



Northern Ireland Act 1998

1998 CHAPTER 47

PART I

PRELIMINARY

4 Transferred, excepted and reserved matters

(1) In this Act—

“excepted matter” means any matter falling within a description specified in Schedule 2;

“reserved matter” means any matter falling within a description specified in Schedule 3;

“transferred matter” means any matter which is not an excepted or reserved matter.

(2) If at any time after the appointed day it appears to the Secretary of State—

(a) that any reserved matter should become a transferred matter; or

(b) that any transferred matter should become a reserved matter,

he may, subject to subsection (3), lay before Parliament the draft of an Order in Council amending Schedule 3 so that the matter ceases to be or, as the case may be, becomes a reserved matter with effect from such date as may be specified in the Order.

(3) The Secretary of State shall not lay the draft of an Order before Parliament under subsection (2) unless the Assembly has passed with cross-community support a resolution praying that the matter concerned should cease to be or, as the case may be, should become a reserved matter.

(4) If the draft of an Order laid before Parliament under subsection (2) 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.

(5) In this Act—

“the Assembly” means the New Northern Ireland Assembly, which after the appointed day shall be known as the Northern Ireland Assembly;

Status: This is the original version (as it was originally enacted).

“cross-community support”, in relation to a vote on any matter, means—

- (a) the support of a majority of the members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting; or
- (b) the support of 60 per cent of the members voting, 40 per cent of the designated Nationalists voting and 40 per cent of the designated Unionists voting;

“designated Nationalist” means a member designated as a Nationalist in accordance with standing orders of the Assembly and “designated Unionist” shall be construed accordingly.