



Northern Ireland Act 1998

1998 CHAPTER 47

PART IX

SUPPLEMENTAL

98 Interpretation.

(1) In this Act—

“the appointed day” has the meaning given by section 3(1);

“the Assembly” has the meaning given by section 4(5);

“the Belfast Agreement” means the agreement reached at multi-party talks on Northern Ireland set out in Command Paper 3883;

^{F1} ...

“the Convention rights” has the same meaning as in the ^{M1}Human Rights Act 1998;

“cross-community support” has the meaning given by section 4(5);

“designated Nationalist” and “designated Unionist” have the meanings given by section 4(5);

“document” includes anything in which information is recorded in any form;

“enactment” includes any provision of this Act and any provision of, or of any instrument made under, Northern Ireland legislation;

“excepted matter” has the meaning given by section 4(1);

“financial year”, unless the context otherwise requires, means a year ending with 31st March;

“functions” includes powers and duties, and “confer”, in relation to functions, includes impose;

“international obligations” means any international obligations of the United Kingdom other than obligations to observe and implement ^{F2}... the Convention rights;

^{F3}

.....

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“Minister”, unless the context otherwise requires, has the meaning given by section 7(3);

“Minister of the Crown” includes the Treasury;

“modify”, in relation to an enactment, includes amend or repeal;

[^{F4}“The New Decade, New Approach Deal ” means the deal to restore devolved government in Northern Ireland published by that name in January 2020;]

“Northern Ireland” includes so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Northern Ireland;

“Northern Ireland legislation” means—

- (a) Acts of the Parliament of Ireland;
- (b) Acts of the Parliament of Northern Ireland;
- (c) Orders in Council under section 1(3) of the ^{M2}Northern Ireland (Temporary Provisions) Act 1972;
- (d) Measures of the Northern Ireland Assembly established under section 1 of the ^{M3}Northern Ireland Assembly Act 1973;
- (e) Orders in Council under Schedule 1 to the ^{M4}Northern Ireland Act 1974;
- (f) Acts of the Assembly; and
- (g) Orders in Council under section 85;

“the Northern Ireland zone” means the sea within British fishery limits which is adjacent to Northern Ireland;

“the pledge of office” has the meaning given by section [^{F5}16C(14)];

“political opinion” and “religious belief” shall be construed in accordance with [^{F6}Article 2(3) and (4) of the Fair Employment and Treatment (Northern Ireland) Order 1998];

“proceedings”, in relation to the Assembly, includes proceedings of any committee;

“property” includes rights and interests of any description;

“reserved matter” has the meaning given by section 4(1);

[^{F7}“the St Andrews Agreement” means the agreement reached on 13 October 2006 at multi-party talks on Northern Ireland held at St Andrews;]

“subordinate legislation” has the same meaning as in the ^{M5}Interpretation Act 1978 and also includes an instrument made under Northern Ireland legislation;

“transferred matter” has the meaning given by section 4(1).

- (2) For the purposes of this Act, a provision of any enactment, Bill or subordinate legislation deals with the matter, or each of the matters, which it affects otherwise than incidentally.
- (3) For the purposes of this Act, a provision of any Act or Bill which modifies a provision of—
 - (a) the ^{M6}Agricultural Wages (Regulation) (Northern Ireland) Order 1977;
 - (b) the ^{M7}Employment Rights (Northern Ireland) Order 1996; or
 - (c) the ^{M8}Industrial Tribunals (Northern Ireland) Order 1996,

which is amended or applied by or under the ^{M9}National Minimum Wage Act 1998 shall not be treated as dealing with a matter falling within the subject-matter of that Act if the modification affects the national minimum wage and other employment matters in the same way.

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- (4) For the purposes of this Act, a provision of an Act of the Assembly or of subordinate legislation discriminates against any person or class of persons if it treats that person or that class less favourably in any circumstances than other persons are treated in those circumstances by the law for the time being in force in Northern Ireland.
- (5) For those purposes a person discriminates against another person or a class of persons if he treats that other person or that class less favourably in any circumstances than he treats or would treat other persons in those circumstances.
- (6) No provision of an Act of the Assembly or of subordinate legislation, and no making, confirmation or approval of a provision of subordinate legislation, shall be treated for the purposes of this Act as discriminating if the provision has the effect of safeguarding national security or protecting public safety or public order.
- (7) No other act done by any person shall be treated for the purposes of this Act as discriminating if—
 - (a) the act is done for the purpose of safeguarding national security or protecting public safety or public order; and
 - (b) the doing of the act is justified by that purpose.
- (8) Her Majesty may by Order in Council determine, or make provision for determining, for such purposes of this Act as may be specified, any boundary between—
 - (a) the waters or parts of the sea which are to be treated as adjacent to Northern Ireland; and
 - (b) those which are not,and may make different determinations or provisions for different purposes.
- (9) No recommendation shall be made to Her Majesty to make an Order in Council under subsection (8) unless a draft of the Order has been laid before and approved by resolution of each House of Parliament.

Textual Amendments

- F1** Words in s. 98(1) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 3 para. 59\(a\)](#) (with s. 19, [Sch. 8 para. 37](#)); S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)
- F2** Words in s. 98(1) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 3 para. 59\(b\)](#) (with s. 19, [Sch. 8 para. 37](#)); S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)
- F3** S. 98(1): entry for 'Judicial Committee' repealed (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 146, 148, [Sch. 9 para. 112\(b\)](#), [Sch. 18 Pt. 5](#); S.I. 2009/1604, [art. 2\(a\)\(d\)\(f\)](#)
- F4** Words in s. 98(1) inserted (8.2.2022) by [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022 \(c. 2\)](#), [ss. 2\(4\), 9](#)
- F5** S. 98(1): words in definition of 'the pledge of office' substituted (8.5.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), ss. 8, 27(4)(5), (as amended by [Northern Ireland \(St Andrews Agreement\) Act 2007 \(c. 4\)](#), s. 1(1)), {[Sch. 5 para. 5](#)} (with s. 1(3)); S.I. 2007/1397, [art. 2](#)
- F6** Words substituted (1.3.1999) by S.I. 1998/3162 (N.I. 21), [art. 105\(1\)](#), [Sch. 3](#); S.R. 1999/81, [art. 3\(1\)](#)
- F7** S. 98(1): definition of 'the St. Andrews Agreement' inserted (8.5.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), ss. 19, 27(4)(5) (as amended by [Northern Ireland \(St Andrews Agreement\) Act 2007 \(c. 4\)](#), s. 1(1)), {[Sch. 7 para. 3](#)} (with s. 1(3)); S.I. 2007/1397, [art. 2](#)

Modifications etc. (not altering text)

- C1** S. 98(2)(3) applied (prosp.) by [Civil Partnership Act 2004 \(c. 33\)](#), [ss. 247\(9\)](#), 263(7)
- C2** S. 98(2)(3) applied (prosp.) by [Civil Partnership Act 2004 \(c. 33\)](#), [ss. 247\(9\)](#), 263(7)

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 98. (See end of Document for details)

Marginal Citations**M1** 1998 c. 42.**M2** 1972 c.22.**M3** 1973 c.17.**M4** 1974 c.28.**M5** 1978 c.30.**M6** S.I. 1977/2151 (N.I.22).**M7** S.I. 1996/1919 (N.I.16).**M8** S.I. 1996/1921 (N.I.18).**M9** 1998 c.39.

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