



# Northern Ireland Act 1998

## CHAPTER 47

### NORTHERN IRELAND ACT 1998

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*Status: Point in time view as at 11/03/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998. (See end of Document for details)*

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*Status: Point in time view as at 11/03/2009.*  
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*Status: Point in time view as at 11/03/2009.*

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*Status: Point in time view as at 11/03/2009.*  
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### Northern Ireland Act 1998

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- 1 The Secretary of State may by order direct the holding...
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- 3 The Secretary of State shall not make an order under...

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- 4 (1) An order under this Schedule directing the holding of...

#### SCHEDULE 2 — Excepted matters

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- 2 The Parliament of the United Kingdom; parliamentary elections, including the...
- 3 International relations, including relations with territories outside the United Kingdom,...
- 4 The defence of the realm; trading with the enemy; the...
- 5 Control of nuclear, biological and chemical weapons and other weapons...
- 6 Dignities and titles of honour.
- 7 Treason but not powers of arrest or criminal procedure.
- 8 Nationality; immigration, including asylum and the status and capacity of...
- 9 The following matters— (a) taxes or duties under any law...
- 9A Child Trust Funds.
- 10 The following matters— (a) national insurance contributions;
- 10A Tax credits under Part 1 of the Tax Credits Act...
- 10B Health in pregnancy grant, Child benefit and guardian's allowance.
- 11 The appointment and removal of judges of the Supreme Court...
- 11A The Supreme Court.
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- 17 National security (including the Security Service, the Secret Intelligence Service...
- 18 Nuclear energy and nuclear installations, including nuclear safety, security and...
- 19 Regulation of sea fishing outside the Northern Ireland zone (except...
- 20 Regulation of activities in outer space.
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- 21 Any matter with which a provision of the Northern Ireland...
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- 1 The conferral of functions in relation to Northern Ireland on...
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- 5 The foreshore and the sea bed and subsoil and their...
- 6 Domicile.
- 7 The subject-matter of the Postal Services Act 2000. This paragraph...
- 8 Disqualification for membership of the Assembly; privileges, powers and immunities...
- 9 The following matters— (a) the criminal law;
- 10 The maintenance of public order, including the conferring of powers,...
- 11 The establishment, organisation and control of the Police Service of...
- 11A Co-operation between the Police Service of Northern Ireland and the...

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- 17 All matters (including procedure and appeals) relating to—
- 18 The subject-matter of sections 149 to 151 of and Schedules...
- 19 The subject-matter of the Vaccine Damage Payment Scheme.
- 20 Import and export controls and trade with any place outside...
- 21 The subject-matter of the National Minimum Wage Act 1998.
- 22 The subject-matter of the following provisions of the Pension Schemes...
- 23 The following matters— (a) financial services, including investment business, banking...
- 24 The subject-matter of— (a) the Building Societies Act 1986;
- 25 The subject-matter of the Money Laundering Regulations 2007 , but...
- 25A The subject-matter of the Transfer of Funds (Information on the...
- 26 Regulation of anti-competitive practices and agreements; abuse of dominant position;...
- 27 Intellectual property but not the subject-matter of Parts I and...
- 28 Units of measurement and United Kingdom primary standards.
- 29 Telecommunications; wireless telegraphy; the provision of programme services (within the...
- 30 The National Lottery (except in so far as any matter...
- 31 Xenotransplantation.
- 32 Surrogacy arrangements, within the meaning of the Surrogacy Arrangements Act...
- 33 The subject-matter of the Human Fertilisation and Embryology Act 1990....
- 34 Human genetics.
- 35 Research Councils within the meaning of the Science and Technology...
- 35A The Arts and Humanities Research Council (as defined by section...
- 36 Areas in which industry may qualify for assistance under Part...
- 37 Consumer safety in relation to goods.
- 38 Technical standards and requirements in relation to products in pursuance...
- 39 The subject-matter of section 3(5) to (7) of the Environmental...
- 40 The subject-matter of— (a) the Data Protection Act 1984;
- 41 Oaths and declarations (including all undertakings and affirmations, by whatever...
- 42 Any matter with which a provision of this Act falling...

SCHEDULE 4 — Annex A to Strand One of Belfast Agreement  
Pledge of Office

To pledge: (a) to discharge in good faith all the...

