



Northern Ireland (Temporary Provisions) Act 1972

1972 CHAPTER 22

An Act to make temporary provision for the government of Northern Ireland, and for purposes connected therewith. [30th March 1972]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

[^{F1}1 Exercise of executive and legislative powers in N.I.

(1) So long as this section has effect, the Secretary of State shall act as chief executive officer as respects Irish services instead of the Governor of Northern Ireland, and no person shall be appointed or hold office under and in accordance with section 8 of the ^{M1}Government of Ireland Act 1920 as minister of Northern Ireland or head of a department of the Government of Northern Ireland; and, subject to the provisions of this Act and any Order in Council thereunder,—

- (a) all functions which apart from this Act belong to the Governor, or to the Governor in Council, or to the Government or any minister of Northern Ireland or head of a department of the Government of Northern Ireland, shall be discharged by the Secretary of State; and
- (b) all functions which belong to a department of the Government of Northern Ireland may be discharged by the Secretary of State or (except in so far as he otherwise directs) may, notwithstanding that there is no head of the department, be discharged by the department on behalf of the Secretary of State and subject to his direction and control.

Paragraphs (a) and (b) of this subsection shall apply to functions conferred by any enactment or instrument after the passing of this Act, except in so far as provision to the contrary is made by that enactment or instrument.

(2) So long as this section has effect, the Attorney General for England and Wales shall by virtue of that office be Attorney General for Northern Ireland also, and he and the Solicitor General shall by virtue of membership of the bar of England and Wales have

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in Northern Ireland the same rights of audience as members of the bar of Northern Ireland.

- (3) So long as this section has effect, the Parliament of Northern Ireland shall stand prorogued (and no writ need be issued to fill any vacancy); and Her Majesty shall have power by Order in Council to make laws for any purpose for which the Parliament of Northern Ireland has power to make laws, and may by any such Order in Council confer powers or duties on the Secretary of State or any other Minister or department of the Government of the United Kingdom.

Subject to the provisions of this Act, any Order in Council under this subsection may include the like provisions and shall have the same validity and effect as an Act passed (with any necessary consent) by the Parliament of Northern Ireland, and shall accordingly be subject to amendment and repeal by such an Act or by a further Order in Council under this section, and be deemed to be included (so far as the context permits) in any reference to enactments of that Parliament.

- (4) Save as provided by this section or any Order in Council made thereunder, Irish services shall continue to be administered, and the cost thereof to be met, as nearly as may be as if this section had not been passed; but the Schedule to this Act shall have effect to make provision as regards the discharge of functions which are by this section made exercisable by the Secretary of State or Attorney General, and as regards other consequential, supplementary or transitional matters.
- (5) Subject to any provision made by the Schedule to this Act, this section shall continue in force until the end of the period of one year beginning with the passing of this Act and shall then expire, but, at any time before the expiry of this section, Her Majesty may by Order in Council direct that it shall continue in force for a further period of one year from the time at which it would otherwise expire:
Provided that Her Majesty shall not be recommended to make an Order under this subsection unless a draft of the Order has been approved by resolution of each House of Parliament.]

Textual Amendments

- F1** S. 1 expired 1.1.1974 by virtue of [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), [s.2\(4\)](#) and S.I 1973/2162, art. 2(1)

Marginal Citations

- M1** 1920 c. 67.

2 Status of Northern Ireland as part of the United Kingdom.

Nothing in this Act shall derogate or authorise anything to be done in derogation from the status of Northern Ireland as part of the United Kingdom.

3 Short title.

This Act may be cited as the Northern Ireland (Temporary Provisions) Act 1972.

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SCHEDULE

Section 1.

CONSEQUENTIAL, SUPPLEMENTARY AND TRANSITIONAL PROVISIONS

F2

1—5.

Textual Amendments

F2 Sch. paras. 1–5, 6(1), 8 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XIII

Transitional

6 (1) F3

(2) This Act shall not invalidate anything done before it comes into force; and, subject as aforesaid,—

- (a) anything which is then in process of being done by or in relation to the Governor or by or in relation to any minister of Northern Ireland may be continued by or in relation to the Secretary of State or any person appointed by him to discharge the relevant functions; and
- (b) any order, regulation, rule, direction, authority, appointment, authentication, approval or other instrument or act effective at the coming into force of this Act as that of the Governor in Council or Governor or any minister of Northern Ireland (other than any appointment as parliamentary secretary in a department of the Government of Northern Ireland) shall continue to have effect as that of the Secretary of State.

Textual Amendments

F3 Sch. paras. 1–5, 6(1), 8 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XIII

7 The expiry of section 1 of this Act shall not affect the operation thereof as respects things previously done or omitted to be done, or affect the continuance or effect of any Order in Council, regulations or other instrument or act effective by virtue of that section at the expiry thereof; and any Order in Council, regulations or instrument made or issued under or by virtue of that section may make provision having permanent effect or provision to take effect on or after the expiry of the section.

F4

8

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Textual Amendments

F4 Sch. paras. 1–5, 6(1), 8 repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. XIII**

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