



Northern Ireland Constitution Act 1973

1973 CHAPTER 36

PART I

PRELIMINARY

Status of Northern Ireland

F1

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Textual Amendments

F1 S. 1 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

Devolution orders

F2

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Textual Amendments

F2 S. 2 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

F3

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Textual Amendments

F3 S. 3 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

Status: Point in time view as at 13/06/2005.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Constitution Act 1973. (See end of Document for details)

PART II

LEGISLATIVE POWERS AND EXECUTIVE AUTHORITIES

Legislative powers

F4
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Textual Amendments
F4 S. 4 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

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Textual Amendments
F5 S. 5 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

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Textual Amendments
F6 S. 6 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

Executive authorities

F7
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Textual Amendments
F7 S. 7 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

F8
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Textual Amendments
F8 S. 8 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

F9
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Textual Amendments

F9 S. 9 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

10 Attorney General for Northern Ireland.

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

^{F10}(2)

^{F10}(3)

(4) ^{F11}

Textual Amendments

F10 S. 10(2)(3) repealed (30.9.1997) by 1997 c. 60, s. 3(2), **Sch.**

F11 S. 10(4) repealed by **Statute Law (Repeals) Act 1981** (c. 19), **Sch. 1 Pt. IV**

^{F12}**11**

Textual Amendments

F12 S. 11 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

Relations with Republic of Ireland

^{F13}**12**

Textual Amendments

F13 S. 12 repealed (2.12.1999) by 1998 c. 47, ss. 100(2), **Sch. 15** (with **Sch. 14** para. 20); S.I. 1999, art. 2, **Sch.**

Financial provisions

^{F14}**13**

Textual Amendments

F14 S. 13 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

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F15 **14**

Textual Amendments
F15 S. 14 repealed (2.12.1999) by 1998 c. 47, ss. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F16 **15**

Textual Amendments
F16 S. 15 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F17 **16**

Textual Amendments
F17 S. 16 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

PART III

PREVENTION OF RELIGIOUS AND POLITICAL DISCRIMINATION

Modifications etc. (not altering text)
C1 Pt. III (ss. 17-23) modified (N.I.) (1.7.1992) by Social Security Administration (Northern Ireland) Act 1992 (c. 8), ss. 167(2), 168(4) (with ss. 153(5), 161, Sch. 6 para. 1(7))
C2 Pt. III (ss. 17-23) modified (N.I.) (7.2.1994) by 1993 c. 49, ss. 176(8), 186(2)

F18 **17**

Textual Amendments
F18 S. 17 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15 (with Sch. 14 para. 21); S.I. 1999/3209, art. 2, Sch.

F19 **18**

Textual Amendments
F19 S. 18 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15 (with Sch. 14 para. 21); S.I. 1999/3209, art. 2, Sch.

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F20 **19**

Textual Amendments

F20 S. 19 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15** (with Sch. 14 para. 22); S.I. 1999/3209, art. 2, **Sch.**

F21 **20**

Textual Amendments

F21 S. 20 repealed (1.3.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/340, art. 2, **Sch. Pt. III**

F22 **21**

Textual Amendments

F22 S. 21 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

F23 **22**

Textual Amendments

F23 S. 22 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

F24 **23**

Textual Amendments

F24 S. 23 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

PART IV

THE NORTHERN IRELAND ASSEMBLY

F25 **24**

Textual Amendments

F25 S. 24 repealed (2.12.1999) by 1998 c. 47, ss. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

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F26 **25**

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Textual Amendments
F26 S. 25 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F27 **26**

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Textual Amendments
F27 S. 26 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F28 **27**

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Textual Amendments
F28 S. 27 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F29 **28**

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Textual Amendments
F29 S. 28 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F30 **29**

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Textual Amendments
F30 S. 29 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

F31 **30**

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Textual Amendments
F31 S. 30 repealed (2.12.1999) by 1998 c. 47, s. 100(2), Sch. 15; S.I. 1999/3209, art. 2, Sch.

