



Northern Ireland Constitution Act 1973

1973 CHAPTER 36

PART I

PRELIMINARY

Status of Northern Ireland

1 Status of Northern Ireland as part of United Kingdom

It is hereby declared that Northern Ireland remains part of Her Majesty's dominions and of the United Kingdom, and it is hereby affirmed that in no event will Northern Ireland or any part of it cease to be part of Her Majesty's dominions and of the United Kingdom without the consent of the majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1 to this Act.

Devolution orders

2 Initial devolution of legislative and executive responsibility

(1) If it appears to the Secretary of State—

- (a) that the Northern Ireland Assembly (in this Act referred to as "the Assembly") has made satisfactory provision by its standing orders for the purposes mentioned in section 25(2) to (5) below ; and
- (b) that a Northern Ireland Executive can be formed which, having regard to the support it commands in the Assembly and to the electorate on which that support is based, is likely to be widely accepted throughout the community,

and that having regard to those matters there is a reasonable basis for the establishment in Northern Ireland of government by consent, he shall lay before Parliament the draft of an Order in Council appointing a day for the commencement of Part II of this Act and declaring what matters shall, subject to section 3 below, be transferred matters for the purposes of this Act.

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- (2) The matters declared by an Order under this section to be transferred matters shall not include—
- (a) any of the matters specified in Schedule 2 to this Act (in this Act referred to as "excepted matters"); or
 - (b) any of the matters specified in Schedule 3 to this Act.
- (3) If the draft laid before Parliament under subsection (1) above is approved by resolution of each House of Parliament the Secretary of State shall submit it to Her Majesty in Council and Her Majesty in Council may make the Order in terms of the draft.
- (4) On the day appointed by an Order under this section for the commencement of Part II of this Act (in this Act referred to as "the appointed day") section 1 of the Northern Ireland (Temporary Provisions) Act 1972 shall expire.

3 Alterations in devolved responsibilities

- (1) If at any time after the appointed day it appears to the Secretary of State—
- (a) that any matter (not being an excepted matter) which is not a transferred matter by virtue of an Order under section 2 above or a previous Order under this section should become a transferred matter; or
 - (b) that any matter which by virtue of any such Order is a transferred matter should cease to be such a matter,
- he may, subject to subsection (2) below, lay before Parliament the draft of an Order in Council declaring that the matter shall be or, as the case may be, shall cease to be a transferred matter with effect from such date as may be specified in the Order.
- (2) The Secretary of State shall not lay before Parliament the draft of an Order in Council declaring that any matter not specified in Schedule 3 to this Act shall cease to be a transferred matter unless the Assembly has passed a resolution praying that it should cease to be a transferred matter.
- (3) Subsection (3) of section 2 above shall have effect in relation to any draft laid before Parliament under this section as it has effect in relation to a draft laid before Parliament under that section.
- (4) Any matter (not being an excepted matter) which is not for the time being a transferred matter is in this Act referred to as a "reserved matter".

PART II

LEGISLATIVE POWERS AND EXECUTIVE AUTHORITIES

Legislative powers

4 Measures of Northern Ireland Assembly

- (1) Laws may be made for Northern Ireland by Measures of the Assembly (in this Act referred to as "Measures").
- (2) A Measure shall be enacted by being passed by the Assembly and approved by Her Majesty in Council.

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- (3) Subject to section 17 below, a Measure shall have the same force and effect as an Act of the Parliament of the United Kingdom.
- (4) This section does not affect the power of the Parliament of the United Kingdom to make laws for Northern Ireland but, subject to the said section 17, a Measure may amend or repeal any provision made by or under any Act of Parliament in so far as it is part of the law of Northern Ireland.
- (5) It is hereby declared for the avoidance of doubt that a Measure is not invalid by reason of any failure to comply with the provisions of section 5, 6, 14 or 18(2), (5) or (6) below ; and no act or omission under any of those provisions shall be called in question in any legal proceedings.

5 Secretary of State's consent for proposed Measures dealing with excepted or reserved matters

- (1) The consent of the Secretary of State shall be required in accordance with this section in relation to a proposed Measure which contains any provision dealing with an excepted matter or reserved matter; and the Secretary of State shall not give his consent in relation to a proposed Measure which contains any provision dealing with an excepted matter unless he considers that the provision is ancillary to other provisions (whether in that Measure or previously enacted) dealing with reserved matters or transferred matters.
- (2) Every proposed Measure introduced in the Assembly shall be considered by the Clerk to the Assembly on introduction and if—
 - (a) he considers that it contains any provision dealing with an excepted matter or reserved matter ; and
 - (b) it has not been endorsed with a statement that the Secretary of State has consented to the Assembly considering the proposed Measure,then, subject to subsection (4) below, the Clerk shall refer the proposed Measure to the Secretary of State and the Assembly shall not proceed with the Measure unless the Secretary of State's consent to the consideration of the Measure by the Assembly is signified or the Assembly is informed that in his opinion the Measure does not contain any such provision as aforesaid.
- (3) Before the Assembly enters on the stage in its proceedings at which a proposed Measure falls finally to be passed or rejected—
 - (a) the Clerk to the Assembly shall again consider the proposed Measure; and
 - (b) if he considers that it contains any provision dealing with an excepted matter or reserved matter he shall, subject to subsection (4) below, refer it to the Secretary of State,and the Assembly shall not enter on that stage unless the Secretary of State's consent to the Measure is signified or the Assembly is informed that in his opinion the Measure does not contain any such provision as aforesaid.
- (4) Neither subsection (2) nor subsection (3) above shall require the Clerk to the Assembly to refer any proposed Measure to the Secretary of State, or preclude the Assembly from proceeding with a proposed Measure, by reason only that it contains a provision which, in the opinion of the Clerk, is ancillary to other provisions (whether in that Measure or previously enacted) dealing with transferred matters only.

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- (5) Every proposed Measure passed by the Assembly shall be transmitted to the Secretary of State for submission to Her Majesty in Council but if—
- (a) he considers that it contains any provision dealing with an excepted matter or reserved matter; and
 - (b) it has not been referred to him under subsection (3) above (whether by virtue of subsection (4) above or otherwise),
- he shall not submit the Measure to Her Majesty in Council unless he consents to the Measure.
- (6) If the Secretary of State withholds his consent to a proposed Measure passed by the Assembly he shall refer it back to the Assembly for further consideration; and, if it is modified by the Assembly and again transmitted to him, subsection (5) above shall apply to it as if it were a new proposed Measure transmitted to him after being passed by the Assembly.
- (7) For the purposes of this section a provision is ancillary to other provisions if it is a provision which is necessary or expedient for making those other provisions effective or which provides for the enforcement of those other provisions or which is otherwise incidental to, or consequential on, those provisions ; and references in this section to provisions previously enacted are references to provisions contained in, or in any instrument made under, another Measure, an Act of the Parliament of the United Kingdom or an Act of the Parliament of Northern Ireland.

