



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART II

#### LEGISLATIVE POWERS

##### *General*

#### **6 Legislative competence.**

- (1) A provision of an Act is not law if it is outside the legislative competence of the Assembly.
- (2) A provision is outside that competence if any of the following paragraphs apply—
  - (a) it would form part of the law of a country or territory other than Northern Ireland, or confer or remove functions exercisable otherwise than in or as regards Northern Ireland;
  - (b) it deals with an excepted matter and is not ancillary to other provisions (whether in the Act or previously enacted) dealing with reserved or transferred matters;
  - (c) it is incompatible with any of the Convention rights;
  - [<sup>F1</sup>(ca) it is incompatible with Article 2(1) of the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement (rights of individuals);]
  - <sup>F2</sup>(d) .....
  - (e) it discriminates against any person or class of person on the ground of religious belief or political opinion;
  - (f) it modifies an enactment in breach of section 7.
- (3) For the purposes of this Act, a provision is ancillary to other provisions if it is a provision—
  - (a) which provides for the enforcement of those other provisions or is otherwise necessary or expedient for making those other provisions effective; or
  - (b) which is otherwise incidental to, or consequential on, those provisions;

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*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 6. (See end of Document for details)*

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and references in this Act to provisions previously enacted are references to provisions contained in, or in any instrument made under, other Northern Ireland legislation or an Act of Parliament.

- (4) Her Majesty may by Order in Council specify functions which are to be treated, for such purposes of this Act as may be specified, as being, or as not being, functions which are exercisable in or as regards Northern Ireland.
- (5) No recommendation shall be made to Her Majesty to make an Order in Council under subsection (4) unless a draft of the Order has been laid before and approved by resolution of each House of Parliament.

#### Textual Amendments

- F1** S. 6(2)(ca) inserted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), **Sch. 3 para. 2** (with s. 38(3)); S.I. 2020/1622, reg. 5(i)
- F2** S. 6(2)(d) omitted (31.3.2022) by virtue of [The European Union \(Withdrawal\) Act 2018 \(Repeal of EU Restrictions in Devolution Legislation, etc.\) Regulations 2022 \(S.I. 2022/357\)](#), regs. 1(1), **3(2)**

#### Modifications etc. (not altering text)

- C1** S. 6 applied (31.12.2020) by Regulation (EC) No. 1907/2006, Art. 4A(7) (as inserted by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), **Sch. 1 para. 5**; 2020 c. 1, Sch. 5 para. 1(1))
- C2** S. 6 applied (31.12.2020) by Regulation (EC) No. 1907/2006, Art. 129(9) (as inserted by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), **Sch. 1 para. 89(1)**; 2020 c. 1, Sch. 5 para. 1(1))
- C3** S. 6 applied (31.12.2020) by Regulation (EC) No. 1907/2006, Annex 17 para. 2 (as inserted by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), **Sch. 3 para. 13**; 2020 c. 1, Sch. 5 para. 1(1))
- C4** S. 6(2)(d) restricted (1.3.2019) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), Sch. 8 para. 41(5)(9) (with s. 19, Sch. 8 para. 37); S.I. 2019/399, reg. 2
- C5** S. 6(2)(d) excluded (14.11.2020) by [Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(c. 20\)](#), s. 9(4), **Sch. 2 para. 4(a)(b)**; S.I. 2020/1279, reg. 2(c)

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 6.