



# Northern Ireland Constitution Act 1973

## 1973 CHAPTER 36

### PART I

#### PRELIMINARY

##### *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.
- (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 ".