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**1999 No. 3145**

**NORTHERN IRELAND  
CONSTITUTIONAL LAW**

**The Northern Ireland Assembly Commission  
(Crown Status) Order 1999**

*Made* - - - - - *24th November 1999*

*Laid before Parliament* *25th November 1999*

*Coming into force* - - *in accordance with Article 1*

At the Court at Buckingham Palace, the 24th day of November 1999

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by paragraph 6(1) of Schedule 5 to the Northern Ireland Act 1998<sup>(a)</sup> and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation and commencement**

**1.** This Order may be cited as the Northern Ireland Assembly Commission (Crown Status) Order 1999 and shall come into force on the appointed day<sup>(b)</sup>.

**Planning**

**2.—(1)** The Commission shall be treated as a Crown body for the purposes of the Planning (Northern Ireland) Order 1991<sup>(c)</sup> (“the Planning Order”) and accordingly—

- (a) the estate of the Commission in any land shall be treated as a Crown estate;
- (b) any development or works carried out by or on behalf of the Commission shall be treated as development or works carried out by or on behalf of the Crown; and
- (c) the use of land by the Commission shall be treated as use by or on behalf of the Crown.

(2) In relation to land which is Crown land by virtue only of paragraph (1)(a), “the appropriate authority” for the purposes of Part XII of the Planning Order shall be the Commission.

(3) If the Commission is entitled to occupy Crown land by virtue of a licence in writing, that licence shall be treated as a Crown estate rather than a private estate.

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(a) 1998 c. 47.

(b) “the appointed day” is defined in section 3(1) of the Northern Ireland Act 1998.

(c) S.I. 1991/1220 (NI 11).

(4) To the extent that the Commission has responsibility for the management of any land in which it has no estate, the Commission shall be treated as a government department for the purposes of sub-paragraph (b) of the definition of “the appropriate authority” in Article 118(1) of the Planning Order.

(5) This Article shall be construed as if it were contained in Part XII of the Planning Order.

### **Historic monuments**

**3.—**(1) The Commission shall be treated as a Crown body for the purposes of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995(a) (“the 1995 Order”) and accordingly—

- (a) the estate of the Commission in any land shall be treated as a Crown estate;
- (b) any works carried out by or on behalf of the Commission shall be treated as works carried out by or on behalf of the Crown; and
- (c) the use of land by the Commission shall be treated as use by or on behalf of the Crown.

(2) In relation to land which is Crown land by virtue only of paragraph (1)(a), “the appropriate authority” for the purposes of Article 37 of the 1995 Order shall be the Commission.

(3) To the extent that the Commission has responsibility for the management of any land in which it has no estate, the Commission shall be treated as a government department for the purposes of sub-paragraph (b) of the definition of “the appropriate authority” in Article 37(3) of the 1995 Order.

(4) This Article shall be construed as if it were contained in the 1995 Order.

### **Building regulations**

**4.—**(1) The Commission shall be treated as a Crown body for the purposes of the Building Regulations (Northern Ireland) Order 1979(b) (“the Building Regulations Order”) and accordingly—

- (a) the interest of the Commission in any land shall be treated as a Crown interest;
- (b) any works carried out by or on behalf of the Commission shall be treated as works carried out by or on behalf of a Crown authority; and
- (c) any building an interest in which belongs to the Commission shall be treated as a Crown building.

(2) This Article shall be construed as if it were contained in the Building Regulations Order.

### **Fire precautions**

**5.—**(1) The Commission shall be treated as a Crown body for the purposes of Part III of the Fire Services (Northern Ireland) Order 1984(c) (“the Fire Services Order”) and accordingly for the purposes of Article 49 of that Order—

- (a) the occupation of any premises by the Commission shall be treated as occupation by the Crown; and
- (b) any premises owned by the Commission shall be treated as premises owned by the Crown.

(2) This Article shall be construed as if it were contained in the Fire Services Order.

