northern Ireland Act 1998(b) shall have effect as if the words “on the 5th December 2003” were substituted for the words “on the day on which he takes his seat in accordance with standing orders”.

Northern Ireland Office
27th November 2003

Paul Murphy
One of Her Majesty’s Principal Secretaries of State

(a) 2000 c. 1.

(b) 1998 c. 47; section 47 has previously been modified by section 4 of the Northern Ireland Assembly (Elections and Periods of Suspension) Act 2003 (c. 12).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies section 47 of the Northern Ireland Act 1998 which makes provision for the remuneration of members of the Northern Ireland Assembly (“the Assembly”). Under section 47(9)(a), a person’s membership of the Assembly begins on the day on which he takes his seat in accordance with standing orders. In accordance with the standing orders currently in place a person takes his seat when he signs the Roll of Membership of the Assembly (standing order 3(3)). The effect of these provisions is that a person who is returned as a member of the Assembly while the Assembly is suspended cannot be remunerated because there will be no meetings of the Assembly at which he can sign the Roll of Membership. This Order rectifies this position in relation to those returned as members of the Assembly at the election on 26th November 2003. It modifies section 47(9)(a) so that the words “on the day on which he takes up his seat in accordance with standing orders” are replaced with the words “on the 5th December 2003”.

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