
STATUTORY INSTRUMENTS

2024 No. 404

The Windsor Framework (Implementation) Regulations 2024

Direction and control and concurrent powers: supplemental provision

7.—(1) Where the requirement in regulation 3 for a function of a Northern Ireland department to be exercised subject to the direction and control of the Secretary of State gives rise to a power or requirement for the department to disclose information, the department is not authorised or required to disclose information if doing so would contravene the data protection legislation (but in determining whether a disclosure would do so, take account of that power or requirement).

(2) The power in section 44(1) of the Northern Ireland Act 1998 (power to call for witnesses and documents)(1) is not exercisable in relation to an excluded person in connection with the exercise of a function—

- (a) subject to the direction and control of the Secretary of State under regulation 3, or
- (b) by a Minister of the Crown under regulation 6.

(3) The duty in section 11 of the Functioning of Government (Miscellaneous Provisions) Act (Northern Ireland) 2021 (accountability to the Assembly: provision of information)(2) does not require a Minister or Northern Ireland department to report information to the Northern Ireland Assembly where that information relates to the exercise of a function—

- (a) subject to the direction and control of the Secretary of State under regulation 3, or
- (b) by a Minister of the Crown under regulation 6.

(4) In this regulation—

- (a) “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act)(3);
- (b) “excluded person” means a person who is or has been—
 - (i) a Minister of the Crown, or
 - (ii) in Crown employment within the meaning of Article 236 of the Employment Rights (Northern Ireland) Order 1996(4).

(1) Section 44 applies to the Executive Committee by virtue of section 28C of the Northern Ireland Act 1998 (c. 47). Section 20(2) of the Interpretation Act 1978 (c. 20) provides that a reference to an enactment (section 44) includes a reference to that enactment as applied by any other provision.

(2) 2021 c. 3 (N.I.).

(3) 2018 c. 12; section 3(9) has been amended by S.I. 2019/419.

(4) S.I. 1996/1919 (N.I. 16) amended by S.I. 2002/2836 (N.I. 2) and S.I. 2004/3078 (N.I. 19).