



# Northern Ireland Constitution Act 1973

## 1973 CHAPTER 36

### PART II

#### LEGISLATIVE POWERS AND EXECUTIVE AUTHORITIES

##### *Legislative powers*

#### **5 Secretary of State's consent for proposed Measures dealing with excepted or reserved matters**

(1) The consent of the Secretary of State shall be required in accordance with this section in relation to a proposed Measure which contains any provision dealing with an excepted matter or reserved matter; and the Secretary of State shall not give his consent in relation to a proposed Measure which contains any provision dealing with an excepted matter unless he considers that the provision is ancillary to other provisions (whether in that Measure or previously enacted) dealing with reserved matters or transferred matters.

(2) Every proposed Measure introduced in the Assembly shall be considered by the Clerk to the Assembly on introduction and if—

(a) he considers that it contains any provision dealing with an excepted matter or reserved matter ; and

(b) it has not been endorsed with a statement that the Secretary of State has consented to the Assembly considering the proposed Measure,

then, subject to subsection (4) below, the Clerk shall refer the proposed Measure to the Secretary of State and the Assembly shall not proceed with the Measure unless the Secretary of State's consent to the consideration of the Measure by the Assembly is signified or the Assembly is informed that in his opinion the Measure does not contain any such provision as aforesaid.

(3) Before the Assembly enters on the stage in its proceedings at which a proposed Measure falls finally to be passed or rejected—

(a) the Clerk to the Assembly shall again consider the proposed Measure; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) if he considers that it contains any provision dealing with an excepted matter or reserved matter he shall, subject to subsection (4) below, refer it to the Secretary of State,  
and the Assembly shall not enter on that stage unless the Secretary of State's consent to the Measure is signified or the Assembly is informed that in his opinion the Measure does not contain any such provision as aforesaid.
- (4) Neither subsection (2) nor subsection (3) above shall require the Clerk to the Assembly to refer any proposed Measure to the Secretary of State, or preclude the Assembly from proceeding with a proposed Measure, by reason only that it contains a provision which, in the opinion of the Clerk, is ancillary to other provisions (whether in that Measure or previously enacted) dealing with transferred matters only.
- (5) Every proposed Measure passed by the Assembly shall be transmitted to the Secretary of State for submission to Her Majesty in Council but if—
- (a) he considers that it contains any provision dealing with an excepted matter or reserved matter; and
- (b) it has not been referred to him under subsection (3) above (whether by virtue of subsection (4) above or otherwise),
- he shall not submit the Measure to Her Majesty in Council unless he consents to the Measure.
- (6) If the Secretary of State withholds his consent to a proposed Measure passed by the Assembly he shall refer it back to the Assembly for further consideration; and, if it is modified by the Assembly and again transmitted to him, subsection (5) above shall apply to it as if it were a new proposed Measure transmitted to him after being passed by the Assembly.
- (7) For the purposes of this section a provision is ancillary to other provisions if it is a provision which is necessary or expedient for making those other provisions effective or which provides for the enforcement of those other provisions or which is otherwise incidental to, or consequential on, those provisions ; and references in this section to provisions previously enacted are references to provisions contained in, or in any instrument made under, another Measure, an Act of the Parliament of the United Kingdom or an Act of the Parliament of Northern Ireland.