6 Parliamentary control of Measures dealing with excepted or reserved matters

- (1) Subject to the provisions of this section, a proposed Measure to which the Secretary of State has consented under section 5(3) or (5) above shall not be submitted by him to Her Majesty in Council unless he has first laid it before Parliament and either—
- (a) the period of twenty days beginning with the date on which it is laid has expired without notice having been given in either House of a motion praying that the proposed Measure shall not be submitted to Her Majesty in Council for approval; or
 - (b) if notice of such a motion is given within that period the motion has been rejected or withdrawn.
- (2) Subsection (1) above shall not apply to a proposed Measure if the Secretary of State considers that it contains no provision dealing with an excepted matter or reserved matter except a provision which is ancillary (within the meaning of section 5 above) to other provisions dealing with transferred matters only.
- (3) Subsection (1) above shall not apply to a proposed Measure if the Secretary of State considers that by reason of urgency it should be submitted to Her Majesty in Council without first being laid before Parliament.
- (4) Any Measure submitted by virtue of subsection (3) above shall, if approved by Her Majesty in Council, be laid before Parliament by the Secretary of State after approval, and if—
- (a) within the period of twenty days beginning with the date on which it is laid notice is given in either House of a motion praying that the Measure shall cease to have effect; and
 - (b) that motion is carried,

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Her Majesty may by Order in Council repeal that Measure with effect from such date as may be specified in the Order.

- (5) An Order in Council under subsection (4) above may make such consequential or transitional provision in connection with the repeal as appears to Her Majesty to be necessary or expedient.
- (6) Any notice of motion for the purposes of subsection (1) or (4) above must be signed by not less than twenty members of the House in which it is given ; and any period mentioned in those subsections shall be computed, in relation to each House, by reference only to days on which that House sits.

Executive authorities

7 Executive authorities in Northern Ireland

- (1) The executive power in Northern Ireland shall continue to be vested in Her Majesty.
- (2) As respects transferred matters the Secretary of State shall, as Her Majesty's principal officer in Northern Ireland, exercise on Her Majesty's behalf such prerogative or other executive powers of Her Majesty in relation to Northern Ireland as may be delegated to him by Her Majesty.
- (3) The powers so delegated shall be exercised through the members of the Northern Ireland Executive established by this Act and the Northern Ireland departments.
- (4) A member of the Northern Ireland Executive who is head of a Northern Ireland department shall, in formulating policy with respect to matters within the responsibilities of that department, consult so far as practicable with the consultative committee established in relation to his department under section 25 below, and where such policy is to be implemented by a proposed Measure he shall consult as aforesaid before the proposed Measure is introduced.
- (5) The Ministries of the Government of Northern Ireland existing on the appointed day shall be the Northern Ireland departments for the purposes of this Act (and shall be known as departments instead of Ministries) but provision may be made by Measure for establishing new Northern Ireland departments or dissolving existing ones.
- (6) The Secretary of State as Her Majesty's principal officer in Northern Ireland, the members of the Northern Ireland Executive, any other persons appointed under section 8 below and the Northern Ireland departments are in this Act referred to as Northern Ireland executive authorities.

8 The Northern Ireland Executive

- (1) The Northern Ireland Executive shall consist of—
 - (a) the chief executive member ;
 - (b) the persons who are for the time being heads of the Northern Ireland departments ; and
 - (c) any other person appointed under subsection (3) below to be a member of the Executive.
- (2) The chief executive member shall preside over the Executive and act as Leader of the Assembly.

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- (3) The chief executive member and the heads of the Northern Ireland departments shall be appointed by the Secretary of State on behalf of Her Majesty and the Secretary of State may likewise appoint such number of additional persons (if any) as he thinks fit to discharge, whether as members of the Executive or otherwise, such functions as he may determine; but the total number of persons at any time holding appointments under this section shall not exceed twelve.
- (4) Subject to subsections (5) and (6) below, appointments under this section shall be from among persons who are members of the Assembly and shall be such as will in the opinion of the Secretary of State secure that the Executive has the character mentioned in section 2(1)(b) above.
- (5) Two of the persons at any time holding appointments under this section (other than the chief executive member) may be persons who were not appointed from among members of the Assembly but not more than one of them shall be the head of a Northern Ireland department.
- (6) If at any time after the appointed day it appears to the Secretary of State that it is not possible to make an appointment which complies with the requirements of subsection (4) above he may make an appointment which does not comply with those requirements but any person so appointed shall not hold office for more than six months.
- (7) Before making any appointment under this section (otherwise than by virtue of subsection (6)) the Secretary of State shall so far as practicable consult with the parties represented in the Assembly.
- (8) Persons appointed under this section shall hold office at Her Majesty's pleasure; and a person who is required by this section to be appointed from among members of the Assembly shall not continue in office for more than six months after ceasing to be a member of the Assembly.
- (9) A person appointed under this section who is not a member of the Assembly shall be entitled to sit and speak in the Assembly but not to vote.
- (10) Every person appointed under this section shall, on appointment, take the oath or make the affirmation set out in Schedule 4 to this Act.

9 Remuneration and pensions of members of Northern Ireland Executive etc.

- (1) There shall be paid to each person appointed under section 8 above such salary and allowances as may be prescribed by Order in Council; and provision may be made by Order in Council for the payment of pensions to or in respect of persons who have held appointments under that section.
- (2) Any Order in Council under this section may be varied or revoked by a subsequent Order.
- (3) Any salaries or allowances payable by virtue of an Order in Council under this section, and any sums required by any such Order relating to pensions to be paid out of public funds, shall be defrayed out of moneys appropriated for that purpose by Measure.

10 Attorney General for Northern Ireland

- (1) The Attorney General for England and Wales shall by virtue of that office be Attorney General for Northern Ireland also, and he and the Solicitor General shall by virtue of membership of the bar of England and Wales have in Northern Ireland the same rights of audience as members of the bar of Northern Ireland.
- (2) If at any time the office of Attorney General for England and Wales is vacant any functions authorised or required by any enactment or otherwise to be discharged by the Attorney General for Northern Ireland may be discharged by the Solicitor General for England and Wales as his deputy, and any certificate, petition, direction, notice, proceeding or other document, matter or thing whatsoever authorised or required to be given, delivered, served, taken or done to, on or against the Attorney General for Northern Ireland may be given, delivered, served, taken or done to, on or against the Solicitor General for England and Wales.
- (3) The Solicitor General for England and Wales may also act as Attorney General for Northern Ireland as deputy for the Attorney General for England and Wales if the Attorney General is unable to act owing to absence or illness, or if the Attorney General authorises the Solicitor General to act in any particular case.
- (4) The Attorney General for Northern Ireland shall cease to be a member of the Northern Ireland Supreme Court Rules Committee but the members of that Committee shall include, in addition to those mentioned in section 8 of the Northern Ireland Act 1962, one practising member of the Bar of Northern Ireland nominated by the Attorney General.

11 Agency arrangements between United Kingdom and Northern Ireland departments

- (1) Arrangements may be made between any department of the Government of the United Kingdom and any Northern Ireland department for any functions of one of them to be discharged by, or by officers of, the other.
- (2) No such arrangements shall affect the responsibility of the department on whose behalf any functions are discharged.
- (3) In this section references to a department of the Government of the United Kingdom include references to any Minister of the Crown and references to a Northern Ireland department include references to the head of a Northern Ireland department ; and this section shall have effect in relation to the Post Office as it has effect in relation to a department of the Government of the United Kingdom.

