



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART VIII

#### MISCELLANEOUS

##### *Power to make provision by Order in Council*

#### **86 Provision for purposes consequential on Act etc.**

- (1) Her Majesty may by Order in Council make such provision, including provision amending the law of any part of the United Kingdom, as appears to Her Majesty to be necessary or expedient in consequence of, or for giving full effect to, this Act or any Order under section 4 or 6.
- (2) Orders under subsection (1) may make provision for transferring to a United Kingdom authority, with effect from any date specified in the Order—
  - (a) any functions which immediately before that date are exercisable by a Northern Ireland authority and appear to Her Majesty to be concerned with a matter which is an excepted or reserved matter [<sup>F1</sup>other than by virtue of an Order under section 4];
  - (b) any functions which immediately before that date are exercisable by a Northern Ireland authority and appear to Her Majesty not to be exercisable in or as regards Northern Ireland by virtue of an Order under section 6.
- (3) Orders under subsection (1) may make provision for transferring to a Northern Ireland authority, with effect from any date specified in the Order—
  - (a) any functions which immediately before that date are exercisable by a United Kingdom authority and appear to Her Majesty to be concerned with a matter which is a transferred matter [<sup>F1</sup>other than by virtue of an Order under section 4];
  - (b) any functions which immediately before that date are exercisable by a United Kingdom authority and appear to Her Majesty to be exercisable in or as regards Northern Ireland by virtue of an Order under section 6.

---

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 86. (See end of Document for details)*

---

- [<sup>F2</sup>(3A) An Order under subsection (1) in relation to an Order under section 4 may make provision doing any of the following—
- (a) transferring to a United Kingdom authority, with effect from any date specified in the Order under subsection (1), any function which immediately before that date is exercisable by a Northern Ireland authority;
  - (b) transferring to a Northern Ireland authority, with effect from any date specified in the Order under subsection (1), any function which immediately before that date is exercisable by a United Kingdom authority;
  - (c) conferring a function on a United Kingdom authority or a Northern Ireland authority;
  - (d) removing a function from a United Kingdom authority or a Northern Ireland authority.]
- (4) An Order under subsection (1) may make provision, to such extent as may appear to Her Majesty to be necessary or expedient in consequence of, or for giving full effect to, this Act or any Order under section 4 or 6—
- (a) for transferring or apportioning any property, rights or liabilities;
  - (b) for substituting any authority for any other authority in any charter, contract or other document or in any legal proceedings;
  - (c) for any other transitional or consequential matter.
- (5) Where such provision as is mentioned in subsection (3)(b) has been made by Order in Council under subsection (1), Her Majesty may, if it appears to Her necessary or expedient to do so, by Order in Council—
- (a) provide that the functions transferred to the Northern Ireland authority shall be exercisable by a United Kingdom authority, either alone or concurrently with the Northern Ireland authority; and
  - (b) make such provision as is mentioned in subsection (4)(a) to (c).
- (6) No recommendation shall be made to Her Majesty to make an Order under this section unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- (7) In this section “Northern Ireland authority” means—
- (a) a Minister or a Northern Ireland department;
  - (b) the Comptroller and Auditor General for Northern Ireland; or
  - (c) any other public body or holder of public office in Northern Ireland.
- (8) In this section “United Kingdom authority” means—
- (a) the Privy Council;
  - (b) any Minister of the Crown;
  - (c) the Defence Council;
  - (d) the Commissioners of Inland Revenue;
  - (e) the Commissioners of Customs and Excise;
  - (f) the Comptroller and Auditor General; or
  - (g) any other public body or holder of public office in the United Kingdom.

---

#### Textual Amendments

**F1** Words in s. 86(2)(a)(3)(a) substituted (12.3.2009) by [Northern Ireland Act 2009 \(c. 3\)](#), **ss. 4(2), 5**

---

**Changes to legislation:** *There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 86. (See end of Document for details)*

---

**F2** S. 86(3A) inserted (12.3.2009) by [Northern Ireland Act 2009 \(c. 3\)](#), **ss. 4(3), 5**

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 86.