

2004 No. 1164

NORTHERN IRELAND

CONSTITUTIONAL LAW

**The Northern Ireland Act 1998 and Northern Ireland Act 2000
(Modification) Order 2004**

Approved by both Houses of Parliament

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|-------------------------------|---------|------------------------|
| <i>Made</i> | - - - - | <i>20th April 2004</i> |
| <i>Laid before Parliament</i> | | <i>20th April 2004</i> |
| <i>Coming into force</i> | - - | <i>21st April 2004</i> |

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 upon him by section 6 of the Northern Ireland Act 2000(a) hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Northern Ireland Act 1998 and Northern Ireland Act 2000 (Modification) Order 2004 and shall come into force on the day after the day on which it is made.

(2) In this Order “the 1998 Act” means the Northern Ireland Act 1998(b) and “the 2000 Act” means the Northern Ireland Act 2000.

Modification of section 47B of the 1998 Act (Secretary of State’s powers in relation to reduction of remuneration)

2.—(1) While section 1 of the 2000 Act is in force, section 47B(c) of the 1998 Act applies with the modifications set out in this Article.

(2) For section 47B(1) there is substituted—

“(1) This section applies if—

(a) the Monitoring Commission has, or members of the Commission have under the agreement establishing it, made a report containing a recommendation about steps

(a) 2000 c.1.

(b) 1998 c.47.

(c) Section 47B was inserted by section 7(1) of the Northern Ireland (Monitoring Commission etc.) Act 2003 (c.25).

which are steps the Assembly might consider taking were section 1 of the Northern Ireland Act 2000 (c.1) not in force; and

(b) the taking of those steps by the Assembly would require the passing by it of a resolution under section 47A(2), (3) or (4) in relation to a political party.”.

(3) Section 47B(2), 47B(3) and 47B(4) are omitted.

(4) For section 47B(5) there is substituted—

“(5) Where this section applies in circumstances in which the taking of the steps concerned by the Assembly would have required the passing by it of a resolution under section 47A(2), the Secretary of State may, in relation to the salaries payable under section 47 to members of the Assembly who are members of the political party concerned, by direction provide that the whole or a specified part of the salaries payable for a specified period shall not be payable (subject to subsection (7)).”.

(5) For section 47B(6) there is substituted—

“(6) Where this section applies in circumstances in which the taking of the steps concerned by the Assembly would have required—

(a) the passing by it of a resolution under section 47A(3) to extend a period by reference to which a reduction under section 47A(2) falls to be made, or

(b) the passing by it of a resolution under section 47A(4) to extend a period by reference to which provision for non-payability under subsection (5) applies,

the Secretary of State may, before the end of that period, by direction extend that period (subject to subsection (7)).”.

(6) In section 47B(7)(b), omit the words “are or”.

(7) In section 47B(8), omit the words “(2) or”.

(8) In section 47B(10)—

(a) in paragraph (a), omit the words “(2) or”; and

(b) in paragraph (b), for “47A(1) or (2)” substitute “47A(2)”.

Modification of section 51B of the 1998 Act (Secretary of State’s powers in relation to reduction of financial assistance)

3.—(1) While section 1 of the 2000 Act is in force, section 51B(a) of the 1998 Act applies with the modifications set out in this Article.

(2) For section 51B(1) there is substituted—

“(1) This section applies if—

(a) the Monitoring Commission has, or members of the Commission have under the agreement establishing it, made a report containing a recommendation about steps which are steps the Assembly might consider taking were section 1 of the Northern Ireland Act 2000 (c.1) not in force; and

(b) the taking of those steps by the Assembly would have required the passing by it of a resolution under section 51A(1), (2) or (3) in relation to a political party.”.

(3) For section 51B(2) there is substituted—

“(2) Where this section applies in circumstances in which the taking of the steps concerned by the Assembly would have required the passing by it of a resolution under section 51A(1), the Secretary of State may by direction provide that the whole or a specified part of any financial assistance payable for a specified period under the Financial

(a) Section 51B was inserted by section 8 of the Northern Ireland (Monitoring Commission etc.) Act 2003 (c.25).

Assistance for Political Parties Act (Northern Ireland) 2000 (c.1 (N.I.)) to the political party concerned shall not be payable (subject to subsection (5)).”.

(4) For section 51B(3) there is substituted—

“(3) Where this section applies in circumstances in which the taking of the steps concerned by the Assembly would have required the passing by it of a resolution under section 51A(2) to extend the period by reference to which a reduction under section 51A(1) falls to be made, the Secretary of State may, before the end of the period, by direction extend that period (subject to subsection (5)).”.

(5) For section 51B(4) there is substituted—

“(4) Where this section applies in circumstances in which the taking of the steps concerned by the Assembly would have required the passing by it of a resolution under section 51A(3) to extend the period by reference to which provision for non-payability under subsection (2) applies, the Secretary of State may, before the end of the period, by direction extend that period (subject to subsection (5)).”.

(6) In section 51B(5)(b), omit the words “are or”.

Amendment to section 3 of the 2000 Act

4. In section 3(a) of the 2000 Act, after subsection (10) insert—

“(11) On the effective date, any direction made by the Secretary of State under section 47B or section 51B of the 1998 Act while section 1 was in force shall cease to have effect.”

Northern Ireland Office
20th April 2004

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes modifications to the Northern Ireland Act 1998 (c.47) (“the 1998 Act”) and to the Northern Ireland Act 2000 (c.1) (“the 2000 Act”). The modifications to the 1998 Act have effect while section 1 of the 2000 Act is in force (with the effect that devolved Government in Northern Ireland is suspended).

Article 2 modifies section 47B of the 1998 Act, so as to allow the Secretary of State to exercise during suspension his powers in relation to reduction of the salaries of members of the Northern Ireland Assembly.

Article 3 modifies section 51B of the 1998 Act so as to allow the Secretary of State to exercise during suspension his powers in relation to reduction of financial assistance to political parties.

Article 4 inserts a new subsection in section 2 of the 2000 Act, the effect of which is that any directions made by the Secretary of State during suspension under section 47B or 51B of the 1998 Act shall cease to have effect on the restoration of devolved Government.

(a) Section 3 of the 2000 Act was amended by SI 20/1446, and by the Justice (Northern Ireland) Act 2002(c.26) s 85(1) Schedule 12, paragraph 78.

STATUTORY INSTRUMENTS

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(Modification) Order 2004

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