

*Status: Point in time view as at 01/10/2009.*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 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 4(1).

#### EXCEPTED MATTERS

- 1 The Crown, including the succession to the Crown and a regency, but not—
- (a) functions of the First Minister and deputy First Minister, the Northern Ireland Ministers or the Northern Ireland departments, or functions in relation to Northern Ireland of any Minister of the Crown;
  - (b) property belonging to Her Majesty in right of the Crown or belonging to a government department or held in trust for Her Majesty for the purposes of a government department (other than property used for the purposes of the armed forces of the Crown or the Ministry of Defence Police);
  - (c) the foreshore or the sea bed or subsoil or their natural resources so far as vested in Her Majesty in right of the Crown.

#### Modifications etc. (not altering text)

**C1** Sch. 2 para. 1(a) extended (1.4.2000) by 1999 c. 28, s. 35(4)(with s. 38); S.I. 2000/1066, art. 2

- 2 The Parliament of the United Kingdom; parliamentary elections, including the franchise; disqualifications for membership of that Parliament.
- 3 International relations, including relations with territories outside the United Kingdom, the European Communities (and their institutions) and other international organisations [<sup>F1</sup>and extradition] , and international development assistance and co-operation, but not—
- (a) <sup>F2</sup> .....
  - [<sup>F3</sup>(aa) co-operation between the Police Service of Northern Ireland and the Garda Síochána with respect to any of the following matters—
    - (i) transfers, secondments, exchanges or training of officers;
    - (ii) communications (including liaison and information technology);
    - (iii) joint investigations;
    - (iv) disaster planning;]
    - (b) the exercise of legislative powers so far as required for giving effect to any agreement or arrangement entered into—
      - (i) by a Minister or junior Minister participating, by reason of [<sup>F4</sup>any provision of section 52A or 52B] , in a meeting of the North-South Ministerial Council or the British-Irish Council; or
      - (ii) by, or in relation to the activities of, any body established for implementing, on the basis mentioned in paragraph 11 of Strand Two of the Belfast Agreement, policies agreed in the North-South Ministerial Council;
    - (c) observing and implementing international obligations, obligations under the Human Rights Convention and obligations under Community law.

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In this paragraph “the Human Rights Convention” means the following as they have effect for the time being in relation to the United Kingdom—

- (a) the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950; and
- (b) any Protocols to that Convention which have been ratified by the United Kingdom.

#### Textual Amendments

- F1** Words in Sch. 2 para. 3 inserted (11.3.2009) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 12(a)**; S.I. 2009/448, **art. 2**
- F2** Sch. 2 para. 3(a) repealed (11.3.2009) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1)(2), 31, Sch. 4 para. 12(b), **Sch. 5**; S.I. 2009/448, **art. 2**
- F3** Sch. 2 para. 3(aa) inserted (11.3.2009) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 12(c)**; S.I. 2009/448, **art. 2**
- F4** Words in Sch. 2 para. 3(b)(i) substituted (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 2(2), 19, 27(4)(5) (as amended by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1)), {Sch. 7 para. 4(2)} (with s. 1(3)); S.I. 2007/1397, **art. 2**

- 4 The defence of the realm; trading with the enemy; the armed forces of the Crown but not any matter within paragraph 10 of Schedule 3; war pensions; the Ministry of Defence Police.
- 5 Control of nuclear, biological and chemical weapons and other weapons of mass destruction.
- 6 Dignities and titles of honour.
- 7 Treason but not powers of arrest or criminal procedure.
- 8 Nationality; immigration, including asylum and the status and capacity of persons in the United Kingdom who are not British citizens; free movement of persons within the European Economic Area; issue of travel documents.
- 9 The following matters—
  - (a) taxes or duties under any law applying to the United Kingdom as a whole;
  - (b) stamp duty levied in Northern Ireland before the appointed day; and
  - (c) taxes or duties substantially of the same character as those mentioned in sub-paragraph (a) or (b).

[<sup>F5</sup>9A Child Trust Funds.]