Relations with Republic of Ireland

12 Consultation, agreements and arrangements with Republic of Ireland

- (1) A Northern Ireland executive authority may—
 - (a) consult on any matter with any authority of the Republic of Ireland;
 - (b) enter into agreements or arrangements with any authority of the Republic of Ireland in respect of any transferred matter.
- (2) It is hereby declared that provision may be made by Measure for giving effect to any agreement or arrangement made under subsection (1) above, including provision

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for transferring to any authority designated by or constituted under the agreement or arrangement any function which would otherwise be exercisable by any authority in Northern Ireland or for transferring to an authority in Northern Ireland any functions which would otherwise be exercisable by any authority elsewhere.

- (3) Subsection (2) above does not affect the operation of sections 5 and 6 above in relation to the enactment of any Measure.

Financial provisions

13 Consolidated Fund of Northern Ireland

- (1) The Consolidated Fund of Northern Ireland shall continue to exist but there shall cease to be an Exchequer of Northern Ireland separate from the Consolidated Fund.
- (2) Subject to any provision made by or under any Act of the Parliament of the United Kingdom or of Northern Ireland or any Measure charging any sums on the Consolidated Fund of Northern Ireland, all sums forming part of that Fund shall be appropriated to the public service of Northern Ireland by Measure and shall not be applied for any purpose for which they are not so appropriated.
- (3) Except as otherwise provided by Act of the Parliament of Northern Ireland or by Measure, the accounts of the Consolidated Fund of Northern Ireland shall be audited by the Comptroller and Auditor-General for Northern Ireland in the manner provided by the Exchequer and Audit Act (Northern Ireland) 1921.
- (4) Subsection (2) above is without prejudice to any appropriation made by Order in Council under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972; and if part of a financial year falls before and part after the appointed day the accounts and reports mentioned in section 3 of the Northern Ireland (Financial Provisions) Act 1972 shall be prepared separately in relation to each part and that section (which requires those accounts and reports to be laid before the House of Commons) shall apply to the accounts and reports relating to the part before the appointed day as it applies to the accounts and reports relating to a financial year ending before the appointed day.

14 Proceedings in Assembly for imposing charge on public funds or for imposing taxation

No vote, resolution or Measure shall be passed by the Assembly for—

- (a) charging any sum on the Consolidated Fund of Northern Ireland or appropriating any sum out of that Fund or increasing the sums so charged or appropriated;
- (b) releasing or compounding any debt owed to the Crown ; or
- (c) imposing or increasing any tax,

except in pursuance of a recommendation from the Head of the Department of Finance for Northern Ireland signified to the Assembly by him or by a member of the Northern Ireland Executive authorised by him for that purpose.

15 Payment to Northern Ireland of share of United Kingdom taxes

- (1) Subject to subsection (4) below, there shall in respect of each year be charged on and paid out of the Consolidated Fund of the United Kingdom into the Consolidated Fund of Northern Ireland a sum equal to the Northern Ireland share of United Kingdom taxes.
- (2) The Northern Ireland share of United Kingdom taxes in respect of each year shall be determined by the Treasury; and that share shall be such amount as, in the opinion of the Treasury, represents the proceeds for that year of the taxes payable into the Consolidated Fund of the United Kingdom which are properly attributable to Northern Ireland after deducting the cost of collection and other appropriate costs.
- (3) The Treasury may make regulations with respect to the method by which the proceeds of the taxes, and the costs, mentioned in subsection (2) above are to be attributed to Northern Ireland; and any determination under that subsection shall be made in accordance with those regulations.
- (4) The Treasury may by order direct that there shall be deducted from the sum payable under subsection (1) above in respect of any year such sum as may be specified in the order by way of contribution towards the expenses falling on the Consolidated Fund of the United Kingdom in respect of that year which relate to excepted matters and reserved matters.
- (5) The sums payable under subsection (1) above shall be paid at such times and in such manner as the Treasury may determine, and payments may be made on account of sums subsequently so payable.
- (6) The power to make regulations or orders under this section shall be exercisable by statutory instrument and—
 - (a) any regulations under subsection (3) shall be subject to annulment in pursuance of a resolution of the House of Commons;
 - (b) no order shall be made under subsection (4) unless a draft of it has been approved by the House of Commons.

16 Grants to Northern Ireland out of moneys provided by Parliament

- (1) The Secretary of State may from time to time pay out of moneys provided by Parliament into the Consolidated Fund of Northern Ireland such sums by way of grant as he may with the consent of the Treasury determine and may, in connection with any such payment, impose such conditions as he may with the like consent determine.
- (2) No further payments shall be made under section 26(7) of the Finance Act 1967 or under or by virtue of section 67 of the Finance Act 1971 (payments towards certain expenditure in Northern Ireland).

PART III

PREVENTION OF RELIGIOUS AND POLITICAL DISCRIMINATION

17 Discrimination in legislation

- (1) Any Measure, any Act of the Parliament of Northern Ireland and any relevant subordinate instrument shall, to the extent that it discriminates against any person or class of persons on the ground of religious belief or political opinion, be void.
- (2) In this section "relevant subordinate instrument" means an instrument of a legislative character (including a byelaw) made (whether before or after the coming into force of this section) under any Act of the Parliament of the United Kingdom or the Parliament of Northern Ireland or under any Measure and extending only to Northern Ireland or a part of Northern Ireland.

18 Special procedure for determining validity of legislation

- (1) If it appears to the Secretary of State to be expedient in the public interest that steps should be taken for the speedy decision of any question whether a provision of a Measure, Act of the Parliament of Northern Ireland or relevant subordinate instrument within the meaning of section 17 above is void by virtue of that section, he may recommend to Her Majesty that the question be referred for decision to the Judicial Committee of the Privy Council.
- (2) If it appears to the Secretary of State that a proposed Measure transmitted to him after being passed by the Assembly contains a provision which, if the Measure were enacted, might be void by virtue of the said section 17 he shall refer it back to the Assembly for further consideration ; and if—
 - (a) it is again transmitted to him with or without modification ; and
 - (b) it still appears to him to contain such a provision as aforesaid,he shall recommend to Her Majesty that the question whether that provision would be void by virtue of the said section 17 be referred for decision to the Judicial Committee of the Privy Council.
- (3) For the purposes of their consideration of any question referred to them under this section the Judicial Committee may hear any person who appears to them to be interested in the determination of that question.
- (4) The decision of the Judicial Committee under this section as to the validity of any provision shall be stated in open court and shall be binding in all subsequent legal proceedings.
- (5) Where the Judicial Committee decide that a provision in a proposed Measure would be void the Secretary of State shall not submit the proposed Measure for the approval of Her Majesty in Council; and where they decide that such a provision would not be void their decision shall be taken as applying also to that provision if contained in the Measure when enacted.
- (6) Subsection (6) of section 5 above shall apply where the Secretary of State is precluded by subsection (5) above from submitting a proposed Measure for approval as it applies where he withholds his consent under that section and as if the reference to subsection (5) of that section included a reference to subsections (2) and (5) above.

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- (7) This section is without prejudice to any power of Her Majesty to refer to the Judicial Committee any questions other than those mentioned in this section.