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PART V

MISCELLANEOUS AND SUPPLEMENTARY

- 31** ^{F32}(1)
- ^{F32}(2)
- ^{F32}(3)
- ^{F33}(4)
- ^{F33}(5)
- ^{F33}(6)

Textual Amendments

- F32** S. 31(1)-(3) repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**
- F33** S. 31(4)-(6) repealed (19.11.1998) by 1998 c. 47, ss. 100(1), 101(2), **Sch. 15**

- ^{F34}**32**

Textual Amendments

- F34** S. 32 repealed (2.12.1999) by 1998 c. 47, s. 100(1), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

33 Preservation of pension rights of former members of Parliament of Northern Ireland and former Ministers.

- ^{F35}(1)

(2) Save as aforesaid and without prejudice to any provision made under this Act, nothing in this Act affects any pension payable under the said Act of 1965 or section 1 of the ^{M1}Ministerial Offices Act (Northern Ireland) 1952 the right to which has accrued before the passing of this Act or accrues upon a person ceasing to be a member of the Parliament of Northern Ireland by reason of section 31 above.

Textual Amendments

- F35** S. 33(1) repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

Marginal Citations

- M1** 1952 c. 15 (N.I.)

34 Director of Public Prosecutions for Northern Ireland.

- ^{F36}

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Textual Amendments

F36 S. 34 repealed (13.6.2005) by 2002 c. 26, ss. 86, 87, **Sch. 13**; S.R. 2005/281, **art. 2**, Sch. 1 para. 14(b)

35 Crown Solicitor for Northern Ireland.

- (1) As from the appointed day there shall be a Crown Solicitor for Northern Ireland appointed by the Attorney General for Northern Ireland.
- (2) The Crown Solicitor shall hold office on such terms and conditions as may be determined by the Attorney General for Northern Ireland.
- (3) The services of the Crown Solicitor shall be available to any Minister or department of the Government of the United Kingdom and, with the approval of the Attorney General for Northern Ireland and on such terms as he may determine, to any Northern Ireland executive authority.
- (4) The remuneration of, and other expenses incurred in connection with, the Crown Solicitor shall be defrayed out of moneys provided by Parliament.

36 Provisions as to other Northern Ireland officers.

- (1) Any appointment on or after the appointed day to the office of—
 - ^{F37}(a) Assembly Ombudsman for Northern Ireland;]
 - (b) Northern Ireland Commissioner for Complaints;
 - (c) Civil Service Commissioner for Northern Ireland;
 - ^{F38}(d)
 shall be made by Her Majesty.
- ^{F39}(2)
- ^{F39}(3)
- ^{F39}(4)
- (5) Her Majesty may by Order in Council make provision with respect to the appointment of lord-lieutenants, lieutenants and deputy lieutenants in Northern Ireland, for conferring on them functions which apart from the Order would be exercisable by lieutenants in Northern Ireland, for altering the designation of vice-lieutenants in Northern Ireland and for matters incidental to or consequential on any provision so made, including the amendment or repeal of any enactment passed before this Act.
- (6) An Order in Council under subsection (5) above may be varied or revoked by a subsequent Order.

Textual Amendments

F37 S. 36(1)(a) substituted (16.7.1996) by S.I. 1996/1298 (NI 8), art. 21(1), Sch. 5

F38 S. 36(1)(d) repealed (2.12.1999) by 1998 c. 47, s. 100(1), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

F39 S. 36(2)(3)(4) repealed (16.7.1996) by S.I. 1996/1298 (NI 8), art. 21(2), Sch. 6

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37 Provisions as to Joint Exchequer Board and other financial matters.

^{F40}(1)

(2) Any sums which, apart from this Act, would be payable into the Consolidated Fund of the United Kingdom by virtue of section 22(1) of the ^{M2}Government of Ireland Act 1920 (reserved taxes) shall continue to be so paid; and, subject to subsection (3) below, any sums which, apart from this Act, would be payable into the Consolidated Fund of Northern Ireland by virtue of section 21(1) of that Act (transferred taxes) shall continue to be so paid.

(3) There shall be paid into the Consolidated Fund of the United Kingdom, as from such date as the Treasury may by order direct, the proceeds of any tax specified in the order which would otherwise be paid into the Consolidated Fund of Northern Ireland.

(4) The power to make orders under subsection (3) above includes power to vary or revoke a previous order and shall be exercisable by statutory instrument.

