

## SCHEDULES

### SCHEDULE 7

Section 28

#### FUNCTIONS OF ADVOCATE GENERAL

##### *Assembly Bills*

- 1 (1) The Northern Ireland Act 1998 has effect subject to the following amendments.
- (2) In section 11(1) (power of Attorney General for Northern Ireland to refer question whether Bill would be within legislative competence of Northern Ireland Assembly), after “The” insert “Advocate General for Northern Ireland or the”.
- (3) In section 12(2) (procedure where Assembly wishes to reconsider Bill referred to European Court of Justice)—
  - (a) in paragraph (a), for “Attorney General for Northern Ireland and the Attorney General” substitute “Advocate General for Northern Ireland and the Attorney General for Northern Ireland”, and
  - (b) in paragraph (b), for “Attorney General for Northern Ireland shall request the withdrawal of the reference under section 11” substitute “person who made the reference in relation to the Bill under section 11 shall request the withdrawal of the reference”.
- (4) In section 14(2)(a) (no submission for Royal Assent where Attorney General for Northern Ireland entitled to make a reference under section 11), insert at the beginning “the Advocate General for Northern Ireland or”.

##### *Devolution issues*

- 2 (1) Schedule 10 to the Northern Ireland Act 1998 (c. 47) (devolution issues: Northern Ireland) is amended as follows.
- (2) In paragraph 4 (institution of proceedings for determination of devolution issues in Northern Ireland)—
  - (a) in sub-paragraph (1), for “or defended by the Attorney General” substitute “by the Advocate General for Northern Ireland”, and
  - (b) in sub-paragraph (2), for “First Minister and the deputy First Minister acting jointly” substitute “Attorney General for Northern Ireland” and insert at the end “instituted by the Advocate General for Northern Ireland”.
- (3) In paragraph 5 (notice of such proceedings), for “Attorney General, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister” substitute “Advocate General for Northern Ireland and the Attorney General for Northern Ireland”.
- (4) In paragraph 13 (notice), for “, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister” substitute “and the Attorney General for Northern Ireland”.

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- (5) In paragraph 23 (intimation), for “, the Attorney General for Northern Ireland, the First Minister and the deputy First Minister” substitute “and the Attorney General for Northern Ireland”.
- (6) In paragraphs 33 and 34 (direct references to Judicial Committee), for “the Attorney General for Northern Ireland, the First Minister and the deputy First Minister acting jointly” substitute “the Advocate General for Northern Ireland, the Attorney General for Northern Ireland”.
- (7) In paragraph 35(4) (no exercise of function pending decision on reference), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 3 In Schedule 8 to the Government of Wales Act 1998 (c. 38) (devolution issues: National Assembly for Wales), in—
- (a) paragraph 23(1) (institution of proceedings of determination of devolution issues in Northern Ireland),
  - (b) paragraph 24(1) (notice of such proceedings), and
  - (c) paragraph 30(2)(c) (direct references to Judicial Committee in proceedings in Northern Ireland),
- for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 4 In Schedule 6 to the Scotland Act 1998 (c. 46) (devolution issues: Scottish Parliament and Executive), in—
- (a) paragraph 25(1) (institution of proceedings for determination of devolution issues in Northern Ireland),
  - (b) paragraph 26 (notice of such proceedings), and
  - (c) paragraphs 33 and 34 (direct references to Judicial Committee),
- for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

#### *Human rights*

- 5 In section 71(2) of the Northern Ireland Act 1998 (c. 47) (law officers able to rely on Convention rights under that Act even though not victim), after “to the Attorney General,” insert “the Advocate General for Northern Ireland,”.
- 6 In section 107(3) of the Government of Wales Act 1998 (c. 38) (similar provision in relation to that Act), after “Advocate General for Scotland” insert “, the Advocate General for Northern Ireland”.
- 7 In section 100(2) of the Scotland Act 1998 (similar provision in relation to that Act), after “, the Attorney General” insert “, the Advocate General for Northern Ireland”.

#### *Varying retrospective decisions*

- 8 In section 81(7) of the Northern Ireland Act 1998 (notice of intention to vary retrospective decision to be given to the appropriate authority), for “First Minister and the deputy First Minister” substitute “Advocate General for Northern Ireland and”.

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9 In section 110(8) of the Government of Wales Act 1998 (notice to be given to the relevant law officer), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

10 In section 102(7) of the Scotland Act 1998 (notice to be given to the appropriate law officer), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

#### *Suspension of devolved government*

11 (1) Paragraph 4 of the Schedule to the Northern Ireland Act 2000 (c. 1) (executive functions during suspension of devolved government) is amended as follows.

(2) In sub-paragraph (1), after paragraph (c) insert—

“(ca) any functions of the Attorney General for Northern Ireland may be discharged by the Advocate General for Northern Ireland;”.

(3) In sub-paragraph (2)—

(a) after “Minister” insert “or the Attorney General for Northern Ireland”, and

(b) after “Secretary of State” insert “, the Advocate General for Northern Ireland”.

(4) In sub-paragraphs (3), (5) and (6), after “Minister” insert “or the Attorney General for Northern Ireland”.