19 Discrimination by public authorities

- (1) It shall be unlawful for a Minister of the Crown, a member of the Northern Ireland Executive or other person appointed under section 8 above, the Post Office and any authority or body listed in Schedule 2 to the Parliamentary Commissioner Act 1967, Schedule 1 to the Parliamentary Commissioner Act (Northern Ireland) 1969 or Schedule 1 to the Commissioner for Complaints Act (Northern Ireland) 1969 to discriminate, or aid, induce or incite another to discriminate, in the discharge of functions relating to Northern Ireland against any person or class of persons on the ground of religious belief or political opinion.
- (2) The obligation to comply with subsection (1) above is a duty owed to any person who may be adversely affected by a contravention of that subsection, and any breach of that duty is actionable in Northern Ireland accordingly.
- (3) Without prejudice to the right of any person apart from this subsection to claim an injunction restraining another from continuing or repeating any act which is unlawful by virtue of subsection (1) above, the plaintiff may in an action in respect of an act alleged to be unlawful as aforesaid claim any such injunction as is mentioned below on the grounds—
- (a) that the act was done by the defendant and was unlawful as aforesaid;
 - (b) that the defendant had previously done such unlawful acts of the same kind as, or of a similar kind to, that act; and
 - (c) that he is likely, unless restrained by order of the court, to do further acts of the same or of a similar kind;
- and the court may, if satisfied as to those grounds and whether or not damages are awarded, grant such injunction as appears to the court to be proper in all the circumstances, being an injunction restraining the defendant from doing, or causing or permitting others to do, further acts of the same or a similar kind.

20 The Standing Advisory Commission on Human Rights

- (1) There shall be constituted a Commission to be known as the Standing Advisory Commission on Human Rights (and hereafter in this section referred to as the Advisory Commission) for the purpose of—
- (a) advising the Secretary of State on the adequacy and effectiveness of the law for the time being in force in preventing discrimination on the ground of religious belief or political opinion and in providing redress for persons aggrieved by discrimination on either ground;
 - (b) keeping the Secretary of State informed as to the extent to which the persons, authorities and bodies mentioned in section 19(1) above have prevented discrimination on either ground by persons or bodies not prohibited from discriminating by that law.
- (2) The Advisory Commission shall consist of—
- (a) a chairman appointed by the Secretary of State from among the members of the Advisory Commission;
 - (b) the chairman of the Northern Ireland Community Relations Commission;

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- (c) the Northern Ireland Commissioner for Complaints;
 - (d) the Northern Ireland Parliamentary Commissioner for Administration; and
 - (e) such other members as may be appointed by the Secretary of State;
- and any member mentioned in paragraphs (b) to (d) above is hereafter in this section referred to as an ex-officio member.
- (3) An ex-officio member of the Advisory Commission shall on ceasing to hold the office by virtue of which he is a member of the Commission cease to be a member of the Commission and, if he is the chairman, to be chairman.
 - (4) The members of the Advisory Commission, other than the ex-officio members, shall hold and vacate office in accordance with the terms of their respective appointments and shall, on ceasing to hold office, be eligible for re-appointment, but any such member may at any time by notice addressed to the Secretary of State resign his office.
 - (5) The Secretary of State may out of moneys provided by Parliament pay the members of the Advisory Commission, other than the ex-officio members, such remuneration and such allowances as may be determined by the Secretary of State with the consent of the Minister for the Civil Service.
 - (6) The Secretary of State shall provide the Advisory Commission with such officers and such accommodation as may be appropriate.
 - (7) The Advisory Commission shall make annual reports to the Secretary of State with respect to the exercise of their functions and make copies of those reports available to the Assembly; and the Secretary of State shall lay any such report before each House of Parliament.

21 Unlawful oaths, undertakings and declarations

- (1) Subject to subsections (2) and (3) below, it shall be unlawful for an authority or body to which this section applies to require any person to take an oath, make an undertaking in lieu of an oath or make a declaration, as a condition of his being appointed to or acting as a member of that authority or body, or of serving with or being employed under that authority or body.
- (2) Subsection (1) above shall not prevent a person being required to take an oath or make an undertaking or a declaration which is specifically required or authorised to be taken or made—
 - (a) by the law in force immediately before the coming into force of that subsection ; or
 - (b) by or under this Act or by a subsequent Measure for the time being in force ;
 but, except as aforesaid, has effect notwithstanding anything in any enactment, any Measure or any instrument made under an enactment or a Measure.
- (3) Subsection (1) above shall not prevent a person being required to make a declaration of acceptance of office or a declaration that he is qualified to act, serve or be employed, or not disqualified from acting, serving or being employed, in any capacity.
- (4) This section applies to the Assembly and to any authority or body listed in Schedule 1 to the Parliamentary Commissioner Act (Northern Ireland) 1969 or Schedule 1 to the Commissioner for Complaints Act (Northern Ireland) 1969.

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- (5) Subsections (1) to (3) above shall apply with the necessary modifications to a member of the Northern Ireland Executive or other person appointed under section 8 above as they apply to any such authority or body.
- (6) Subsections (2) and (3) of section 19 above shall apply in relation to subsection (1) above as they apply in relation to subsection (1) of that section.

22 Removal of restrictions on investigation into maladministration

- (1) The enactments mentioned in subsection (2) below (which preclude a Commissioner appointed under any of the Acts so mentioned from conducting an investigation under the relevant Act when the person aggrieved has or had a remedy by way of proceedings in a court of law) shall not apply to an investigation of a complaint alleging maladministration involving discrimination on the ground of religious belief or political opinion or a requirement in contravention of section 21 above to take an oath or make an undertaking or declaration.
- (2) The said enactments are:—
 - (a) section 5(2)(b) of the Parliamentary Commissioner Act 1967;
 - (b) section 5(2)(b) of the Parliamentary Commissioner Act (Northern Ireland) 1969 ; and
 - (c) section 5(3)(b) of the Commissioner for Complaints Act (Northern Ireland) 1969.

23 Interpretation and supplemental

- (1) For the purposes of this Part of this Act a Measure, an Act of the Parliament of Northern Ireland or any other instrument 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.
- (2) 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.
- (3) No Measure, Act of the Parliament of Northern Ireland or other instrument and no act done by any person shall be treated for the purposes of this Act as discriminating if the instrument has the effect, or, as the case may be, the act is done for the purpose, of safeguarding national security or protecting public safety or public order.
- (4) 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 shall be conclusive evidence that it was done for that purpose.
- (5) No provision of this Part of this Act shall affect the operation before the coming into force of that provision of any Measure, Act of the Parliament of Northern Ireland or other instrument.
- (6) No provision of this Part of this Act shall render unlawful anything required or authorised to be done by any Act of the Parliament of the United Kingdom, whenever passed.

