

Status: Point in time view as at 12/02/2000.

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SCHEDULE

Section 1(8).

PROVISIONS APPLICABLE DURING SUSPENSION

Legislation by Order in Council

- 1 (1) While section 1 is in force, Her Majesty may by Order in Council make provision for any matter for which the 1998 Act authorises or requires provision to be made by Act of the Assembly.
- (2) A provision which would be outside the legislative competence of the Assembly may not be included in such an Order.
- (3) If section 1 is in force for a period of more than six months, sub-paragraph (1) applies only during the first six months of that period.
- (4) But the Secretary of State may by order direct, in relation to any period while section 1 is in force, that sub-paragraph (3) (whether as originally enacted or as subsequently modified under this sub-paragraph) is to have effect as if the number of months mentioned there were increased by such number of months not exceeding six as may be specified in the order.

Modifications etc. (not altering text)

- C1** Sch. para. 1(3) modified (13.4.2003) by [The Northern Ireland Act 2000 \(Modification\) Order 2003 \(S.I. 2003/1155\)](#), **art. 2**
- C2** Sch. para. 1(3) modified (7.10.2003) by [The Northern Ireland Act 2000 \(Modification\) \(No. 2\) Order 2003 \(S.I. 2003/2592\)](#), **art. 2**
- C3** Sch. para. 1(3) modified (8.4.2004) by [The Northern Ireland Act 2000 \(Modification\) Order 2004 \(S.I. 2004/1105\)](#), **art. 2**
- C4** Sch. para. 1(3) modified (20.9.2004) by [The Northern Ireland Act 2000 \(Modification\) \(No. 2\) Order 2004 \(S.I. 2004/2505\)](#), **art. 2**
- C5** Sch. para. 1(3) modified (19.3.2005) by [The Northern Ireland Act 2000 \(Modification\) Order 2005 \(S.I. 2005/868\)](#), **art. 2**
- C6** Sch. para. 1(3) modified (22.7.2005) by [The Northern Ireland Act 2000 \(Modification\) \(No. 2\) Order 2005 \(S.I. 2005/2046\)](#), **art. 2**
- C7** Sch. para. 1(3) modified (31.3.2006) by [The Northern Ireland Act 2000 \(Modification\) Order 2006 \(S.I. 2006/1012\)](#), **art. 2**
- C8** Sch. para. 1(3) modified (29.7.2006) by [The Northern Ireland Act 2000 \(Modification\) \(No. 2\) Order 2006 \(S.I. 2006/2132\)](#), **art. 2**
- C9** Sch. para. 1(3) modified (1.4.2007) by [The Northern Ireland Act 2000 \(Modification\) Order 2007 \(S.I. 2007/1163\)](#), **art. 2**

Parliamentary control of Orders in Council

- 2 (1) An Order in Council may not be made under paragraph 1(1) unless—
 - (a) a draft of the Order has been approved by resolution of each House of Parliament; or

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- (b) the Order declares that the Secretary of State has advised Her Majesty that because of the urgency of the matter it is necessary to make the Order without that approval.
- (2) An Order which contains a declaration under sub-paragraph (1)(b)—
 - (a) must be laid before Parliament after being made; and
 - (b) ceases to have effect if it is not approved by a resolution of each House of Parliament before the end of the period of 40 days beginning with the date on which it is made.
- (3) But sub-paragraph (2)(b) does not prejudice—
 - (a) anything done under the Order before it ceased to have effect; or
 - (b) the making of a new Order.

Supplemental

- 3 (1) References to Acts of the Assembly in any enactment or instrument (whether passed or made before or after the coming into force of section 1) are to be read, so far as the context permits, as including references to Orders in Council made under paragraph 1(1).
- (2) Such Orders may be omitted from any annual edition of statutory instruments required to be prepared under regulations made as a result of section 8 of the ^{M1}Statutory Instruments Act 1946.
- (3) “Instrument” includes a charter, contract or other document.

Marginal Citations

M1 1946 c. 36.

