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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1982 (repealed 2.12.1999), Cross Heading: Power to legislate by Order in Council for reserved and other matters. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 2

#### AMENDMENTS OF CONSTITUTION AND ASSEMBLY ACTS

##### *Power to legislate by Order in Council for reserved and other matters*

- 6 (1) Section 38 of the Constitution Act shall be amended as follows.
- (2) In subsection (1) for paragraph (b) there shall be substituted—  
“**(b)** any reserved matter.”
- (3) In subsection (2) for the words “passed before this Act” shall be omitted.
- (4) For subsection (5) there shall be substituted—  
“(5) Subject to subsection (6) below, no recommendation shall be made to Her Majesty to make an Order in Council under this section unless a draft of the Order has been approved by resolution of each House of Parliament.
- (6) Subsection (5) above does not apply to an Order in Council which—  
(a) is made under subsection (1)(b) above; and  
(b) declares that it has been made to appear to Her Majesty that by reason of urgency the Order requires to be made without a draft having been approved as mentioned in subsection (5) above ;  
but any such Order shall be laid before Parliament after being made and, if at the end of the period of forty days after the date on which it is made the Order has not been approved by resolution of each House, shall then cease to have effect (but without prejudice to anything previously done under the Order or to the making of a new Order).
- In reckoning the period mentioned in this subsection no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (7) References to Measures in any enactment or instrument shall, so far as the context permits, be deemed to include references to Orders in Council under paragraph (b) of subsection (1) above ; and Orders in Council under that paragraph may be omitted from any annual edition of statutory instruments required to be prepared under regulations made by virtue of section 8 of the Statutory Instruments Act 1946.”

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

**C1** The text of s. 7(3), Sch. 2 paras. 1, 2, 3(1)(2)(3), 5(1)(2)(3), 6(1)(2)(3)(4), 9 and Sch. 3 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.

- 7 (1) No recommendation shall be made to Her Majesty to make an Order in Council under section 38(1)(b) of the Constitution Act during the interim period referred to in section 1(3) of the Northern Ireland Act 1974.
- (2) Orders in Council under section 38(1)(b) of the Constitution Act shall not be regarded as subordinate legislation for the purposes of section 23(1) or (2) of the <sup>M1</sup>Interpretation Act 1978 but shall be Northern Ireland legislation for the purposes of section 24 of that Act.

**Marginal Citations**

**M1** 1978 c. 30.

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