Code of Conduct

SCHEDULE 4A — Department with policing and justice functions

Part 1 — DEPARTMENT IN THE CHARGE OF MINISTER APPROVED BY  
RESOLUTION OF ASSEMBLY

*Status: Point in time view as at 11/03/2009.*

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### *Introduction*

- 1 (1) This Part of this Schedule has effect in relation...

#### *Modification of section 16A*

- 1A Section 16A(3) shall have effect as if, for paragraph (b)...

#### *Section 18 not to apply to relevant Minister*

- 2 (1) Section 18 (Northern Ireland Ministers) shall not apply in...

#### *Provisions relating to relevant Minister*

- 3 (1) Where any of the conditions in paragraphs (b) to...

Part 1A — DEPARTMENT IN THE CHARGE OF MINISTER APPROVED BY  
RESOLUTION OF THE ASSEMBLY BY VIRTUE OF SECTION 21A(3A)

- 3A Introduction

- 3B Modification of section 16A

- 3C Section 18 not to apply to relevant Minister

- 3D Provisions relating to relevant Minister

Part 2 — DEPARTMENT IN THE CHARGE OF TWO MINISTERS

### *Introduction*

- 4 (1) This Part of this Schedule has effect in relation...

#### *Modification of section 16A*

- 4A Section 16A(3) shall have effect as if, for paragraph (b)...

#### *Modifications of section 17*

- 5 (1) Section 17 (Ministerial offices) has effect subject to the...

#### *Section 18 not to apply to relevant Ministers*

- 6 (1) Section 18 (Northern Ireland Ministers) shall not apply in...

#### *Provisions relating to relevant Ministers*

- 7 (1) Where any of the conditions in paragraphs (b) to...

Part 3 — DEPARTMENT WITH ROTATION BETWEEN MINISTER AND JUNIOR  
MINISTER

### *Introduction*

- 8 (1) This Part of this Schedule has effect in relation...

#### *Modification of section 16A*

- 8A Section 16A(3) shall have effect as if, for paragraph (b)...

#### *Section 18 not to apply to relevant Minister*

- 9 (1) Section 18 (Northern Ireland Ministers) shall not apply in...



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*Certain provisions of section 19 not to apply to relevant junior Minister*

- 10 (1) The provisions of section 19 (junior Ministers) specified in...

*Provisions relating to relevant Minister and relevant junior Minister*

- 11 (1) Where any of the conditions in paragraphs (b) to...  
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- 11A Introduction  
11B Modification of section 16A  
11C Section 18 not to apply to relevant Minister  
11D Section 19 not to apply to deputy Minister  
11E Provisions relating to relevant Minister and deputy Minister  
11F Eligibility to become relevant Minister or deputy Minister  
11G Change in number of Ministerial offices held by members of a political party  
11H Interpretation  
Part 4 — POWER TO MAKE FURTHER MODIFICATIONS
- 12 (1) Her Majesty may by Order in Council make such...  
13 Paragraphs 3(10), 3D(14), 7(10), 11(10) and (11) and 11E(10) of...

SCHEDULE 5 — Northern Ireland Assembly Commission

*Membership*

- 1 A person appointed under standing orders made under section 40(2) (b)...

*Staff*

- 2 (1) The Commission may appoint staff. (2) The persons appointed...

*Powers*

- 3 (1) Subject to sub-paragraph (4), the Commission may do anything...

*Delegation*

- 4 The Commission may delegate any of its functions to the...

*Proceedings and business*

- 5 (1) The validity of any acts of the Commission shall...

*Crown status*

- 6 (1) Her Majesty may by Order in Council provide for...

SCHEDULE 6 — Standing orders: further provision

*Preservation of order*

- 1 (1) The standing orders shall include provision for preserving order...

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*Proceedings to be in public*

- 2 (1) The standing orders shall include provision requiring the proceedings...

*Reporting and publishing proceedings*

- 3 The standing orders shall include provision for reporting the proceedings...

*Committees*

- 4 (1) The standing orders shall include provision for ensuring that,...

*Votes in vacancy*

- 5 The standing orders may include provision enabling a right to...

SCHEDULE 7 — The Northern Ireland Human Rights Commission

*Introductory*

- 1 In this Schedule “the Commission” means the Northern Ireland Human...

*Commissioners’ tenure*

- 2 (1) Subject to the provisions of this Schedule, a Commissioner...

*Commissioners’ salary etc.*

- 3 (1) The Commission shall pay to or in respect of...

*Staff*

- 4 (1) The Commission may employ staff subject to the approval...

