



Northern Ireland Constitution Act 1973

1973 CHAPTER 36

PART I

PRELIMINARY

Status of Northern Ireland

F1

Textual Amendments

F1 S. 1 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

Devolution orders

F2

Textual Amendments

F2 S. 2 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

F3

Textual Amendments

F3 S. 3 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Constitution Act 1973. (See end of Document for details)

PART II

LEGISLATIVE POWERS AND EXECUTIVE AUTHORITIES

Legislative powers

F4

Textual Amendments
F4 S. 4 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

F5

Textual Amendments
F5 S. 5 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

F6

Textual Amendments
F6 S. 6 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

Executive authorities

F7

Textual Amendments
F7 S. 7 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

F8

Textual Amendments
F8 S. 8 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

F9

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Constitution Act 1973. (See end of Document for details)

Textual Amendments

F9 S. 9 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

10 Attorney General for Northern Ireland.

F10(1)

F11(2)

F11(3)

(4) **F12**

Textual Amendments

F10 S. 10(1) repealed (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 13**; S.R. 2010/113, art. 2, **Sch. para. 21(e)**

F11 S. 10(2)(3) repealed (30.9.1997) by 1997 c. 60, s. 3(2), **Sch.**

F12 S. 10(4) repealed by Statute Law (Repeals) Act 1981 (c. 19), **Sch. 1 Pt. IV**

F13 **11**

Textual Amendments

F13 S. 11 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

Relations with Republic of Ireland

F14 **12**

Textual Amendments

F14 S. 12 repealed (2.12.1999) by 1998 c. 47, ss. 100(2), **Sch. 15** (with Sch. 14 para. 20); S.I. 1999, art. 2, **Sch.**

Financial provisions

F15 **13**

Textual Amendments

F15 S. 13 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Constitution Act 1973. (See end of Document for details)

F16 **14**

Textual Amendments
F16 S. 14 repealed (2.12.1999) by 1998 c. 47, ss. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F17 **15**

Textual Amendments
F17 S. 15 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F18 **16**

Textual Amendments
F18 S. 16 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

PART III

PREVENTION OF RELIGIOUS AND POLITICAL DISCRIMINATION

Modifications etc. (not altering text)
C1 Pt. III (ss. 17-23) modified (N.I.) (1.7.1992) by Social Security Administration (Northern Ireland) Act 1992 (c. 8), ss. 167(2), 168(4) (with ss. 153(5), 161, Sch. 6 para. 1(7))
C2 Pt. III (ss. 17-23) modified (N.I.) (7.2.1994) by 1993 c. 49, ss. 176(8), 186(2)

F19 **17**

Textual Amendments
F19 S. 17 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15 (with Sch. 14 para. 21); S.I. 1999/3209, art. 2, Sch.

F20 **18**

Textual Amendments
F20 S. 18 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15 (with Sch. 14 para. 21); S.I. 1999/3209, art. 2, Sch.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Constitution Act 1973. (See end of Document for details)

F21¹⁹

Textual Amendments

F21 S. 19 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15 (with Sch. 14 para. 22); S.I. 1999/3209, art. 2, Sch.

F22²⁰

Textual Amendments

F22 S. 20 repealed (1.3.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/340, art. 2, Sch. Pt. III

F23²¹

Textual Amendments

F23 S. 21 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F24²²

Textual Amendments

F24 S. 22 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F25²³

Textual Amendments

F25 S. 23 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

PART IV

THE NORTHERN IRELAND ASSEMBLY

F26²⁴

Textual Amendments

F26 S. 24 repealed (2.12.1999) by 1998 c. 47, ss. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Constitution Act 1973. (See end of Document for details)

F27 **25**

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Textual Amendments
F27 S. 25 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F28 **26**

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Textual Amendments
F28 S. 26 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F29 **27**

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Textual Amendments
F29 S. 27 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F30 **28**

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Textual Amendments
F30 S. 28 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F31 **29**

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Textual Amendments
F31 S. 29 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F32 **30**

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Textual Amendments
F32 S. 30 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Constitution Act 1973. (See end of Document for details)

PART V

MISCELLANEOUS AND SUPPLEMENTARY

- 31** ^{F33}(1)
- ^{F33}(2)
- ^{F33}(3)
- ^{F34}(4)
- ^{F34}(5)
- ^{F34}(6)

Textual Amendments

- F33** S. 31(1)-(3) repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**
- F34** S. 31(4)-(6) repealed (19.11.1998) by 1998 c. 47, ss. 100(1), 101(2), **Sch. 15**

- ^{F35}**32**

Textual Amendments

- F35** S. 32 repealed (2.12.1999) by 1998 c. 47, s. 100(1), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

33 Preservation of pension rights of former members of Parliament of Northern Ireland and former Ministers.

- ^{F36}(1)

(2) Save as aforesaid and without prejudice to any provision made under this Act, nothing in this Act affects any pension payable under the said Act of 1965 or section 1 of the ^{M1}Ministerial Offices Act (Northern Ireland) 1952 the right to which has accrued before the passing of this Act or accrues upon a person ceasing to be a member of the Parliament of Northern Ireland by reason of section 31 above.

