



# Northern Ireland Constitution Act 1973

## 1973 CHAPTER 36

### PART II **U.K.**

#### LEGISLATIVE POWERS AND EXECUTIVE AUTHORITIES

##### *Executive authorities*

#### 7 **Executive authorities in Northern Ireland. **U.K.****

- (1) The executive power in Northern Ireland shall continue to be vested in Her Majesty.
- (2) As respects transferred matters the Secretary of State shall, as Her Majesty's principal officer in Northern Ireland, exercise on Her Majesty's behalf such prerogative or other executive powers of Her Majesty in relation to Northern Ireland as may be delegated to him by Her Majesty.
- (3) The powers so delegated shall be exercised through the [<sup>F1</sup>persons appointed under section 8 below] and the Northern Ireland departments.
- (4) ..... <sup>F2</sup>
- (5) The Ministries of the Government of Northern Ireland existing on the appointed day shall be the Northern Ireland departments for the purposes of this Act (and shall be known as departments instead of Ministries) but provision may be made by Measure for establishing new Northern Ireland departments or dissolving existing ones.
- (6) The Secretary of State as Her Majesty's principal officer in Northern Ireland, the members of the Northern Ireland Executive, any other persons appointed under section 8 below and the Northern Ireland departments are in this Act referred to as Northern Ireland executive authorities.

#### **Textual Amendments**

**F1** Words substituted by [Northern Ireland Constitution \(Amendment\) Act 1973 \(c. 69, SIF 29:3\)](#), **s. 1(2)**

*Status: Point in time view as at 01/02/1991.*

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

**F2** S. 7(4) repealed by Northern Ireland Act 1982 (c. 38, SIF 29:3), **Sch. 3**

**[<sup>F3</sup>8 The Northern Ireland Executive. U.K.**

- (1) The Secretary of State may on behalf of Her Majesty appoint—
  - (a) persons to be heads of the Northern Ireland departments; and
  - (b) persons to discharge such other functions as he may determine.
- (2) The Secretary of State may likewise appoint all or any of the persons appointed under subsection (1) above to be members of the Northern Ireland Executive and, if he thinks fit, one of those persons to preside over the Executive as chief executive member.
- (3) The total number of persons at any time holding appointments under this section shall not exceed thirteen but the Secretary of State may by an order made by statutory instrument increase or further increase that number and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Subject to subsections (5) and (6) below, appointments under this section—
  - (a) shall be from among persons who are members of the Assembly; and
  - (b) shall be such as will in the opinion of the Secretary of State command widespread acceptance throughout the community.
- (5) Without prejudice to subsection (6) below, two of the persons at any time holding appointments under this section may be persons who were not appointed from among members of the Assembly but not more than one of them shall be the head of a Northern Ireland department.
- (6) If at any time it appears to the Secretary of State that it is not possible to make an appointment which complies with the requirements of subsection (4) above he may make an appointment which does not comply with those requirements but any person so appointed shall not hold office for more than six months.
- (7) Before making any appointment under this section (otherwise than by virtue of subsection (6) above) the Secretary of State shall so far as practicable consult with the parties represented in the Assembly and take into account any proposals submitted to him under section 1 of the <sup>M1</sup>Northern Ireland Act 1982.]
- (8) Persons appointed under this section shall hold office at Her Majesty's pleasure; and a person who is required by this section to be appointed from among members of the Assembly shall not continue in office for more than six months after ceasing to be a member of the Assembly.
- (9) A person appointed under this section who is not a member of the Assembly shall be entitled to sit and speak in the Assembly but not to vote.
- (10) Every person appointed under this section shall, on appointment, take the oath or make the affirmation set out in Schedule 4 to this Act.

**Textual Amendments**

**F3** S. 8(1)—(7) substituted by Northern Ireland Act 1982 (c. 38, SIF 29:3), **Sch. 2 para. 1**

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**Modifications etc. (not altering text)**

- C1** S. 8 restricted during interim period by Northern Ireland Act 1974 (c. 28, SIF 29:3), **Sch. 1 para. 2(1)(a)** and by Northern Ireland Act 1982 (c. 38, SIF 29:3), **Sch. 1 para. 5(1)** such restriction is excluded as regards s. 8(1) as mentioned in the said para. 5(1)
- C2** S. 8(2)(5)(6) excluded by Northern Ireland Act 1982 (c. 38, SIF 29:3), s. 2(5), **Sch. 1 para. 5(2)**

**Marginal Citations**

- M1** 1982 c. 38.

**9 Remuneration and pensions of members of Northern Ireland Executive etc. U.K.**

- (1) There shall be paid to each person appointed under section 8 above such salary and allowances as may be prescribed by Order in Council; and provision may be made by Order in Council for the payment of pensions to or in respect of persons who have held appointments under that section.
- (2) Any Order in Council under this section may be varied or revoked by a subsequent Order.
- (3) Any salaries or allowances payable by virtue of an Order in Council under this section, and any sums required by any such Order relating to pensions to be paid out of public funds, shall be defrayed out of moneys appropriated for that purpose by Measure.

**10 Attorney General for Northern Ireland. U.K.**

- (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.
- (2) If at any time the office of Attorney General for England and Wales is vacant any functions authorised or required by any enactment or otherwise to be discharged by the Attorney General for Northern Ireland may be discharged by the Solicitor General for England and Wales as his deputy, and any certificate, petition, direction, notice, proceeding or other document, matter or thing whatsoever authorised or required to be given, delivered, served, taken or done to, on or against the Attorney General for Northern Ireland may be given, delivered, served, taken or done to, on or against the Solicitor General for England and Wales.
- (3) The Solicitor General for England and Wales may also act as Attorney General for Northern Ireland as deputy for the Attorney General for England and Wales if the Attorney General is unable to act owing to absence or illness, or if the Attorney General authorises the Solicitor General to act in any particular case.
- (4) . . . . . <sup>F4</sup>

**Textual Amendments**

- F4** S. 10(4) repealed by Statute Law (Repeals) Act 1981 (c. 19), **Sch. 1 Pt. IV**

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## **11 Agency arrangements between United Kingdom and Northern Ireland departments. U.K.**

- (1) Arrangements may be made between any department of the Government of the United Kingdom and any Northern Ireland department for any functions of one of them to be discharged by, or by officers of, the other.
- (2) No such arrangements shall affect the responsibility of the department on whose behalf any functions are discharged.
- (3) In this section references to a department of the Government of the United Kingdom include references to any Minister of the Crown and references to a Northern Ireland department include references to the head of a Northern Ireland department; and this section shall have effect in relation to the Post Office as it has effect in relation to a department of the Government of the United Kingdom.

**Status:**

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**Changes to legislation:**

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