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**Changes to legislation:** There are currently no known outstanding effects for the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020, Paragraph 4. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

#### FURTHER PROVISION ABOUT THE SCOPE OF THE POWER UNDER SECTION 6

#### PART 2

##### SCOPE OF THE POWER OF A NORTHERN IRELAND DEPARTMENT ACTING ALONE

###### *No power to make provision outside devolved competence*

- 4 A provision is within the devolved competence of a Northern Ireland department for the purposes of this Schedule if—
- (a) the provision, if it were contained in an Act of the Northern Ireland Assembly—
    - (i) would be within the legislative competence of the Assembly (ignoring section 6(2)(d) of the Northern Ireland Act 1998 so far as relating to EU law), and
    - (ii) would not require the consent of the Secretary of State,
  - (b) the provision—
    - (i) amends or repeals Northern Ireland legislation, and
    - (ii) would, if it were contained in an Act of the Northern Ireland Assembly, be within the legislative competence of the Assembly (ignoring section 6(2)(d) of the Northern Ireland Act 1998 so far as relating to EU law) and require the consent of the Secretary of State, or
  - (c) the provision is provision which could be made in other subordinate legislation by any Northern Ireland devolved authority acting alone (ignoring section 24(1)(b) of the Northern Ireland Act 1998).

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#### **Commencement Information**

**II** Sch. 2 para. 4 in force at 14.11.2020 by [S.I. 2020/1279](#), **reg. 2(c)**

**Changes to legislation:**

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