Textual Amendments

- F36** S. 33(1) repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

Marginal Citations

- M1** 1952 c. 15 (N.I.)

34 Director of Public Prosecutions for Northern Ireland.

- ^{F37}

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Constitution Act 1973. (See end of Document for details)

Textual Amendments

F37 S. 34 repealed (13.6.2005) by 2002 c. 26, ss. 86, 87, **Sch. 13**; S.R. 2005/281, **art. 2**, Sch. 1 para. 14(b)

35 Crown Solicitor for Northern Ireland.

(1) As from the appointed day there shall be a Crown Solicitor for Northern Ireland appointed by the [^{F38}Advocate General for Northern Ireland after consultation with the Attorney General for Northern Ireland] .

[^{F39}(1A) A person is not qualified for appointment as Crown Solicitor unless he is—

- (a) a member of the Bar of Northern Ireland of at least ten years’standing; or
- (b) a solicitor of the [^{F40}Court of Judicature] of at least ten years’ standing.]

(2) The Crown Solicitor shall hold office on such terms and conditions as may be determined by the [^{F41}Advocate General for Northern Ireland] .

[^{F42}(3) The Crown Solicitor—

- (a) must make his services available to any Minister or department of the Government of the United Kingdom; and
- (b) may make his services available to any Northern Ireland Minister or Northern Ireland department or any other public body or holder of public office.]

(4) The remuneration of, and other expenses incurred in connection with, the Crown Solicitor shall be defrayed out of moneys provided by Parliament.

Textual Amendments

F38 Words in s. 35(1) substituted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 7 para. 14(2)**; S.R. 2010/113, art. 2, Sch. para. 19(c)

F39 S. 35(1A) inserted (3.4.2006) by 2002 c. 26, ss. 18(10), 87; S.R. 2006/124, **art. 2** Sch. para. 6

F40 Words in s. 35(1A)(b) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 6**; S.I. 2009/1609, **art. 2(d)**

F41 Words in s. 35(2) substituted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 7 para. 14(3)**; S.R. 2010/113, art. 2, Sch. para. 19(c)

F42 S. 35(3) substituted (3.4.2006) by 2002 c. 26, ss. 20, 87; S.R. 2006/124, **art. 2** Sch. para. 7

36 Provisions as to other Northern Ireland officers.

(1) Any appointment on or after the appointed day to the office of—

- ^{F43}(a)
- ^{F43}(b)
- (c) Civil Service Commissioner for Northern Ireland;
- ^{F44}(d)

shall be made by Her Majesty.

^{F45}(2)

^{F45}(3)

^{F45}(4)

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Constitution Act 1973. (See end of Document for details)

- (5) Her Majesty may by Order in Council make provision with respect to the appointment of lord-lieutenants, lieutenants and deputy lieutenants in Northern Ireland, for conferring on them functions which apart from the Order would be exercisable by lieutenants in Northern Ireland, for altering the designation of vice-lieutenants in Northern Ireland and for matters incidental to or consequential on any provision so made, including the amendment or repeal of any enactment passed before this Act.
- (6) An Order in Council under subsection (5) above may be varied or revoked by a subsequent Order.

Textual Amendments

- F43** S. 36(1)(a)(b) repealed (N.I.) (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), s. 64, [Sch. 9](#)
- F44** S. 36(1)(d) repealed (2.12.1999) by [1998 c. 47](#), s. 100(1), [Sch. 15](#); [S.I. 1999/3209](#), art. 2, [Sch.](#)
- F45** S. 36(2)(3)(4) repealed (16.7.1996) by [S.I. 1996/1298](#) (NI 8), art. 21(2), Sch. 6

37 Provisions as to Joint Exchequer Board and other financial matters.

^{F46}(1)

- (2) Any sums which, apart from this Act, would be payable into the Consolidated Fund of the United Kingdom by virtue of section 22(1) of the ^{M2}Government of Ireland Act 1920 (reserved taxes) shall continue to be so paid; and, subject to subsection (3) below, any sums which, apart from this Act, would be payable into the Consolidated Fund of Northern Ireland by virtue of section 21(1) of that Act (transferred taxes) shall continue to be so paid.
- (3) There shall be paid into the Consolidated Fund of the United Kingdom, as from such date as the Treasury may by order direct, the proceeds of any tax specified in the order which would otherwise be paid into the Consolidated Fund of Northern Ireland.
- (4) The power to make orders under subsection (3) above includes power to vary or revoke a previous order and shall be exercisable by statutory instrument.