PART IV

THE NORTHERN IRELAND ASSEMBLY

24 Presiding officer and Clerk of the Assembly

- (1) The Assembly elected under the Northern Ireland Assembly Act 1973, and every Assembly subsequently elected, shall as its first business elect one of its members to be the presiding officer of the Assembly.
- (2) The person so elected shall hold office until the dissolution of the Assembly unless he previously resigns or ceases to be a member of the Assembly or is removed from office by resolution of the Assembly; and if the presiding officer vacates his office before the expiration of his term of office the Assembly shall elect another person to fill his place for the remainder of that term.
- (3) There shall be a Clerk to the Assembly appointed by Her Majesty on the recommendation of the Secretary of State.
- (4) The Clerk to the Assembly shall, with the consent of the Ministry of Finance for Northern Ireland as to numbers, appoint such other officers and servants of the Assembly as he considers requisite.
- (5) The remuneration of the Clerk to the Assembly shall be such as may be determined by the Ministry of Finance for Northern Ireland; and the remuneration and conditions of service of the other officers and servants of the Assembly shall be such as may be determined by the Clerk to the Assembly with the consent of that Ministry.
- (6) The remuneration of the Clerk to the Assembly shall be charged on and paid out of the Consolidated Fund of Northern Ireland and the remuneration of the other officers and servants of the Assembly shall be defrayed out of moneys appropriated by Measure.
- (7) The Clerk to the Assembly shall act as presiding officer while that office is vacant pending an election under subsection (1) or (2) above.
- (8) Any functions of the Clerk to the Assembly (including functions under section 5 above or under subsection (7) above) may, if the office of Clerk is vacant or the Clerk is for any reason unable to act, be discharged by any other officer for the time being discharging the duties of the Clerk.

25 Procedure

- (1) The Assembly shall make standing orders for regulating its procedure.
- (2) The standing orders shall include provision—
 - (a) for general debate of a proposed Measure with an opportunity for members to vote on its general principles;
 - (b) for the consideration of, and an opportunity for members to vote on, the details of a proposed Measure ; and
 - (c) for a final stage at which a proposed Measure can be passed or rejected but not amended.
- (3) The standing orders shall include provision for the procedure to be adopted where the Secretary of State has withheld his consent to a proposed Measure under subsection (3)

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of section 5 above or has referred a proposed Measure back to the Assembly for further consideration.

- (4) The standing orders shall include provision for the establishment of consultative committees to advise and assist the head of each of the Northern Ireland departments in the formulation of policy with respect to matters within the responsibilities of his department, and a committee may be so established either in relation to a single department or in relation to more than one.
- (5) Standing orders made by virtue of subsection (4) above shall, subject to subsection (6) below, provide for the head of the department or the heads of departments in relation to which a consultative committee is established to be chairman or joint chairmen of that committee and shall make provision for securing that the balance of parties in the Assembly is, so far as practicable, reflected in the membership of the consultative committees taken as a whole.
- (6) Her Majesty may by Order in Council repeal or amend so much of subsection (5) above as relates to the chairmanship of consultative committees and make such consequential or transitional provision in connection with the repeal or amendment as appears to Her Majesty to be necessary or expedient; but the power to make Orders under this subsection (which includes power to vary or revoke a previous Order) shall not be exercisable before the appointed day and no recommendation shall be made to Her Majesty to make such an Order unless a draft of it has been approved by resolution of each House of Parliament.
- (7) The standing orders may provide for enabling a consultative committee to obtain from any department in relation to which it is established such information as the committee may require for the purpose of discharging its functions but shall not enable the committee or any member thereof to have access to any papers of that department.
- (8) The standing orders shall include provision for the examination by a committee of the Assembly of the manner in which moneys charged on or appropriated out of the Consolidated Fund of Northern Ireland have been applied.
- (9) The Secretary of State may give directions for regulating the procedure of the Assembly so far as he considers requisite pending the making of standing orders by the Assembly.
- (10) Subsection (8) above does not apply to the application of moneys before the appointed day.

26 Privileges, remuneration, etc.

- (1) The powers, privileges and immunities of the Assembly and of the members and committees thereof shall be the same as those for the time being held and enjoyed by the House of Commons and its members and committees but this subsection has effect subject to section 25(7) above and to any provision made by Measure.
- (2) There shall be paid to each member of the Assembly such salary and allowances as may be prescribed by Order in Council; and provision may be made by Order in Council for the payment of pensions to or in respect of persons who have been members of the Assembly.
- (3) Any salary or allowances payable to a member by virtue of an Order in Council under subsection (2) above shall accrue from the date on which he is returned as a member

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but shall not be payable unless he takes his seat in the manner prescribed by standing orders.

- (4) Special provision may be made by Order in Council under subsection (2) above in respect of the member who is the presiding officer of the Assembly and in respect of such other members (if any) as may be elected by the Assembly to discharge other functions in relation to the Assembly.
- (5) Any salaries or allowances payable by virtue of an Order under subsection (2) above, and any sums required by such an Order relating to pensions to be paid out of public funds, shall be defrayed out of moneys appropriated for that purpose by Measure.
- (6) Any Order in Council under subsection (2) above may be varied or revoked by a subsequent Order.
- (7) A member of the Assembly may resign his seat by giving notice in writing to the presiding officer of the Assembly; and if a seat becomes vacant by resignation, death or disqualification the presiding officer shall as soon as practicable inform the Assembly thereof.
- (8) Provision may be made by Order in Council under subsection (2) above for increasing the salary specified in section 1(5) of the Northern Ireland Assembly Act 1973 or for altering the allowances there mentioned but, save as aforesaid, neither that subsection nor subsection (3) above affects any payment to be made under the said section 1(5) to any person by virtue of his membership of the Assembly elected under that Act.
- (9) Subsection (5) above shall, as from the appointed day, apply to any salaries or allowances payable under the said section 1(5).

27 Dissolution and prorogation

- (1) The Assembly elected under the Northern Ireland Assembly Act 1973 shall by virtue of this subsection be dissolved—
 - (a) if an Order in Council is made under section 2 above before 30th March 1974, on the fourth anniversary of the appointed day;
 - (b) if no Order in Council is so made, on 30th March 1974.
- (2) Any Assembly elected after that mentioned in subsection (1) above shall by virtue of this subsection be dissolved—
 - (a) except where paragraph (b) below applies, on the fourth anniversary of the dissolution of its predecessor;
 - (b) if its predecessor was dissolved by virtue of paragraph (b) of subsection (1) above and no Order in Council is made under section 2 above before the expiration of the period of six months beginning with the day on which it was elected, at the expiration of that period.
- (3) If, apart from this subsection, the date of dissolution under subsection (1)(a) or (2) above would fall on a Saturday, Sunday or public holiday it shall fall on the next subsequent day which is not a Saturday, Sunday or public holiday.
- (4) The Secretary of State may by order direct that any date of dissolution under paragraph (a) of subsection (1) or (2) above shall, instead of being determined in accordance with that paragraph and subsection (3) above, be a date specified in the order, being a date falling not more than two months before or after the date so determined.

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- (5) If it appears to Her Majesty that the composition of the Assembly is such that it is not possible for the Secretary of State to make appointments under section 8 above which comply with the requirements of subsection (4) of that section and that it is in the public interest that the Assembly should be dissolved, Her Majesty, after taking into account any vote or resolution of the Assembly which appears to Her Majesty to be relevant, may by Order in Council direct that the date of dissolution for the Assembly, instead of being determined in accordance with the foregoing provisions of this section, shall be such earlier date as may be specified in the Order.
- (6) In any case in which an Order could be made under subsection (5) above Her Majesty may, instead of or before making an Order under that subsection, by Order in Council prorogue or further prorogue the Assembly.
- (7) If the Assembly is dissolved in accordance with subsection (1)(b) or (5) above Her Majesty may by Order in Council appoint a day for the election of members of a new Assembly; and the first meeting of the new Assembly shall be held on such day as the Secretary of State may by order direct.
- (8) An Order in Council under this section may be varied or revoked by a subsequent Order and, except in the case of an Order proroguing the Assembly for a period of four months or less and not extending a previous period of prorogation, no recommendation shall be made to Her Majesty to make an Order under this section unless a draft of it has been approved by resolution of each House of Parliament.
- (9) Any power of the Secretary of State to make an order under subsection (4) or (7) above includes power to vary or revoke a previous order and, in the case of an order under subsection (4), shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) An Order in Council under this section proroguing the Assembly shall specify the period of prorogation and the Assembly shall meet at the expiration of that period but without prejudice to the power of Her Majesty to recall it earlier and subject to any further prorogation or any dissolution by or under this section before the expiration of that period.