#### *Acting as Attorney General for Northern Ireland during vacancy*

12 The First Minister and deputy First Minister must consult the Advocate General for Northern Ireland about any arrangements they propose to make for the discharge of the functions of the Attorney General of Northern Ireland during any vacancy in that office.

#### *Consultation about appointment of Attorney General for Northern Ireland*

13 The First Minister and deputy First Minister must consult the Advocate General for Northern Ireland before appointing a person to be Attorney General for Northern Ireland.

#### *Crown Solicitor*

14 (1) Section 35 of the Northern Ireland Constitution Act 1973 (c. 36) (Crown Solicitor for Northern Ireland) is amended as follows.

(2) In subsection (1), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland after consultation with the Attorney General for Northern Ireland”.

(3) In subsection (2), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

#### *Chief Inspector of Criminal Justice*

15 Part 3 of this Act (Chief Inspector of Criminal Justice in Northern Ireland) has effect subject to the following amendments.

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- 16 (1) Section 47 (functions: consultation and consent requirements etc.) is amended as follows.
- (2) In subsection (1), after “Secretary of State” insert “, the Advocate General for Northern Ireland”.
- (3) In subsection (2), after “Secretary of State,” insert—  
“(aa) the Advocate General for Northern Ireland.”.
- (4) In subsection (5), after “consent of” insert “the Advocate General for Northern Ireland and”.
- 17 In section 49(5) (copies of reports relating to Public Prosecution Service), after “copy of it to” insert “the Advocate General for Northern Ireland and”.

#### *Life sentence prisoners' representatives*

- 18 In paragraph 6(2) of Schedule 2 to the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) (appointment of person to represent interests of prisoner serving life sentence before Life Sentence Review Commissioners), for “Attorney General” substitute “Advocate General for Northern Ireland”.

#### *Special advocates*

- 19 In section 91(7) of the Northern Ireland Act 1998 (c. 47) (appointment of person to represent interests of party to proceedings before Tribunal under that section), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 20 In paragraph 7(2) of Schedule 2 to the Northern Ireland (Sentences) Act 1998 (c. 35) (appointment of person to represent prisoner’s interests in proceedings of Sentence Review Commissioners from which he and his representative are excluded), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

#### *Scheduled offences*

- 21 The Terrorism Act 2000 (c. 11) has effect subject to the following amendments.
- 22 In section 72(2)(b) (regulations providing for time limits to cease to have effect where Attorney General for Northern Ireland certifies that offence is not to be treated as scheduled offence), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 23 In Schedule 9 (certification that offence is not scheduled offence), in Notes 1 and 2 in Part 1, and in the Note in Part 3, for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.

#### *Consent to prosecution*

- 24 In section 12 of the Official Secrets Act 1911 (c. 28) (construction of references to Attorney General), for “Attorney-General for Ireland” substitute “Advocate General for Northern Ireland”.

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- 25 In section 6(5) of the Marine, &c., Broadcasting (Offences) Act 1967 (c. 41) (proceedings for offences under that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 26 In section 1(3) of the Genocide Act 1969 (c. 12) (proceedings for genocide), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 27 In section 2(1) of the Biological Weapons Act 1974 (c. 6) (proceedings for offence of contravening section 1 of that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 28 In section 11 of the Criminal Jurisdiction Act 1975 (c. 59) (proceedings for extra-territorial offences), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 29 In section 2(1) of the Internationally Protected Persons Act 1978 (c. 17) (proceedings for offence which is an offence by virtue only of section 1 of that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 30 In section 3(1) of the Nuclear Material (Offences) Act 1983 (c. 18) (proceedings for offence which is an offence only by virtue of that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 31 In section 135 of the Criminal Justice Act 1988 (c. 33) (proceedings for offence of torture), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 32 In section 9(1) of the Official Secrets Act 1989 (c. 6) (proceedings for offence under that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 33 In Article 8(11) of the Iraq and Kuwait (United Nations Sanctions) Order 1990 (S.I. 1990/1651) (as substituted by the Iraq and Kuwait (United Nations Sanctions) (Second Amendment) Order 1990 (S.I. 1990/2144)) (proceedings for offence under that Order), for “Attorney General for Northern Ireland or” substitute “Advocate General for Northern Ireland or the Attorney General for”.
- 34 In section 31(1) of the Chemical Weapons Act 1996 (c. 6) (proceedings for offence under section 2 or 11 of that Act), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 35 In section 117(3)(b) of the Terrorism Act 2000 (c. 11) (proceedings for offence committed for purpose connected with affairs of country other than United Kingdom), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 36 In—  
    (a) section 55 (proceedings for offence under section 47 or 50), and  
    (b) section 81(1) (proceedings for offence under section 79 or 80),  
of the Anti-terrorism, Crime and Security Act 2001 (c. 24), for “Attorney General for Northern Ireland” substitute “Advocate General for Northern Ireland”.
- 37 Section 33 of this Act applies in relation to the giving of consent by the Advocate General for Northern Ireland as in relation to the giving of consent by the Director of Public Prosecutions for Northern Ireland.