



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART II

#### LEGISLATIVE POWERS

##### *Scrutiny and stages of Bills*

#### **9 Scrutiny by Ministers**

- (1) A Minister in charge of a Bill shall, on or before introduction of it in the Assembly, make a statement to the effect that in his view the Bill would be within the legislative competence of the Assembly.
- (2) The statement shall be in writing and shall be published in such manner as the Minister making the statement considers appropriate.

#### **10 Scrutiny by Presiding Officer**

- (1) Standing orders shall ensure that a Bill is not introduced in the Assembly if the Presiding Officer decides that any provision of it would not be within the legislative competence of the Assembly.
- (2) Subject to subsection (3)—
  - (a) the Presiding Officer shall consider a Bill both on its introduction and before the Assembly enters on its final stage; and
  - (b) if he considers that the Bill contains—
    - (i) any provision which deals with an excepted matter and is ancillary to other provisions (whether in the Bill or previously enacted) dealing with reserved or transferred matters; or
    - (ii) any provision which deals with a reserved matter,he shall refer it to the Secretary of State; and
  - (c) the Assembly shall not proceed with the Bill or, as the case may be, enter on its final stage unless—

---

*Status: This is the original version (as it was originally enacted).*

---

- (i) the Secretary of State’s consent to the consideration of the Bill by the Assembly is signified; or
  - (ii) the Assembly is informed that in his opinion the Bill does not contain any such provision as is mentioned in paragraph (b)(i) or (ii).
- (3) Subsection (2)(b) and (c) shall not apply—
- (a) where, in the opinion of the Presiding Officer, each provision of the Bill which deals with an excepted or reserved matter is ancillary to other provisions (whether in the Bill or previously enacted) dealing with transferred matters only; or
  - (b) on the introduction of a Bill, where the Bill has been endorsed with a statement that the Secretary of State has consented to the Assembly considering the Bill.
- (4) In this section and section 14 “final stage”, in relation to a Bill, means the stage in the Assembly’s proceedings at which the Bill falls finally to be passed or rejected.

## **11 Scrutiny by the Judicial Committee**

- (1) The Attorney General for Northern Ireland may refer the question of whether a provision of a Bill would be within the legislative competence of the Assembly to the Judicial Committee for decision.
- (2) Subject to subsection (3), he may make a reference in relation to a provision of a Bill at any time during—
- (a) the period of four weeks beginning with the passing of the Bill; and
  - (b) the period of four weeks beginning with any subsequent approval of the Bill in accordance with standing orders made by virtue of section 13(6).
- (3) If he notifies the Presiding Officer that he does not intend to make a reference in relation to a provision of a Bill, he shall not make such a reference unless, after the notification, the Bill is approved as mentioned in subsection (2)(b).
- (4) If the Judicial Committee decide that any provision of a Bill would be within the legislative competence of the Assembly, their decision shall be taken as applying also to that provision if contained in the Act when enacted.

## **12 Reconsideration where reference made to ECJ**

- (1) This section applies where—
- (a) a reference has been made under section 11 in relation to a provision of a Bill;
  - (b) a reference for a preliminary ruling has been made by the Judicial Committee in connection with that reference; and
  - (c) neither of the references has been decided or otherwise disposed of.
- (2) If the Assembly resolves that it wishes to reconsider the Bill—
- (a) the Presiding Officer shall notify the Attorney General for Northern Ireland and the Attorney General of that fact; and
  - (b) the Attorney General for Northern Ireland shall request the withdrawal of the reference under section 11.
- (3) In this section “reference for a preliminary ruling” means a reference of a question to the European Court of Justice under—
- (a) Article 177 of the Treaty establishing the European Community;

- (b) Article 41 of the Treaty establishing the European Coal and Steel Community;  
or
- (c) Article 150 of the Treaty establishing the European Atomic Energy Community.

### **13 Stages of Bills**

- (1) Standing orders shall include provision—
  - (a) for general debate on a Bill with an opportunity for members to vote on its general principles;
  - (b) for the consideration of, and an opportunity for members to vote on, the details of a Bill; and
  - (c) for a final stage at which a Bill can be passed or rejected but not amended.
- (2) Standing orders may, in relation to different types of Bill, modify provisions made in pursuance of subsection (1)(a) or (b).
- (3) Standing orders—
  - (a) shall include provision for establishing such a committee as is mentioned in paragraph 11 of Strand One of the Belfast Agreement;
  - (b) may include provision for the details of a Bill to be considered by the committee in such circumstances as may be specified in the orders.
- (4) Standing orders shall include provision—
  - (a) requiring the Presiding Officer to send a copy of each Bill, as soon as reasonably practicable after introduction, to the Northern Ireland Human Rights Commission; and
  - (b) enabling the Assembly to ask the Commission, where the Assembly thinks fit, to advise whether a Bill is compatible with human rights (including the Convention rights).
- (5) Standing orders shall provide for an opportunity for the reconsideration of a Bill after its passing if (and only if)—
  - (a) the Judicial Committee decide that any provision of the Bill would not be within the legislative competence of the Assembly;
  - (b) a reference made in relation to a provision of the Bill under section 11 has been withdrawn following a request for withdrawal under section 12;
  - (c) a decision is made in relation to the Bill under section 14(4) or (5); or
  - (d) a motion under section 15(1) is passed by either House of Parliament.
- (6) Standing orders shall, in particular, ensure that any Bill amended on reconsideration is subject to a final stage at which it can be approved or rejected but not amended.
- (7) References in subsection (5) and other provisions of this Act to the passing of a Bill shall, in the case of a Bill which has been amended on reconsideration, be read as references to the approval of the Bill.