Textual Amendments

- F46** S. 37(1) repealed (2.12.1999) by [1998 c. 47](#), s. 100(2), [Sch. 15](#); [S.I. 1999/3209](#), art. 2, [Sch.](#)

Marginal Citations

- M2** [1920 c. 67](#).

^{F47}**38**

Textual Amendments

- F47** S. 38 repealed (2.12.1999) by [1998 c. 47](#), s. 100(2), [Sch. 15](#); [S.I. 1999/3209](#), art. 2, [Sch.](#)

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Constitution Act 1973. (See end of Document for details)

F48 **39**

Textual Amendments

F48 S. 39 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F49 **40**

Textual Amendments

F49 S. 40 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

41 Repeals.

- (1) The enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule—
 - (a) in the case of the enactments in Part I of that Schedule, as from the passing of this Act;
 - (b) in the case of those in Part II, as from the appointed day.
- (2) Without prejudice to the generality of the powers conferred by section 39 above, an Order in Council under that section may repeal or revoke any existing statutory provision (as defined in section 40 above) which appears to Her Majesty to be unnecessary in consequence of, or inconsistent with, any provision of this Act.

Modifications etc. (not altering text)

C3 The text of ss. 30(3), 41(1) and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

42 Saving for existing laws.

- (1) Except so far as otherwise provided by or under this Act, nothing in this Act shall affect the continued operation in or in relation to Northern Ireland of any law in force at the passing of this Act or on the appointed day.
- (2) Without prejudice to subsection (1) above, neither the abolition of the Parliament of Northern Ireland nor the repeal by this Act of any provision relating to that Parliament shall affect the validity or otherwise of any Act of that Parliament.
- (3) Neither the abolition of the Parliament of Northern Ireland or of the office of Governor of Northern Ireland nor the repeal by this Act of any provision relating to that Parliament or office shall affect the operation of the ^{M3}Northern Ireland (Temporary Provisions) Act 1972 or the validity of any Order in Council made under section 1(3) of that Act; ^{F50} . . .

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Constitution Act 1973. (See end of Document for details)

Textual Amendments

F50 Words in s. 42(3) repealed (2.12.1999) by S.I. 1999/663, art. 2(2), Sch. 2

Modifications etc. (not altering text)

- C4** S. 42 extended by S.I. 1986/1032 (N.I. 6), art. 2(4)
- C5** S. 42 amended by S.I. 1989/1339 (N.I. 11), art. 2(10)
- C6** S. 42 extended by S.I. 1990/594 (N.I. 6), Pt. I art. 2(11)
- C7** S. 42(2) extended by S.I. 1989/846 (N.I. 6), Pt. I art. 2(4)
- C8** S. 42(3) extended by S.I. 1986/594 (N.I. 3), art 2(3)
- C9** S. 42(3) extended (21.8.1991) by S.I. 1991/1220 (N.I. 11), arts. 1(2), 2(3).

Marginal Citations

M3 1972 c. 22.

43 Short title, interpretation and commencement.

- (1) This Act may be cited as the Northern Ireland Constitution Act 1973.
- (2) In this Act—
 - “the appointed day” means the day appointed under section 2 above for the commencement of Part II of this Act;
F51 . . .
F51 . . .
 - “enactment” includes an enactment of the Parliament of Northern Ireland;
 - “functions” includes powers and duties;
F51 . . .
 - “Northern Ireland” has the same meaning as for the purposes of the M4 Government of Ireland Act 1920;
 - “Northern Ireland executive authorities” has the meaning given in section 7(6) above;
F51 . . .
F51 . . .
- F52 (3)
- (4) Any reference in this Act to any enactment is a reference to that enactment as amended by, and includes a reference to that enactment as extended or applied by, any other enactment including this Act.
- (5) Part I of this Act and, except where otherwise stated, Parts IV and V of this Act shall come into force at the passing of this Act.
- (6) Part III of this Act shall come into force on a day specified in an order made by the Secretary of State by statutory instrument, and different days may be specified under this subsection for different provisions of Part III.

Textual Amendments

- F51** Definitions in s. 43(2) repealed (2.12.1999) by S.I. 1999/663, arts. 1(2), 2(2), Sch. 2
- F52** S. 43(3) repealed (2.12.1999) by S.I. 1999/663, arts. 1(2), 2(2), Sch. 2

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Constitution Act 1973. (See end of Document for details)

Modifications etc. (not altering text)

C10 1.9.1973 appointed under s. 43(6) by [S.I. 1973/1418](#)

Marginal Citations

M4 [1920 c. 67.](#)

Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland Constitution Act 1973.