### **Health and Safety at Work**

**6.—**(1) The Commission shall be treated as a Crown body for the purposes of Part II of the Health and Safety at Work (Northern Ireland) Order 1978(d) (“the Health and Safety at Work Order”) and accordingly for the purposes of Article 44 of that Order—

- (a) any reference to the Crown shall be treated as including a reference to the Commission; and

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(a) S.I. 1995/1625 (NI 9).

(b) S.I. 1979/1709 (NI 16).

(c) S.I. 1984/1821 (NI 11).

(d) S.I. 1978/1039 (NI 9).

(b) any reference to persons in the public service of the Crown shall be treated as including a reference to persons employed by the Commission.

(2) This Article shall be construed as if it were contained in the Health and Safety at Work Order.

### **Licensing**

7. The Commission shall be treated as a Crown body for the purposes of the Licensing (Northern Ireland) Order 1996(a).

### **Value Added Tax**

8. The Commission shall be treated as a Crown body for the purposes of the Value Added Tax Act 1994(b) and accordingly for the purposes of section 41 of that Act (application to the Crown) it shall be treated as a government department.

### **Data protection**

9.—(1) The Commission shall be treated as a Crown body for the purposes of the Data Protection Act 1984(c) and accordingly—

- (a) for the purposes of section 29(2)(a) of that Act (exemptions for certain information held by government departments) information held by the Commission shall be treated as information held by a government department;
- (b) for the purposes of section 31(1) of that Act (exemptions for certain personal data held by government departments) personal data held by the Commission shall be treated as personal data held by a government department;
- (c) for the purposes of section 38 of that Act (application to government departments etc.) the Commission shall be treated as a government department; and
- (d) employment under the Commission shall be treated for the purposes of that section as employment in the service of the Crown.

(2) In paragraph (1) of this article, “personal data” has the same meaning as in the Data Protection Act 1984.

(3) On the coming into force of each of the provisions of the Data Protection Act 1998(d), the Commission shall be treated as a Crown body for the purposes of those provisions and accordingly—

- (a) for the purposes of section 30(3) of that Act (power to exempt certain information) information processed by the Commission shall be treated as information processed by a government department;
- (b) for the purposes of section 31 of that Act (exemptions for certain regulatory activities), of paragraph 5 of Schedule 2 to that Act (conditions relating to processing of personal data), and of paragraph 7 of Schedule 3 to that Act (conditions relating to processing of sensitive personal data) the functions of the Commission shall be treated as functions of the Crown;
- (c) for the purposes of section 63 of that Act (application to the Crown) the Commission shall be treated as a government department and employment under the Commission shall be treated as employment in the service of the Crown; and
- (d) for the purposes of paragraph 4 of Schedule 7 to that Act (power to exempt certain personal data) employment by or under the Commission shall be treated as employment by or under the Crown.

(4) In paragraph (3) of this article, “information processed” and “functions” shall have the same meanings as they have for the purposes of the Data Protection Act 1998.

*A. K. Galloway*  
Clerk of the Privy Council

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(a) S.I. 1996/3158 (NI 22).

(b) 1994 c. 23.

(c) 1984 c. 35.

(d) 1998 c. 29.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order provides for the Northern Ireland Assembly Commission, established by section 40 of the Northern Ireland Act 1998 (c. 47), to be treated as a Crown Body for the purposes of—

- (a) the Planning (Northern Ireland) Order 1991 (S.I. 1991/1220 (N.I.11));
- (b) the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 (S.I. 1995/1625 (N.I.9));
- (c) the Building Regulations (Northern Ireland) Order 1979 (S.I. 1979/1709 (N.I.16));
- (d) the Fire Services (Northern Ireland) Order 1984, Part III (S.I. 1984/1821 (N.I.11));
- (e) the Health and Safety at Work (Northern Ireland) Order 1978, Part II (S.I. 1978/1039 (N.I.9));
- (f) the Licensing (Northern Ireland) Order 1996 (S.I. 1996/3158 (N.I.22));
- (g) the Value Added Tax Act 1994 (c. 23);
- (h) the Data Protection Act 1984 (c. 35); and
- (i) the Data Protection Act 1998 (c. 29).

It also makes provision consequential upon and supplementary to the foregoing provisions.

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