



Northern Ireland Act 1998

1998 CHAPTER 47

PART VIII

MISCELLANEOUS

Power to make provision by Order in Council

85 Provision dealing with certain reserved matters.

- (1) Her Majesty may by Order in Council make provision dealing with any matter falling within a description specified in any of paragraphs 9 to 17 of Schedule 3 (a “relevant matter”), including—
 - (a) provision having retrospective effect;
 - (b) provision for the delegation of functions;
 - (c) provision amending or repealing any provision made by or under any Act of Parliament or Northern Ireland legislation.
- (2) An Order in Council under this section may—
 - (a) make provision ancillary to provisions (whether in the Order or previously enacted) which deal with any relevant matter;
 - (b) make such consequential, incidental, supplemental, or transitional provision as appears to Her Majesty to be necessary or expedient.
- (3) No recommendation shall be made to Her Majesty to make an Order in Council under this section unless a draft of the Order has been laid before and approved by resolution of each House of Parliament.
- (4) No draft may be laid under subsection (3) unless—
 - (a) the Secretary of State has laid before Parliament a document which contains a draft of the proposed Order;
 - (b) the Secretary of State has referred the document to the Assembly for its consideration; and

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- (c) the period of 60 days beginning with the day on which the document was laid before Parliament has ended.
- (5) The Assembly may report to the Secretary of State the views expressed in the Assembly on the proposed Order and shall do so if the Secretary of State so requests.
- (6) The draft laid under subsection (3) must be accompanied—
- (a) if representations have been made during the period mentioned in subsection (4), by a statement containing a summary of the representations;
 - (b) if a report has been made to the Secretary of State under subsection (5) during that period, by a copy of the report; and
 - (c) if, as a result of any representations or report so made, the proposed Order has been changed, by a statement containing details of the changes.
- (7) Subsection (3) does not apply to an Order in Council which declares that it has been made to appear to Her Majesty that by reason of urgency the Order requires to be made without a draft having been approved as mentioned in that subsection.
- (8) Where an Order in Council contains a declaration such as is mentioned in subsection (7)—
- (a) the Order shall be laid before Parliament after being made; and
 - (b) if at the end of the period of 40 days after the date on which the Order is made it has not been approved by resolution of each House, it shall then cease to have effect (but without prejudice to anything previously done under it or to the making of a new Order).
- (9) In reckoning the periods mentioned in subsections (4) and (8), no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (10) References to Acts of the Assembly in any enactment or instrument shall, so far as the context permits, be deemed to include references to Orders in Council under this section.
- (11) Orders in Council under this section may be omitted from any annual edition of statutory instruments made by virtue of section 8 of the ^{M1}Statutory Instruments Act 1946.
- (12) In this section “representations” means representations about a proposed Order in Council under this section made to the Secretary of State and includes—
- (a) any relevant resolution of either House of Parliament or of the Assembly; and
 - (b) any relevant report or resolution of any committee of either House of Parliament or of the Assembly.

Modifications etc. (not altering text)

C1 S. 85(3)-(8) excluded (N.I.) (27.7.1999) by 1999 c. 23, ss. 66(1)

Marginal Citations

M1 1946 c.36.

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