Executive functions

- 4 (1) While section 1 is in force—
 - (a) any functions of the First Minister and the deputy First Minister may be discharged by the Secretary of State;
 - (b) any functions of a Northern Ireland Minister who was in charge of a Northern Ireland department immediately before the coming into force of section 1 may be discharged by that department;
 - (c) any functions of a Northern Ireland Minister who was not then in charge of a Northern Ireland department may be discharged by the Secretary of State;
 - (d) section 56 of the 1998 Act (which imposes duties on the First Minister and the deputy First Minister in relation to the Civic Forum) ceases to have effect;
 - (e) the functions to which section 66 of the 1998 Act applies (expenses of Northern Ireland Audit Office) are exercisable by the Department of Finance and Personnel;

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- (f) any functions of a Northern Ireland department (including functions discharged as a result of this sub-paragraph) are to be discharged subject to the direction and control of the Secretary of State.
- (2) Anything required or authorised by or under any enactment or instrument to be done to or in relation to a Minister in connection with any functions which are exercisable as a result of this paragraph by a substituted authority (whether the Secretary of State or a Northern Ireland department) are to be done instead to or in relation to that authority.
- (3) Any enactment or instrument is to have effect, so far as may be necessary for or in consequence of the exercise of any functions by a substituted authority as a result of this paragraph, as if references to a Minister were references to that authority.
- (4) This paragraph does not invalidate anything done before section 1 came into force.
- (5) Anything which, immediately before section 1 came into force, is in the process of being done by or in relation to a Minister may be continued by or in relation to the substituted authority.
- (6) Any act which was effective, immediately before section 1 came into force, as an act of a Minister continues to have effect as the act of the substituted authority.
- (7) In sub-paragraph (6) “act” includes an order, regulation, rule, direction, authority, appointment, authentication, approval or other instrument.
- (8) “Instrument” includes a charter, contract or other document.
- (9) This paragraph applies to functions conferred by any enactment or instrument—
- (a) before section 1 comes into force, or
 - (b) while that section is in force,
- but that is subject to any contrary provision made by that enactment or instrument.

Vacant offices

- 5 (1) This paragraph applies in relation to—
- (a) any office which is vacant at the time when section 1 comes into force; and
 - (b) the offices vacated as a result of this Act.
- (2) No provision of, or made under, the 1998 Act relating to the filling of the vacancy, and no such provision of the Standing Orders of the Assembly, applies while section 1 is in force.
- (3) No steps are to be taken to fill the vacancy while section 1 is in force.
- (4) If a restoration order is subsequently made, the vacancy is to be filled in accordance with section 3.
- (5) “Office” means any of the following offices—
- (a) First Minister;
 - (b) deputy First Minister;
 - (c) Northern Ireland Minister;
 - (d) Northern Ireland junior Minister;

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- (e) chairman or deputy chairman of a statutory committee.

Modifications etc. (not altering text)

C10 Sch. para. 5 restricted (8.5.2006) by Northern Ireland Act 2006 (c. 17), s. 2(7)(b)

- [^{F1}5A If the office of Attorney General is vacant at the time when section 1 comes into force, or becomes vacant at any time while that section is in force, no steps are to be taken to fill the vacancy while that section is in force; but if a restoration order is subsequently made, the vacancy is to be filled in accordance with section 22 of the Justice (Northern Ireland) Act 2002.]

Textual Amendments

F1 Sch. para. 5A inserted (*prosp.*) by 2002 c. 26, ss. 85, 87, Sch. 12 para. 79

Designations under section 16(5) of the 1998 Act

- 6 A designation under section 16(5) of the 1998 Act ceases to have effect on the coming into force of section 1.

Subordinate instruments etc

- 7 (1) If, under any enactment or instrument, it is a condition for the taking of any step (other than the annulment of any instrument) or for the coming into operation of anything that—
- (a) a resolution or motion has been passed by the Assembly, or
 - (b) an address has been presented by the Assembly,
- that condition does not apply while section 1 is in force.
- (2) A statutory instrument made or coming into operation as a result of sub-paragraph (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any statutory rules made or coming into operation as a result of sub-paragraph (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the ^{M2}Statutory Instruments Act 1946 applies accordingly.
- (4) So much of any enactment or instrument as makes the taking of any step or the coming of anything into operation conditional on the laying of an instrument or document before the Assembly, or on any lapse of time after an instrument or document is so laid, does not apply while section 1 is in force.
- (5) So much of any enactment or instrument as makes it a condition for the continuing of anything in operation that—
- (a) a resolution or motion has been passed by the Assembly, or

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- (b) an address has been presented by the Assembly,
does not apply in relation to anything done while section 1 is in force or in relation to anything done previously that would, apart from this sub-paragraph, cease to have effect while that section is in force.
- (6) Regulations made under Article 7 of the ^{M3}Statutory Rules (Northern Ireland) Order 1979 while section 1 is in force do not require the concurrence of the Presiding Officer of the Assembly.
- (7) In this paragraph “statutory rules” has the same meaning as it has for the purposes of the 1979 Order.