#### Textual Amendments

- F5** Sch. 2 para. 9A inserted (13.5.2004) by Child Trust Funds Act 2004 (c. 6), **ss. 25, 27**

- 10 The following matters—
  - (a) national insurance contributions;
  - (b) the control and management of the Northern Ireland National Insurance Fund and payments into and out of that Fund;
  - (c) reductions in and deductions from national insurance contributions;
  - (d) national insurance rebates;

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- (e) payments out of public money to money purchase pension schemes;
- (f) contributions equivalent premiums;
- (g) rights to return to the state pension scheme.

Sub-paragraph (a) includes the determination, payment, collection and return of national insurance contributions and matters incidental to those matters.

Sub-paragraph (b) does not include payments out of the Northern Ireland National Insurance Fund which relate to—

- (i) the benefits mentioned in section 143(1) of the <sup>M1</sup>Social Security Administration (Northern Ireland) Act 1992, or benefits substantially of the same character as those benefits; or
- (ii) administrative expenses incurred in connection with matters not falling within sub-paragraphs (a) to (g).

Sub-paragraphs (b) and (e) do not include payments out of or into the Northern Ireland National Insurance Fund under—

- (i) section 172(1)(b), (2)(a) or (7)(c) of the <sup>M2</sup>Pension Schemes (Northern Ireland) Act 1993; or
- (ii) Article 202, 227, 234 or 252 of the <sup>M3</sup>Employment Rights (Northern Ireland) Order 1996.

In this paragraph “contributions equivalent premium” has the meaning given by section 51(2) of the Pension Schemes (Northern Ireland) Act 1993.

#### Marginal Citations

- M1** 1992 c.8.
- M2** 1993 c.49.
- M3** S.I. 1996/1919 (N.I.16).

[<sup>F6</sup>10A Tax credits under Part 1 of the Tax Credits Act 2002.]

#### Textual Amendments

- F6** Sch. 2 para. 10A inserted (8.7.2002) by 2002 c. 21, s. 64(2)(4)

[<sup>F7</sup>10B [<sup>F8</sup>Health in pregnancy grant,] Child benefit and guardian’s allowance.]

#### Textual Amendments

- F7** Sch. 2 para. 10B inserted (8.7.2002) by 2002 c. 21, s. 64(2)(4)
- F8** Words in Sch. 2 para. 10B inserted (1.1.2009) by virtue of Health and Social Care Act 2008 (c. 14), ss. 137, 170; S.I. 2008/3137, art. 2

11 The appointment and removal of judges of the [<sup>F9</sup>Court of Judicature] of Northern Ireland, holders of offices listed in column 1 of Schedule 3 to the <sup>M4</sup>Judicature (Northern Ireland) Act 1978, county court judges, recorders, resident magistrates, [<sup>F10</sup>lay magistrates,] justices of the peace, members of juvenile court panels,

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coroners, the Chief and other Social Security Commissioners for Northern Ireland, the Chief and other Child Support Commissioners for Northern Ireland and the President and other members of the Lands Tribunal for Northern Ireland.

#### Textual Amendments

- F9** Words in [Sch. 2 para. 11](#) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 33\(2\)](#); [S.I. 2009/1604, art. 2\(b\)\(d\)](#)
- F10** Words in [Sch. 2 para. 11](#) inserted (1.9.2004) by [2002 c. 26, ss. 9\(13\), 87\(1\)](#); [S.R. 2004/301, art. 2\(2\)](#)

#### Marginal Citations

- M4** [1978 c.23.](#)

[<sup>F11</sup>11A The Supreme Court.]

#### Textual Amendments

- F11** [Sch. 2 para. 11A](#) inserted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 58\(2\), 148](#); [S.I. 2009/1604, art. 2\(b\)](#)

12 Elections, including the franchise, in respect of the Northern Ireland Assembly, the European Parliament and district councils.

[<sup>F12</sup>13 The subject-matter of the Political Parties, Elections and Referendums Act 2000 with the exception of Part IX (political donations etc. by companies).

This paragraph does not include the funding of political parties for the purpose of assisting members of the Northern Ireland Assembly connected with such parties to perform their Assembly duties.]

