

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1982 (repealed 2.12.1999), SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

SUSPENSION OF DIRECT RULE

PART I

GENERAL SUSPENSION

- 1 Where an Order is made under section 2(1)(a) of this Act—
- (a) the interim period referred to in subsection (3) of section 1 of the ^{M1}Northern Ireland Act 1974 shall expire on the coming into force of the Order; but
 - (b) if the Order is revoked that period shall run again for the period of one year beginning with the date of revocation and may be continued thereafter as provided by subsection (4) of that section.

Marginal Citations

M1 1974 c. 28.

- 2 Where an Order under paragraph (a) of subsection (1) of section 2 of this Act comes into force at a time when one or more Orders are in force under paragraph (b) of that subsection the Order or Orders under paragraph (b) shall thereupon cease to have effect.

PART II

PARTIAL SUSPENSION

Preliminary

- 3 (1) While an Order is in force under section 2(1)(b) of this Act the interim period referred to in subsection (3) of section 1 of the Northern Ireland Act 1974 shall continue without the need for any order under subsection (4) of that section; and if an Order under section 2(1)(b) of this Act is revoked (and no other Order under that provision is in force) that period shall further continue as aforesaid for the period of one year beginning with the date of revocation.
- (2) In this Part of this Schedule—

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“the relevant order” means the Order under section 2(1)(b) of this Act;
 “the specified matters” and “the specified department” mean the transferred matters and the Northern Ireland department (or each Northern Ireland department) in relation to which the relevant order is in force;
 “Schedule 1” means Schedule 1 to the Northern Ireland Act 1974.

Legislative functions

- 4 (1) While the relevant order is in force—
- (a) paragraph 1(1)(a) of Schedule 1 shall not preclude the Assembly from passing Measures; but
 - (b) transferred matters other than the specified matters shall be treated for the purposes of sections 5 and 6 of the Constitution Act as if they were reserved matters.
- (2) It is hereby declared for the avoidance of doubt that the Assembly may, as part of its power to legislate for the specified matters, pass Measures appropriating moneys for the services administered by the specified department or charging sums on, or providing for the payment of sums into, the Consolidated Fund of Northern Ireland in respect of the specified matters.

Executive functions

- 5 (1) Notwithstanding paragraph 2(1)(a) of Schedule 1 the Secretary of State may under section 8(1) of the Constitution Act appoint—
- (a) a person to be head of the specified department while the relevant order is in force; and
 - (b) a person to assist the person appointed as mentioned in paragraph (a) above.
- (2) Subsections (2), (5) and (6) of section 8 of the Constitution Act (appointments to Northern Ireland Executive and appointment of persons who are not members of the Assembly etc.) shall not apply to any appointment made by virtue of subparagraph (1) above.
- (3) While the relevant order is in force paragraph 2(1)(b) and (2) of Schedule 1 shall not apply to the specified department.

Subordinate instruments, etc.

- 6 (1) While the relevant order is in force paragraph 3(1) to (6) of Schedule 1 shall not apply in relation to the specified matters.
- (2) For the purposes of this paragraph an instrument shall not be treated as not relating to the specified matters by reason only that it requires the consent or concurrence of a Northern Ireland department other than the specified department or that it contains provisions creating offences or imposing penalties.

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Parliamentary Commissioner and Commissioner for Complaints

- 7 (1) Paragraph 4(1) of Schedule 1 shall not apply to any report which relates only to matters that are the responsibility of the specified department at the time when the report is made.
- (2) Where, apart from this sub-paragraph, a report to which the said paragraph 4(1) applies would relate both—
- (a) to such matters as are mentioned in sub-paragraph (1) above; and
 - (b) to other matters,
- the report shall be made in separate parts relating to those matters respectively and the said paragraph 4(1) shall apply only to the part dealing with the matters referred to in paragraph (b) above.

Accounts

- 8 (1) Paragraph 5(1) of Schedule 1 shall not apply to any accounts or reports required by any provision of the ^{M2}Exchequer and Audit Act (Northern Ireland) 1921 (other than section 10) which relate to—
- (a) the specified department; and
 - (b) a period for which the relevant order is in force;
- and where any such accounts or reports relate to a financial year of which only part falls within the period mentioned in paragraph (b) above the accounts or reports shall be prepared separately for that part and for the remainder of the financial year in question.
- (2) Notwithstanding paragraph 5(3) of Schedule 1 the functions of any such committee as is there mentioned shall extend to the application of moneys by the specified department during the period for which the relevant order is in force.

Marginal Citations

M2 1921 c. 2 (N.I.)

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