Marginal Citations

M2 1946 c. 36.

M3 S.I. 1979/1573 (N.I.12).

Assembly Commission

- 8 (1) While section 1 is in force, no meetings are to be held by the Northern Ireland Assembly Commission.
- (2) While section 1 is in force, the functions of the Commission—
- (a) are exercisable by the Secretary of State; and
- (b) in the case of functions under section 40(6) of the 1998 Act (proceedings by or against the Assembly), are exercisable by him in the name of the Commission.
- (3) Expenditure incurred by the Secretary of State as a result of this paragraph is to be paid out of money provided by Parliament.

Members’ remuneration and pensions

- 9 (1) While section 1 is in force, the functions of the Assembly under sections 47 and 48 of the 1998 Act (remuneration and pensions) are exercisable by the Secretary of State.
- (2) But the Secretary of State may determine that no salaries are to be paid to members of the Assembly.
- (3) If a restoration order is made, the Assembly may not make a determination under section 47 of the 1998 Act, or provision under section 48 of that Act, in respect of any period when section 1 was in force.
- (4) Expenditure incurred by the Secretary of State as a result of this paragraph is to be paid out of money provided by Parliament.

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Implementation bodies

- 10 (1) In the ^{M4}North-South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999 references to the Agreement, or to any provision of the Agreement, are to be read at any time while section 1 is in force as references to the Agreement, or to that provision, as it has effect at that time when read with any relevant agreements.
- (2) “The Agreement” means the Agreement between Her Majesty’s Government in the United Kingdom and the Government of Ireland which established implementation bodies and was done at Dublin on 8th March 1999.
- (3) “Relevant agreement” means an agreement between the same parties which is designated by the Secretary of State as a relevant agreement for the purposes of this paragraph.

Marginal Citations

M4 [S.I. 1999/859](#).

Audit

- 11 (1) While section 1 is in force, the power of Her Majesty under section 65(1) of the 1998 Act (appointment of Comptroller and Auditor General for Northern Ireland) is exercisable on an address presented by the House of Commons.
- (2) No motion is to be made for such an address except by the Secretary of State acting with the agreement of the Committee of Public Accounts.
- (3) While section 1 is in force, Article 4(1) of the ^{M5}Audit (Northern Ireland) Order 1987 has effect as if for the words from “a resolution of the Assembly” to the end there were substituted “an order made by the Secretary of State: and an order under this paragraph—
- (a) takes effect from such date (whether before or after the making of the order) as may be specified in the order; and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument, (section 5 of the Statutory Instruments Act 1946 applying accordingly).”

Marginal Citations

M5 [S.I. 1987/460 \(N.I. 5\)](#).

Account, reports and other documents

- 12 (1) The accounts and reports to which sub-paragraph (3) applies must be laid before the House of Commons.

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- (2) The accounts, reports and other documents to which sub-paragraph (4) applies must be laid before each House of Parliament.
- (3) This sub-paragraph applies to such accounts and reports as would be required by section 11, 19, 21 or 22 of the ^{M6}Exchequer and Audit Act (Northern Ireland) 1921, or by Article 8 of the ^{M7}Financial Provisions (Northern Ireland) Order 1993, to be laid before (or presented or made to) the Assembly if it were not suspended.
- (4) This sub-paragraph applies to such accounts, reports and other documents as—
 - (a) would be required to be laid before (or presented or made to) the Assembly if it were not suspended; and
 - (b) are prescribed by order of the Secretary of State made by statutory instrument.
- (5) A statutory instrument containing an order under sub-paragraph (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Marginal Citations

M6 1921 c.2 (N.I.).

M7 S.I. 1993/1252 (N.I. 5).

Ombudsman and Commissioner for Complaints

- 13 (1) While section 1 is in force—
- (a) a report required to be laid before the Assembly under Article 17(1) or (2) of the ^{M8}Ombudsman (Northern Ireland) Order 1996 must be laid before each House of Parliament; and
 - (b) the reference in Article 18(2)(a) of that Order to a report to the Assembly includes a reference to a report to either House of Parliament.
- (2) While section 1 is in force, a report required to be laid before the Assembly under Article 19 of the ^{M9}Commissioner for Complaints (Northern Ireland) Order 1996 must be laid before each House of Parliament.

Marginal Citations

M8 S.I. 1996/1298 (N.I. 8).

M9 S.I. 1996/1297 (N.I. 7).

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