#### Textual Amendments

- F12** [Sch. 2 para. 13](#) substituted (16.2.2001) by [2000 c. 41, s. 158, Sch. 21 para. 14\(3\)](#) (with [s. 156\(6\)](#)); [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#)

14 Coinage, legal tender and bank notes.

15 The National Savings Bank.

16 The subject-matter of the <sup>M5</sup>Protection of Trading Interests Act 1980.

#### Marginal Citations

- M5** [1980 c.11.](#)

17 National security (including the Security Service, the Secret Intelligence Service and the Government Communications Headquarters); special powers and other provisions for dealing with terrorism or subversion; the subject-matter of—

- (a) the Official Secrets Acts <sup>M6</sup>1911 and <sup>M7</sup>1920;
- (b) [<sup>F13</sup>Chapter I of Part I of the Regulation of Investigatory Powers Act 2000], except so far as relating to the prevention or detection of serious crime (within the meaning of that Act); and

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- (c) the <sup>M8</sup>Official Secrets Act 1989, except so far as relating to any information, document or other article protected against disclosure by section 4(2) (crime) and not by any other provision of sections 1 to 4.

**Textual Amendments**

**F13** Words in Sch. 2 para. 17(b) substituted (2.10.2000) by 2000 c. 23, s. 82, Sch. 4 para. 9 (with s. 82(3)); S.I. 2000/2543, art. 3

**Marginal Citations**

**M6** 1911 c.28.  
**M7** 1920 c.75.  
**M8** 1989 c.6.

- 18 Nuclear energy and nuclear installations, including nuclear safety, security and safeguards, and liability for nuclear occurrences, but not the subject-matter of—
- (a) section 3(5) to (7) of the <sup>M9</sup>Environmental Protection Act 1990 (emission limits); or
- (b) the <sup>M10</sup>Radioactive Substances Act 1993.

**Marginal Citations**

**M9** 1990 c.43.  
**M10** 1993 c.12.

- 19 Regulation of sea fishing outside the Northern Ireland zone (except in relation to Northern Ireland fishing boats).
- In this paragraph “Northern Ireland fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the <sup>M11</sup>Merchant Shipping Act 1995 and whose entry in the register specifies a port in Northern Ireland as the port to which the vessel is to be treated as belonging.

**Marginal Citations**

**M11** 1995 c.21.

- 20 Regulation of activities in outer space.
- [<sup>F14</sup>20A Regulation of activities in Antarctica (which for these purposes has the meaning given by section 1 of the Antarctic Act 1994).]

**Textual Amendments**

**F14** Sch. 2 para. 20A inserted (retrospectively) by Antarctic Act 2013 (c. 15), s. 17

- 21 Any matter with which a provision of the <sup>M12</sup>Northern Ireland Constitution Act 1973 solely or mainly deals.

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### Marginal Citations

**M12** 1973 c.36.

22 Any matter with which a provision of this Act falling within the following subparagraphs solely or mainly deals—

- (a) Parts I and II;
- (b) Part III except sections 19, 20, 22, 23(2) to (4) [<sup>F15</sup>, 28, 28A, 28B, 28D and 28E] ;
- (c) Part IV except sections 40, 43, 44(8) and 50 and Schedule 5;
- (d) in Part V, sections [<sup>F16</sup>52A to 52C] and 54;
- (e) Part VI except sections 57(1) and 67;
- (f) Part VII except sections 73, 74(1) to (4), 75 and 77 and Schedules 8 and 9;
- (g) in Part VIII, sections 79 to 83 and Schedule 10.

This paragraph does not apply to—

- (i) any matter in respect of which it is stated by this Act that provision may be made by Act of the Assembly;
- (ii) any matter to which a description specified in this Schedule or Schedule 3 is stated not to apply; or
- (iii) any matter falling within a description specified in Schedule 3.

### Textual Amendments

**F15** Words in Sch. 2 para. 22(b) substituted (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 19, 27(4)(5) (as amended by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1)), {Sch. 7 para. 4(3)(a)} (with s. 1(3)); S.I. 2007/1397, art. 2

**F16** Words in Sch. 2 para. 22(d) substituted (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 19, 27(4)(5) (as amended by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1)), {Sch. 7 para. 4(3)(b)} (with s. 1(3)); S.I. 2007/1397, art. 2

### Modifications etc. (not altering text)

**C2** Sch. 2 para. 22 modified (12.3.2009) by Northern Ireland Act 2009 (c. 3), ss. 1, 5, Sch. 1 para. 2

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