28 Constituencies and number of members

- (1) Section 1(2) of the Northern Ireland Assembly Act 1973 and the Schedule to that Act (which provide for the members of the Assembly to be returned for the constituencies in Northern Ireland which would return members to the Parliament of the United Kingdom if a general election were held at the passing of that Act and specifies the number of members to be returned by each constituency) shall apply also in relation to any subsequent election of members of the Assembly and, subject to subsection (6) below, shall so apply as if for the reference to the passing of that Act there were substituted a reference to the date on which the election is held.
- (2) Where the Boundary Commission for Northern Ireland submit to the Secretary of State a report under section 2(1) or (3) of the House of Commons (Redistribution of Seats) Act 1949 showing the constituencies into which the whole of, or any area in, Northern Ireland should be divided they shall submit therewith a supplementary report showing the number of members which they recommend should be returned to the Assembly by each of those constituencies.

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- (3) The recommendations in a supplementary report shall not be such as substantially to alter the number of members specified in section 1(1) of the said Act of 1973 (total number of members of Assembly); and those recommendations shall be such as to secure, so far as practicable, that the ratio of the electorate of each constituency to the number of members to be returned by that constituency is the same in every constituency.

In this subsection " the electorate", in relation to a constituency, means the number of persons whose names appear on the register of electors for that constituency in force on the enumeration date (as defined in Schedule 2 to the said Act of 1949) under section 29 below.

- (4) Section 2(4) and (5) and section 3 of the said Act of 1949 (publication of notice of proposed report of Boundary Commission and implementation of recommendations in report) shall apply to a supplementary report under this section as they apply to a report under that Act.
- (5) An Order in Council under the said Act of 1949 for giving effect, with or without modifications, to the recommendations contained in a report or supplementary report of the Boundary Commission for Northern Ireland may amend section 1(1) of the said Act of 1973 by altering the number of members there specified and may amend the Schedule to that Act by altering the name of any of the constituencies there mentioned or the number of members there specified in relation to any constituency.
- (6) Any provision of an Order in Council under the said Act of 1949 altering the boundaries of any constituency in Northern Ireland or the number of members specified in the said section 1(1) or the said Schedule in relation to any constituency shall not affect any election to the Assembly before the next general election to the Assembly or affect the constitution of the Assembly then in being.
- (7) The officers of the Boundary Commission for Northern Ireland shall include the Chief Electoral Officer for Northern Ireland as an additional assessor.

29 Elections and franchise

- (1) The following provisions of section 2 of the Northern Ireland Assembly Act 1973, that is to say—
- (a) subsection (3) (voting in poll for election under that Act to be by single transferable vote);
 - (b) subsection (4) (deposits by candidates at that election);
 - (c) subsection (5) (power of Secretary of State by order to make provision as to the conduct etc. of that election);
- shall apply also to any subsequent election of members of the Assembly, including bye-elections.
- (2) The provision that may be made by an order under subsection (5) of the said section 2 as extended by this section shall include provision for determining, subject to section 27(7) above, the date of the poll for any such subsequent election, provision as to the persons entitled to vote at any such election and the registration of such persons and provision for such other matters relating to any such election as the Secretary of State thinks necessary or expedient.

30 Disqualification for membership of Assembly

- (1) For section 10 of the House of Commons Disqualification Act 1957 (which applies certain provisions of that Act to the Senate and House of Commons of the Parliament of Northern Ireland) there shall be substituted—

“10 Provisions relating to Northern Ireland Assembly.

- (1) Subject to subsection (2) of this section, the following provisions of this Act, that is to say—
- (a) section 1(1), (3) and (4) and sections 3, 5, 8 and 9 ; and
 - (b) Parts I, II and III of Schedule 1,
- shall apply in relation to the Northern Ireland Assembly as they apply in relation to the House of Commons of the Parliament of the United Kingdom, and references in those provisions to the House of Commons shall be construed accordingly.
- (2) In relation to the Northern Ireland Assembly for Parts II and III of Schedule 1 to this Act there shall be substituted the Parts set out in Schedule 3 to this Act.”
- (2) In Schedule 3 to the said Act of 1957 the heading shall be changed to " Provisions substituted for Parts II and III of Schedule 1 in relation to Northern Ireland Assembly " and all the other provisions of that Schedule except the substituted Parts II and III shall be omitted.
- (3) In section 3 of the Northern Ireland Assembly Act 1973 (disqualification for membership of Assembly) in subsection (1) for the words from " a person is disqualified for membership of the Assembly" onwards there shall be substituted the words " a person is disqualified for membership of the Assembly if he is disqualified for membership of the Commons House of the Parliament of the United Kingdom otherwise than by the House of Commons Disqualification Act 1957 " and in subsection (3) of that section references to a disqualification imposed by that section shall include references to a disqualification imposed by the said Act of 1957 as amended by this section.

PART V

MISCELLANEOUS AND SUPPLEMENTARY

31 Abolition of Parliament of Northern Ireland

- (1) The Parliament of Northern Ireland shall cease to exist.
- (2) Unless and until the Clerk to the Assembly otherwise determines, every person who immediately before the date of the passing of this Act was employed in the service of, or of either House of, the Parliament of Northern Ireland in any office mentioned in subsection (3) below shall as from that date be employed in the service of the Assembly with the same remuneration and conditions of service.
- (3) The said offices are Clerk-Assistant of the Parliaments, Second Clerk-Assistant of the Parliaments, Fourth Clerk at the Table, Librarian and Assistant Librarian, Editor and Deputy Editor of Official Reports of Debates and Reporter.

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- (4) Subject to subsection (5) below, all property which immediately before the date of the passing of this Act was held in trust or used for the purposes of, or either House of, the Parliament of Northern Ireland, or partly for those purposes and partly for other purposes, shall on and after that date be applied for the purposes of the Assembly or such other purposes as the Ministry of Finance for Northern Ireland may determine.
- (5) The Secretary of State may require the Ministry to make available to him in any premises comprised in the property mentioned in subsection (4) above (other than the Parliament Buildings at Stormont) such accommodation and facilities as he may specify ; and the Secretary of State shall in consideration of the use thereof after the appointed day make to the Ministry such payments out of moneys provided by Parliament as he and the Ministry may agree.
- (6) In so far as any of the property mentioned in subsection (4) above was not immediately before the date of the passing of this Act vested in the Ministry of Finance for Northern Ireland it shall vest in that Ministry on that date; and subsections (4) and (5) above shall have effect notwithstanding anything in any deed or other instrument relating to the property to which those subsections apply.