Textual Amendments

F40 S. 37(1) repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

Marginal Citations

M2 1920 c. 67.

^{F41}**38**

Textual Amendments

F41 S. 38 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

^{F42}**39**

Textual Amendments

F42 S. 39 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

^{F43}**40**

Textual Amendments

F43 S. 40 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

41 Repeals.

(1) The enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule—

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- (a) in the case of the enactments in Part I of that Schedule, as from the passing of this Act;
 - (b) in the case of those in Part II, as from the appointed day.
- (2) Without prejudice to the generality of the powers conferred by section 39 above, an Order in Council under that section may repeal or revoke any existing statutory provision (as defined in section 40 above) which appears to Her Majesty to be unnecessary in consequence of, or inconsistent with, any provision of this Act.

Modifications etc. (not altering text)

- C3** The text of ss. 30(3), 41(1) and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

42 Saving for existing laws.

- (1) Except so far as otherwise provided by or under this Act, nothing in this Act shall affect the continued operation in or in relation to Northern Ireland of any law in force at the passing of this Act or on the appointed day.
- (2) Without prejudice to subsection (1) above, neither the abolition of the Parliament of Northern Ireland nor the repeal by this Act of any provision relating to that Parliament shall affect the validity or otherwise of any Act of that Parliament.
- (3) Neither the abolition of the Parliament of Northern Ireland or of the office of Governor of Northern Ireland nor the repeal by this Act of any provision relating to that Parliament or office shall affect the operation of the ^{M3}Northern Ireland (Temporary Provisions) Act 1972 or the validity of any Order in Council made under section 1(3) of that Act; ^{F44} . . .

Textual Amendments

- F44** Words in s. 42(3) repealed (2.12.1999) by S.I. 1999/663, art. 2(2), Sch. 2

Modifications etc. (not altering text)

- C4** S. 42 extended by S.I. 1986/1032 (N.I. 6), art. 2(4)
C5 S. 42 amended by S.I. 1989/1339 (N.I. 11), art. 2(10)
C6 S. 42 extended by S.I. 1990/594 (N.I. 6), Pt. I art. 2(11)
C7 S. 42(2) extended by S.I. 1989/846 (N.I. 6), Pt. I art. 2(4)
C8 S. 42(3) extended by S.I. 1986/594 (N.I. 3), art 2(3)
C9 S. 42(3) extended (21.8.1991) by S.I. 1991/1220 (N.I. 11), arts. 1(2), 2(3).

Marginal Citations

- M3** 1972 c. 22.

43 Short title, interpretation and commencement.

- (1) This Act may be cited as the Northern Ireland Constitution Act 1973.
- (2) In this Act—

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“the appointed day” means the day appointed under section 2 above for the commencement of Part II of this Act;

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“enactment” includes an enactment of the Parliament of Northern Ireland;

“functions” includes powers and duties;

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“Northern Ireland” has the same meaning as for the purposes of the ^{M4}Government of Ireland Act 1920;

“Northern Ireland executive authorities” has the meaning given in section 7(6) above;

F45
...
F45
...

^{F46}(3)

- (4) Any reference in this Act to any enactment is a reference to that enactment as amended by, and includes a reference to that enactment as extended or applied by, any other enactment including this Act.
- (5) Part I of this Act and, except where otherwise stated, Parts IV and V of this Act shall come into force at the passing of this Act.
- (6) Part III of this Act shall come into force on a day specified in an order made by the Secretary of State by statutory instrument, and different days may be specified under this subsection for different provisions of Part III.

Textual Amendments

F45 Definitions in s. 43(2) repealed (2.12.1999) by [S.I. 1999/663](#), arts. 1(2), 2(2), **Sch. 2**

F46 [S. 43\(3\)](#) repealed (2.12.1999) by [S.I. 1999/663](#), arts. 1(2), 2(2), **Sch. 2**

Modifications etc. (not altering text)

C10 1.9.1973 appointed under s. 43(6) by [S.I. 1973/1418](#)

Marginal Citations

M4 [1920 c. 67.](#)

Status:

Point in time view as at 13/06/2005.

Changes to legislation:

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