Status: Point in time view as at 04/07/2018. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for
the Northern Ireland Act 1998, Section 6A. (See end of Document for details)

Northern Ireland Act 1998

1998 CHAPTER 47

PART II

LEGISLATIVE POWERS

General

[F1**6A** **Restriction relating to retained EU law**

(1) An Act of the Assembly cannot modify, or confer power by subordinate legislation to modify, retained EU law so far as the modification is of a description specified in regulations made by a Minister of the Crown.

(2) But subsection (1) does not apply to any modification so far as it would, immediately before exit day, have been within the legislative competence of the Assembly.

(3) A Minister of the Crown must not lay for approval before each House of Parliament a draft of a statutory instrument containing regulations under this section unless—

    (a) the Assembly has made a consent decision in relation to the laying of the draft, or

    (b) the 40 day period has ended without the Assembly having made such a decision.

(4) For the purposes of subsection (3) a consent decision is—

    (a) a decision to agree a motion consenting to the laying of the draft,

    (b) a decision not to agree a motion consenting to the laying of the draft, or

    (c) a decision to agree a motion refusing to consent to the laying of the draft;

and a consent decision is made when the Assembly first makes a decision falling within any of paragraphs (a) to (c) (whether or not it subsequently makes another such decision).

(5) A Minister of the Crown who is proposing to lay a draft as mentioned in subsection (3) must—

    (a) provide a copy of the draft to the relevant Northern Ireland department, and

(b)   inform the Presiding Officer that a copy has been so provided.

(6) See also section 96A (duty to make explanatory statement about regulations under this section including a duty to explain any decision to lay a draft without the consent of the Assembly).

(7) No regulations may be made under this section after the end of the period of two years beginning with exit day.

(8) Subsection (7) does not affect the continuation in force of regulations made under this section at or before the end of the period mentioned in that subsection.

(9) Any regulations under this section which are in force at the end of the period of five years beginning with the time at which they came into force are revoked in their application to any Act of the Assembly which receives Royal Assent after the end of that period.

(10) Subsections (3) to (8) do not apply in relation to regulations which only relate to a revocation of a specification.

(11) Regulations under this section may include such supplementary, incidental, consequential, transitional, transitory or saving provision as the Minister of the Crown making them considers appropriate.

(12) In this section—

"the relevant Northern Ireland department" means such Northern Ireland department as the Minister of the Crown concerned considers appropriate;

"the 40 day period" means the period of 40 days beginning with the day on which a copy of the draft instrument is provided to the relevant Northern Ireland department,

and, in calculating that period, no account is to be taken of any time during which the Assembly is dissolved or during which it is in recess for more than four days.]

Textual Amendments

F1   S. 6A inserted (26.6.2018 for specified purposes) by European Union (Withdrawal) Act 2018 (c. 16), **ss. 12(6)**, 25(2)(c) (with s. 19, Sch. 2 paras. 3(5), 14(5), Sch. 8 paras. 37, 41)

Modifications etc. (not altering text)

C1   S. 6A: power to repeal conferred (4.7.2018) by European Union (Withdrawal) Act 2018 (c. 16), **ss. 12(9)-(11)**, 25(4) (with s. 19, Sch. 8 paras. 37, 41); S.I. 2018/808, reg. 3(c)

Status:
Point in time view as at 04/07/2018. This version of this provision has been superseded.

Changes to legislation:
There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 6A.