32 Abolition of office of Governor and provisions as to Privy Council of Northern Ireland

- (1) The office of Governor of Northern Ireland shall cease to exist.
- (2) There shall be charged on and paid out of the Consolidated Fund of the United Kingdom to the last holder of that office such sum as the Secretary of State may, with the consent of the Minister for the Civil Service, determine to be appropriate.
- (3) No further appointments shall be made to the Privy Council of Northern Ireland.

33 Preservation of pension rights of former members of Parliament of Northern Ireland and former Ministers

- (1) The Secretary of State shall be the sole trustee under Schedule 2 to the Ministerial Salaries and Members' Pensions Act (Northern Ireland) 1965 unless and until he appoints other persons to be trustees under that Schedule; and so long as the Secretary of State is sole trustee paragraphs 1 to 5 of that Schedule shall not apply.
- (2) Save as aforesaid and without prejudice to any provision made under this Act, nothing in this Act affects any pension payable under the said Act of 1965 or section 1 of the Ministerial Offices Act (Northern Ireland) 1952 the right to which has accrued before the passing of this Act or accrues upon a person ceasing to be a member of the Parliament of Northern Ireland by reason of section 31 above.

34 Director of Public Prosecutions for Northern Ireland

- (1) As from the appointed day the Prosecution of Offences (Northern Ireland) Order 1972 (which establishes and makes provision for the office of Director of Public Prosecutions for Northern Ireland) shall have effect subject to the following provisions of this section.
- (2) Any appointment to the office of Director or deputy Director of Public Prosecutions for Northern Ireland shall be made by the Attorney General for Northern Ireland; and

the Attorney General for Northern Ireland may remove the Director or deputy Director on the ground of inability or misbehaviour.

- (3) In Article 4(2)(b) and (c) (provisions as to resignation and retirement) for references to the Governor of Northern Ireland there shall be substituted references to the Attorney General for Northern Ireland.
- (4) Article 3(2) (which places the Director under the superintendence of the Attorney General so long as section 1 of the Northern Ireland (Temporary Provisions) Act 1972 has effect) shall continue to apply after that section ceases to have effect.
- (5) Any reference in Article 4 or 8 to the Ministry of Home Affairs or the Ministry of Finance shall, as respects anything falling to be done after the appointed day, be construed as a reference to the Secretary of State.

35 Crown Solicitor for Northern Ireland

- (1) As from the appointed day there shall be a Crown Solicitor for Northern Ireland appointed by the Attorney General for Northern Ireland.
- (2) The Crown Solicitor shall hold office on such terms and conditions as may be determined by the Attorney General for Northern Ireland.
- (3) The services of the Crown Solicitor shall be available to any Minister or department of the Government of the United Kingdom and, with the approval of the Attorney General for Northern Ireland and on such terms as he may determine, to any Northern Ireland executive authority.
- (4) The remuneration of, and other expenses incurred in connection with, the Crown Solicitor shall be defrayed out of moneys provided by Parliament.

36 Provisions as to other Northern Ireland officers

- (1) Any appointment on or after the appointed day to the office of—
 - (a) Northern Ireland Parliamentary Commissioner for Administration;
 - (b) Northern Ireland Commissioner for Complaints;
 - (c) Civil Service Commissioner for Northern Ireland ;
 - (d) Comptroller and Auditor-General for Northern Ireland,shall be made by Her Majesty.
- (2) The Parliamentary Commissioner Act (Northern Ireland) 1969 shall, in relation to any complaint made on or after the date of the passing of this Act, have effect as if for any reference in sections 5 and 6 to a member of the House of Commons there were substituted a reference to a member of the Assembly ; and any report to be sent on or after that date under section 10(1) of that Act in respect of a complaint made before that date shall be sent by the Commissioner to such member of the Assembly as he thinks appropriate.
- (3) Section 10(3), (4) and (5) of the said Act of 1969 shall, as from the appointed day, have effect as if for any reference to each or either House of Parliament or to a member of the House of Commons there were substituted a reference to the Assembly or a member of the Assembly.
- (4) Subsections (2) and (3) above have effect subject to any provision made by Measure.

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- (5) Her Majesty may by Order in Council make provision with respect to the appointment of lord-lieutenants, lieutenants and deputy lieutenants in Northern Ireland, for conferring on them functions which apart from the Order would be exercisable by lieutenants in Northern Ireland, for altering the designation of vice-lieutenants in Northern Ireland and for matters incidental to or consequential on any provision so made, including the amendment or repeal of any enactment passed before this Act.
- (6) An Order in Council under subsection (5) above may be varied or revoked by a subsequent Order.

37 Provisions as to Joint Exchequer Board and other financial matters

- (1) The functions of the Joint Exchequer Board are hereby transferred to the Treasury and that Board shall cease to exist.
- (2) Any sums which, apart from this Act, would be payable into the Consolidated Fund of the United Kingdom by virtue of section 22(1) of the Government of Ireland Act 1920 (reserved taxes) shall continue to be so paid; and, subject to subsection (3) below, any sums which, apart from this Act, would be payable into the Consolidated Fund of Northern Ireland by virtue of section 21(1) of that Act (transferred taxes) shall continue to be so paid.
- (3) There shall be paid into the Consolidated Fund of the United Kingdom, as from such date as the Treasury may by order direct, the proceeds of any tax specified in the order which would otherwise be paid into the Consolidated Fund of Northern Ireland.
- (4) The power to make orders under subsection (3) above includes power to vary or revoke a previous order and shall be exercisable by statutory instrument.

38 Power to legislate by Order in Council for certain matters relating to Northern Ireland

- (1) Her Majesty may by Order in Council make provision with respect to the following matters—
 - (a) elections (but not the franchise) and boundaries in respect of local authorities in Northern Ireland;
 - (b) the constitution of the Police Authority for Northern Ireland.
- (2) Her Majesty may by Order in Council make such amendments of the law of any part of the United Kingdom as appear to Her Majesty to be necessary or expedient in consequence of any provision made by or under any Measure or Act of the Parliament of Northern Ireland or Order in Council under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972 or by or under any Act of the Parliament of the United Kingdom passed before this Act in so far as the provision is part of the law of Northern Ireland.
- (3) An Order in Council under subsection (2) above may contain such consequential and supplemental provisions as appear to Her Majesty to be necessary or expedient.
- (4) An Order in Council under this section may be varied or revoked by a subsequent Order.

- (5) No recommendation shall be made to Her Majesty to make an Order in Council under this section unless a draft of the Order has been approved by resolution of each House of Parliament.

