

NORTHERN IRELAND (ST ANDREWS AGREEMENT) ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 4: Repeal of the Northern Ireland Act 2000 on 28 March 2007

123. [Schedule 4](#) provides for the repeal of the 2000 Act, which provides the current legislative basis for suspension of the Northern Ireland Assembly (see also section 2(5)). Paragraph 2 contains some saving provisions needed as a result of the repeal of the 2000 Act. Paragraph 2(10) makes clear that the inclusion of paragraph 2(1) to (8) is not meant to limit the scope of consequential, transitional or saving provision that may be made by an order under section 23 of the Act.
124. Sub-paragraphs (1) and (2) of paragraph 2 largely replicate subsections (8) to (10) of section 3 of the 2000 Act. Paragraph 2(1) provides that the Northern Ireland Assembly shall not make a determination under section 47 of the 1998 Act (Northern Ireland Assembly salaries and allowances) in respect of any period of suspension, and paragraph 2(2) provides that the Northern Ireland Assembly also cannot annul or revoke any instrument made during suspension.
125. Sub-paragraphs (3) and (4) of paragraph 2 are designed to provide certainty in relation to legislation made during the period of Northern Ireland Assembly suspension. Paragraph 2(3) provides that the restoration order and the repeal of the 2000 Act will not affect the operation (on or after the coming into force of the restoration order) of Orders in Council that were made under paragraph 1(1) of the Schedule to the 2000 Act during suspension (that is, Orders on matters which are the responsibility of the Northern Ireland Assembly under the 1998 Act). Paragraph 2(4) provides that such Orders in Council should be read as Acts of the Northern Ireland Assembly so far as the context permits this (largely replicating paragraph 2(1) of the Schedule to the 2000 Act).
126. [Paragraph 2\(5\) to \(7\)](#) similarly provides that orders and determinations made under sections 6 and 7 of, or paragraph 9 of the Schedule to, the 2000 Act are not affected by the repeal of the 2000 Act. Paragraph 2(6) is intended to ensure that any consequential, transitional or saving provision included in the restoration order continues to operate despite the repeal of section 7(2) of the 2000 Act.
127. [Paragraph 2\(8\)](#) keeps alive the amendment of section 44 of the 1998 Act made by section 9(3) of the 2000 Act. That amendment would otherwise have been repealed as a result of the repeal of the 2000 Act under paragraph 1.
128. [Paragraph 3](#) provides for the repeal of Schedule 3 in its entirety.