

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, SCHEDULE 12. (See end of Document for details)

SCHEDULES

SCHEDULE 12

Section 95(5).

CONSTRUCTION OF REFERENCES IN EXISTING LAWS

Preliminary

- 1 (1) Enactments and instruments shall, except where the context otherwise requires, be construed in accordance with this Schedule.
- (2) In this Schedule “instruments” includes charters, contracts and other documents.

The Parliament and the old Assembly

- 2 (1) References to the Parliament of Northern Ireland shall be construed as including references to—
 - (a) the Assembly established under section 1 of the ^{M1}Northern Ireland Assembly Act 1973; and
 - (b) the Assembly.
- (2) References to the Assembly established under section 1 of the Northern Ireland Assembly Act 1973 shall be construed as including references to the Assembly.

Marginal Citations

M1 1973 c.17.

Legislation etc of the Parliament or the old Assembly

- 3 (1) A reference to an Act or enactment of the Parliament of Northern Ireland shall be construed as including a reference to an Order in Council under section 1(3) of the ^{M2}Northern Ireland (Temporary Provisions) Act 1972.
- (2) A reference to an Act or enactment of, or a Bill in, the Parliament of Northern Ireland shall be construed as including a reference to—
 - (a) a Measure or proposed Measure of the Assembly established under section 1 of the ^{M3}Northern Ireland Assembly Act 1973; and
 - (b) an Act or Bill of the Assembly.
- (3) A reference to a Measure or proposed Measure of the Assembly so established shall be construed as including a reference to an Act or Bill of the Assembly.
- (4) A reference to a Measure of the Assembly so established shall be construed as including a reference to an Order in Council under paragraph 1 of Schedule 1 to the ^{M4}Northern Ireland Act 1974.

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- M2** 1972 c.22.
M3 1973 c.17.
M4 1974 c.28.

- 4 (1) A reference to a resolution or other decision of the Senate or the House of Commons of the Parliament of Northern Ireland, or of either House of that Parliament, shall be construed as including a reference to a resolution or decision of—
- (a) the Assembly established under section 1 of the Northern Ireland Assembly Act 1973; or
 - (b) the Assembly.
- (2) A reference to a resolution or other decision of the Assembly established under section 1 of the Northern Ireland Assembly Act 1973 shall be construed as a reference to a resolution or decision of the Assembly.
- 5 A reference to laying a document before, or presenting it to—
- (a) the Parliament of Northern Ireland or either House of that Parliament; or
 - (b) the Assembly established under section 1 of the ^{M5}Northern Ireland Assembly Act 1973,
- shall be construed as a reference to laying it before, or presenting it to, the Assembly.

Marginal Citations

- M5** 1973 c.17.

- 6 Paragraphs 2 to 5 apply to enactments and instruments passed or made before the appointed day.

Money

- 7 (1) A reference to—
- (a) money provided by the Parliament of Northern Ireland; or
 - (b) money appropriated by Measure of the Assembly established under section 1 of the Northern Ireland Assembly Act 1973,
- shall be construed as a reference to money appropriated by Act of the Assembly.
- (2) A reference to payment into or out of the Exchequer of Northern Ireland shall be construed as a reference to payment into or out of the Consolidated Fund of Northern Ireland.
- (3) This paragraph applies to enactments and instruments passed or made before the appointed day.

Office-holders and Ministers

- 8 (1) A reference to—
- (a) the Governor of Northern Ireland;
 - (b) the Governor of Northern Ireland in Council; or
 - (c) the making of an Order in Council by the Governor of Northern Ireland,

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shall be construed as a reference to the Secretary of State or, as the case may be, the making of an order by the Secretary of State.

- (2) This paragraph applies to enactments and instruments passed or made before 1st January 1974.
- 9 (1) A reference to—
- (a) the Prime Minister of Northern Ireland; or
 - (b) the chief executive member,
- shall be construed as a reference to the First Minister and deputy First Minister acting jointly.
- (2) References to Northern Ireland executive authorities shall be construed as references to Ministers and the Northern Ireland departments.
- (3) A reference to—
- (a) the Executive Committee for Northern Ireland; or
 - (b) the Northern Ireland Executive,
- shall be construed as a reference to the Executive Committee established by section 20.
- (4) This paragraph applies to enactments and instruments passed or made before the appointed day.
- 10 (1) A reference to—
- (a) a particular Ministry of Northern Ireland; or
 - (b) the Minister in charge of a particular Ministry,
- shall, in relation to a function, be construed as a reference to the Northern Ireland department which exercises that function or to the Northern Ireland Minister in charge of that department.
- (2) A reference to an unspecified Ministry shall be construed as a reference to a Northern Ireland department.
- (3) This paragraph applies to enactments and instruments passed or made before 1st January 1974.
- 11 (1) A reference to—
- (a) an unspecified Minister of Northern Ireland; or
 - (b) the head of a Northern Ireland department,
- shall be construed as a reference to a Northern Ireland Minister.
- (2) A reference to the head of a specified Northern Ireland department shall, in relation to a function, be construed as a reference to the Northern Ireland Minister in charge of the department which exercises that function.
- (3) In sub-paragraph (1) “Northern Ireland Minister” includes the First Minister and the deputy First Minister.
- (4) This paragraph applies to enactments and instruments passed or made before the appointed day.

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Courts

- 12 (1) A reference to the Supreme Court of Judicature in Ireland shall be construed as a reference to the ^{F1}Court of Judicature] .
- (2) A reference to the High Court of Justice in Ireland shall be construed as a reference to the High Court of Justice in Northern Ireland.
- (3) A reference to the Court of Appeal in Ireland shall be construed as a reference to the Court of Appeal in Northern Ireland.
- (4) This paragraph applies to enactments and instruments passed or made before the passing of the ^{M6}Government of Ireland Act 1920.

Textual Amendments

F1 Words in [Sch. 12 para. 12\(1\)](#) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, {[Sch. 11 para. 33\(3\)](#)}; [S.I. 2009/1604](#), [art. 2\(b\)\(d\)](#)

Marginal Citations

M6 [1920 c.67](#).

Equal opportunity bodies

- 13 (1) A reference to—
- (a) the Fair Employment Commission for Northern Ireland;
 - (b) the Equal Opportunities Commission for Northern Ireland;
 - (c) the Commission for Racial Equality for Northern Ireland; or
 - (d) the Northern Ireland Disability Council,
- shall be construed as a reference to the Equality Commission for Northern Ireland.
- (2) This paragraph applies to enactments and instruments passed or made before section 74 comes into force.

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