39 Power to legislate by Order in Council for purposes consequential on this Act or on Orders under s. 3

- (1) Her Majesty may by Order in Council make such provision, including provision amending the law of any part of the United Kingdom, as appears to Her Majesty to be necessary or expedient in consequence of, or for giving full effect to, this Act or any Order under section 3 above; and, without prejudice to the generality of that power, provision may in particular be made by any such Order for any of the matters mentioned in subsections (2) to (7) below.
- (2) Provision may be made for transferring, with effect from the appointed day, any functions which immediately before that day are (or but for the Northern Ireland (Temporary Provisions) Act 1972 or section 32 or 37 above would be) exercisable by an existing Northern Ireland authority—
- (a) in so far as those functions appear to Her Majesty to be concerned with an excepted matter or reserved matter, to a United Kingdom authority;
 - (b) in so far as they appear to Her Majesty to be concerned with a transferred matter, to a new Northern Ireland authority.
- (3) Provision may be made, with effect from the appointed day, for anything which immediately before that day would, apart from the said Act of 1972 or section 31 above, fall to be done by or to the Parliament of Northern Ireland or either House of that Parliament in connection with any matter (other than the passing of Acts of that Parliament) to be done instead by or to—
- (a) in so far as that matter appears to Her Majesty to be an excepted matter or reserved matter, the Parliament of the United Kingdom or either House of that Parliament ;
 - (b) in so far as that matter appears to Her Majesty to be a transferred matter, the Assembly.
- (4) Provision may be made for transferring, with effect from any date specified in an Order under section 3 above, any functions which immediately before that date are exercisable by a United Kingdom authority or a new or existing Northern Ireland authority—
- (a) in so far as they appear to Her Majesty to be concerned with a matter which on that date becomes a transferred matter, to a new or existing Northern Ireland authority;
 - (b) in so far as they appear to Her Majesty to be concerned with a matter which on that date ceases to be a transferred matter, to a United Kingdom authority.
- (5) Provision may be made, with effect from any date specified in an Order under the said section 3, for anything which immediately before that date falls to be done by or to the Parliament of the United Kingdom or either House of that Parliament or by the Assembly in connection with any matter (other than the passing of Acts of Parliament or Measures) to be done instead by or to—
- (a) in so far as that matter appears to Her Majesty to be a matter which on that date becomes a transferred matter, the Assembly;

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- (b) in so far as that matter appears to Her Majesty to be a matter which on that date ceases to be a transferred matter, the Parliament of the United Kingdom or either House of that Parliament.
- (6) Provision may be made for any sums to be charged on and payable out of, or payable into, the Consolidated Fund of the United Kingdom or the Consolidated Fund of Northern Ireland or for any sums to be paid out of moneys provided by Parliament or out of moneys appropriated by Measure.
- (7) Provision may be made, to such extent as may appear to Her Majesty to be necessary or expedient in consequence of, or for giving full effect to, this Act or any Order under section 3 above—
- (a) for transferring or apportioning any property, rights or liabilities ;
 - (b) for substituting any authority for any other authority in any charter, contract or other document or in any legal proceedings ;
 - (c) for any other transitional or consequential matter.
- (8) In this section—
- " existing Northern Ireland authority " means the Governor of Northern Ireland, the Privy Council of Northern Ireland, the Governor of Northern Ireland in Council, the Prime Minister and any other Minister of the Government of Northern Ireland, any department of that Government, the Comptroller and Auditor-General for Northern Ireland, the Joint Exchequer Board and the Chief Crown Solicitor in Northern Ireland;
- " new Northern Ireland authority " means any of the Northern Ireland executive authorities ;
- " United Kingdom authority " means the Privy Council, any Minister of the Government of the United Kingdom, the Treasury, the Defence Council, the Commissioners of Inland Revenue, the Commissioners of Customs and Excise, the Comptroller and Auditor General and the Crown Solicitor for Northern Ireland appointed under this Act.
- (9) The power to make Orders under this section includes power to vary or revoke a previous Order and no recommendation shall be made to Her Majesty to make an Order under this section unless a draft of it has been approved by resolution of each House of Parliament.

40 General adaptation of references to institutions and offices abolished by this Act

- (1) Schedule 5 to this Act shall have effect as from the appointed day for adapting references in existing statutory provisions to institutions and offices which cease to exist by virtue of this Act.
- (2) Where an existing statutory provision refers (otherwise than for the purpose of extending or restricting the powers of the Parliament of Northern Ireland) to the matters in respect of which that Parliament has or does not have power to make laws, that provision shall be construed as referring to the matters in respect of which that Parliament would or would not have had power to make laws if this Act had not been passed.
- (3) In this section " existing statutory provision " means any provision contained in an Act of the Parliament of Northern Ireland or in an Act of the Parliament of the United Kingdom passed before the appointed day or in the Session in which the appointed

day falls and any provision contained in an instrument made before the appointed day under any such Act.

- (4) Subsection (1) above applies also in relation to any charter, contract or other document (not being a statutory provision) made before the appointed day.
- (5) This section and Schedule 5 have effect subject to any provision made by or under this Act or by Measure, and modify references only so far as their context and the nature of the provision or document in question admit.

41 Repeals

- (1) The enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule—
 - (a) in the case of the enactments in Part I of that Schedule, as from the passing of this Act;
 - (b) in the case of those in Part II, as from the appointed day.
- (2) Without prejudice to the generality of the powers conferred by section 39 above, an Order in Council under that section may repeal or revoke any existing statutory provision (as defined in section 40 above) which appears to Her Majesty to be unnecessary in consequence of, or inconsistent with, any provision of this Act.

42 Saving for existing laws

- (1) Except so far as otherwise provided by or under this Act, nothing in this Act shall affect the continued operation in or in relation to Northern Ireland of any law in force at the passing of this Act or on the appointed day.
- (2) Without prejudice to subsection (1) above, neither the abolition of the Parliament of Northern Ireland nor the repeal by this Act of any provision relating to that Parliament shall affect the validity or otherwise of any Act of that Parliament.
- (3) Neither the abolition of the Parliament of Northern Ireland or of the office of Governor of Northern Ireland nor the repeal by this Act of any provision relating to that Parliament or office shall affect the operation of the Northern Ireland (Temporary Provisions) Act 1972 or the validity of any Order in Council made under section 1(3) of that Act; and any provision of any Act passed in the same Session as this Act which confers powers on the Parliament of Northern Ireland or functions on the Governor or the Governor in Council shall be construed as conferring corresponding powers on Her Majesty to make laws under the said section 1(3) or corresponding functions on the Secretary of State.

43 Short title, interpretation and commencement

- (1) This Act may be cited as the Northern Ireland Constitution Act 1973.
- (2) In this Act—
 - " the appointed day " means the day appointed under section 2 above for the commencement of Part II of this Act;
 - " the Assembly " means the Northern Ireland Assembly;
 - " excepted matter " means any matter specified in Schedule 2 to this Act;
 - " enactment " includes an enactment of the Parliament of Northern Ireland;

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- " functions " includes powers and duties ;
 - " Measure " means a Measure of the Northern Ireland Assembly;
 - " Northern Ireland " has the same meaning as for the purposes of the Government of Ireland Act 1920;
 - " Northern Ireland executive authorities " has the meaning given in section 7(6) above ;
 - " reserved matter " has the meaning given in section 3(4) above;
 - " transferred matter " means any matter which is for the time being declared to be such a matter by an order under Part I of this Act.
- (3) In accordance with section 7(5) above, references in this Act to the Ministry of Finance for Northern Ireland shall from the appointed day be construed as references to the Department of Finance for Northern Ireland.
- (4) Any reference in this Act to any enactment is a reference to that enactment as amended by, and includes a reference to that enactment as extended or applied by, any other enactment including this Act.
- (5) Part I of this Act and, except where otherwise stated, Parts IV and V of this Act shall come into force at the passing of this Act.
- (6) Part III of this Act shall come into force on a day specified in an order made by the Secretary of State by statutory instrument, and different days may be specified under this subsection for different provisions of Part III.