



# Northern Ireland Constitution Act 1973

## 1973 CHAPTER 36

### PART V

#### MISCELLANEOUS AND SUPPLEMENTARY

- 31** <sup>F1</sup>(1) .....
- <sup>F1</sup>(2) .....
- <sup>F1</sup>(3) .....
- <sup>F2</sup>(4) .....
- <sup>F2</sup>(5) .....
- <sup>F2</sup>(6) .....

#### Textual Amendments

- F1** S. 31(1)-(3) repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**
- F2** S. 31(4)-(6) repealed (19.11.1998) by 1998 c. 47, ss. 100(1), 101(2), **Sch. 15**

- <sup>F3</sup>**32** .....

#### Textual Amendments

- F3** S. 32 repealed (2.12.1999) by 1998 c. 47, s. 100(1), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**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.**

- <sup>F4</sup>(1) .....

*Status: Point in time view as at 01/04/2016.*

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

- (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 <sup>M1</sup>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

**F4** S. 33(1) repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**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.

<sup>F5</sup> .....

#### Textual Amendments

**F5** S. 34 repealed (13.6.2005) by 2002 c. 26, ss. 86, 87, **Sch. 13**; S.R. 2005/281, art. 2, Sch. 1 para. 14(b)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 <sup>F6</sup>Advocate General for Northern Ireland after consultation with the Attorney General for Northern Ireland].

<sup>F7</sup>(1A) A person is not qualified for appointment as Crown Solicitor unless he is—

- (a) a member of the Bar of Northern Ireland of at least ten years' standing; or
- (b) a solicitor of the <sup>F8</sup>Court of Judicature] of at least ten years' standing.]

- (2) The Crown Solicitor shall hold office on such terms and conditions as may be determined by the <sup>F9</sup>Advocate General for Northern Ireland] .

<sup>F10</sup>(3) The Crown Solicitor—

- (a) must make his services available to any Minister or department of the Government of the United Kingdom; and
- (b) may make his services available to any Northern Ireland Minister or Northern Ireland department or any other public body or holder of public office.]

- (4) The remuneration of, and other expenses incurred in connection with, the Crown Solicitor shall be defrayed out of moneys provided by Parliament.

#### Textual Amendments

**F6** Words in s. 35(1) substituted (12.4.2010) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 7 para. 14(2)**; S.R. 2010/113, art. 2, Sch. para. 19(c)

**F7** S. 35(1A) inserted (3.4.2006) by 2002 c. 26, ss. 18(10), 87; S.R. 2006/124, art. 2 Sch. para. 6

**F8** Words in s. 35(1A)(b) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148, **Sch. 11 para. 6**; S.I. 2009/1609, art. 2(d)

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- F9** Words in s. 35(2) substituted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), s. 87\(1\), Sch. 7 para. 14\(3\)](#); [S.R. 2010/113, art. 2, Sch. para. 19\(c\)](#)
- F10** S. 35(3) substituted (3.4.2006) by [2002 c. 26, ss. 20, 87](#); [S.R. 2006/124, art. 2 Sch. para. 7](#)

### 36 Provisions as to other Northern Ireland officers.

(1) Any appointment on or after the appointed day to the office of—

<sup>F11</sup>(a) .....

<sup>F11</sup>(b) .....

(c) Civil Service Commissioner for Northern Ireland;

<sup>F12</sup>(d) .....

shall be made by Her Majesty.

<sup>F13</sup>(2) .....

<sup>F13</sup>(3) .....

<sup>F13</sup>(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

- F11** S. 36(1)(a)(b) repealed (N.I.) (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\), s. 64, Sch. 9](#)
- F12** S. 36(1)(d) repealed (2.12.1999) by [1998 c. 47, s. 100\(1\), Sch. 15](#); [S.I. 1999/3209, art. 2, Sch.](#)
- F13** S. 36(2)(3)(4) repealed (16.7.1996) by [S.I. 1996/1298 \(NI 8\), art. 21\(2\), Sch. 6](#)

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

<sup>F14</sup>(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 <sup>M2</sup>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.

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**Textual Amendments**

**F14** 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.

**F15** **38** .....

**Textual Amendments**

**F15** S. 38 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

**F16** **39** .....

**Textual Amendments**

**F16** S. 39 repealed (2.12.1999) by 1998 c. 47, s. 100(2), **Sch. 15**; S.I. 1999/3209, art. 2, **Sch.**

**F17** **40** .....

**Textual Amendments**

**F17** 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—
  - (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)**

**C1** 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.

*Status: Point in time view as at 01/04/2016.*

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## 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 <sup>M3</sup>Northern Ireland (Temporary Provisions) Act 1972 or the validity of any Order in Council made under section 1(3) of that Act; <sup>F18</sup> . . .

### Textual Amendments

**F18** Words in s. 42(3) repealed (2.12.1999) by S.I. 1999/663, art. 2(2), Sch. 2

### Modifications etc. (not altering text)

- C2** S. 42 extended by S.I. 1986/1032 (N.I. 6), art. 2(4)  
**C3** S. 42 amended by S.I. 1989/1339 (N.I. 11), art. 2(10)  
**C4** S. 42 extended by S.I. 1990/594 (N.I. 6), Pt. I art. 2(11)  
**C5** S. 42(2) extended by S.I. 1989/846 (N.I. 6), Pt. I art. 2(4)  
**C6** S. 42(3) extended by S.I. 1986/594 (N.I. 3), art. 2(3)  
**C7** 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—
    - “the appointed day” means the day appointed under section 2 above for the commencement of Part II of this Act;  
<sup>F19</sup> . . .  
<sup>F19</sup> . . .
    - “enactment” includes an enactment of the Parliament of Northern Ireland;
    - “functions” includes powers and duties;  
<sup>F19</sup> . . .
    - “Northern Ireland” has the same meaning as for the purposes of the <sup>M4</sup>Government of Ireland Act 1920;
    - “Northern Ireland executive authorities” has the meaning given in section 7(6) above;  
<sup>F19</sup> . . .  
<sup>F19</sup> . . .
- <sup>F20</sup>(3) . . . . .

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- (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.

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#### **Textual Amendments**

**F19** Definitions in s. 43(2) repealed (2.12.1999) by S.I. 1999/663, arts. 1(2), 2(2), **Sch. 2**

**F20** S. 43(3) repealed (2.12.1999) by S.I. 1999/663, arts. 1(2), 2(2), **Sch. 2**

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

**C8** 1.9.1973 appointed under s. 43(6) by S.I. 1973/1418

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#### **Marginal Citations**

**M4** 1920 c. 67.

**Status:**

Point in time view as at 01/04/2016.

**Changes to legislation:**

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