

SCHEDULES

SCHEDULE 13

Amendments of the Justice (Northern Ireland) Act 2002

23. In section 90(1) (statutory rules) (as amended by the Northern Ireland Act 2009(2) and the Department of Justice Act (Northern Ireland) 2010(3))—

(a) for subsection (1A) substitute—

“(1A) No order containing (whether or not together with other provision) provision made by virtue of section 2(2)(b), 9(4), 19(4)(b), 46(6)(a) or (b) or 72(1), (3), (7) or (8) shall be made unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(1B) Section 41(3) of the Interpretation Act (Northern Ireland) 1954(4) applies for the purposes of subsection (1A) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.”;

(b) in subsection (4) for the words from “section” to “78” substitute “section 78”;

(c) in subsection (5)—

(i) in paragraph (a) omit “28(2),”;

(ii) for the words from “each House of Parliament” to “accordingly” substitute “the Northern Ireland Assembly, be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(5))”;

(d) after subsection (5) insert—

“(6) An order under section 28(2) shall be subject to annulment in pursuance of a resolution of either House of Parliament in the same manner as a statutory instrument; and section 5 of the Statutory Instruments Act 1946(6) applies accordingly.”

Commencement Information

II Sch. 13 para. 23 in force at 12.4.2010, see [art. 1\(2\)](#)

(1) Section 90 was amended by the Justice (Northern Ireland) Order 2004 (c. 4), Schedule 1, paragraph 4; section 46 of the Domestic Violence, Crime and Victims Act 2004 (c. 28); section 61 of the Tribunals, Courts and Enforcement Act 2007 (c. 15); the Northern Ireland Act 2009 (c. 3), Schedule 4, paragraph 34 and the Department of Justice Act (Northern Ireland) 2010 (c. 3) (N.I.), Schedule, paragraph 14(4).

(2) 2009 c. 3.

(3) 2010 c. 3 (N.I.)

(4) 1954 c. 33 (N.I.). Section 41(3) was amended by S.I. 1999/663.

(5) Section 41(6) was amended by S.I. 1999/663.

(6) 1946 c. 36.

Changes to legislation:

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 23.