*Annual report*

- 5 (1) The Commission shall, as soon as reasonably practicable after...

*Money*

- 6 The Secretary of State may make grants to the Commission...  
7 (1) The Commission shall keep proper accounts and financial records...

*Procedure*

- 8 (1) In determining its own procedure the Commission may, in...

*Disqualification*

- 9 In Part III of Schedule 1 to the House of...  
10 In Part III of Schedule 1 to the Northern Ireland...

*Status*

- 11 The Commission shall not be regarded as the servant or...

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## SCHEDULE 8 — The Equality Commission for Northern Ireland

### *Introductory*

- 1 In this Schedule “the Commission” means the Equality Commission for...

### *Commissioners’ tenure*

- 2 (1) Subject to the provisions of this Schedule, a Commissioner...

### *Commissioners’ salary etc.*

- 3 The Department of Economic Development may with the approval of...

### *Additional Commissioners*

- 3A (1) Paragraph 2(1) and (2) shall apply to additional Commissioners...

### *Staff*

- 4 (1) The Commission may with the approval of the Department...

### *Annual report*

- 5 (1) The Commission shall, as soon as reasonably practicable after...

### *Money*

- 6 (1) Expenditure incurred by the Commission may be defrayed as...  
7 (1) The Commission shall keep accounts and financial records in...

### *Procedure*

- 8 (1) In determining its own procedure the Commission may, in...

### *Disqualification*

- 9 In Part II of Schedule 1 to the House of...  
10 In Part II of Schedule 1 to the Northern Ireland...

### *The Northern Ireland Commissioner for Complaints*

- 11 In Schedule 2 to the Commissioner for Complaints (Northern Ireland)...

### *Status*

- 12 The Commission shall not be regarded as the servant or...

## SCHEDULE 9 — Equality: enforcement of duties

### *The Equality Commission*

- 1 The Equality Commission for Northern Ireland shall—

### *Equality schemes*

- 2 (1) A public authority to which this sub-paragraph applies shall,...  
3 (1) Where it thinks appropriate, the Commission may—

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- 4 (1) A scheme shall show how the public authority proposes...  
 5 Before submitting a scheme a public authority shall consult, in...  
 6 (1) On receipt of a scheme the Commission shall—  
 7 (1) Where a scheme is referred to the Secretary of...  
 8 (1) If a public authority wishes to revise a scheme...

*Duties arising out of equality schemes*

- 9 (1) In publishing the results of such an assessment as...

*Complaints*

- 10 (1) If the Commission receives a complaint made in accordance...

*Investigations*

- 11 (1) This paragraph applies to— (a) investigations required by paragraph...

*Government departments*

- 12 (1) Paragraphs 6, 7 and 11(2)(b) and (3) do not...

SCHEDULE 10 — Devolution issues

Part I — PRELIMINARY

- 1 In this Schedule “devolution issue” means— (a) a question whether...  
 2 A devolution issue shall not be taken to arise in...

Part II — PROCEEDINGS IN NORTHERN IRELAND

*Application of Part II*

- 3 This Part of this Schedule applies in relation to devolution...

*Institution of proceedings*

- 4 (1) Proceedings for the determination of a devolution issue may...

*Notice of devolution issue*

- 5 A court or tribunal shall order notice of any devolution...  
 6 A person to whom notice is given in pursuance of...

*Reference of devolution issue to Court of Appeal*

- 7 A court, other than the House of Lords or the...  
 8 A tribunal from which there is no appeal shall refer...

*References from Court of Appeal to Judicial Committee*

- 9 The Court of Appeal in Northern Ireland may refer any...

*Appeals from Court of Appeal to Judicial Committee*

- 10 An appeal against a determination of a devolution issue by...  
 Part III — PROCEEDINGS IN ENGLAND AND WALES

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*Application of Part III*

11 This Part of this Schedule applies in relation to devolution...

*Institution of proceedings*

12 (1) Proceedings for the determination of a devolution issue may...

*Notice of devolution issue*

13 A court or tribunal shall order notice of any devolution...

14 A person to whom notice is given in pursuance of...

*Reference of devolution issue to High Court or Court of Appeal*

15 A magistrates' court may refer any devolution issue which arises...

16 (1) A court may refer any devolution issue which arises...

17 A tribunal from which there is no appeal shall refer...

18 A court, other than the House of Lords or the...

*References from Court of Appeal to Judicial Committee*

19 The Court of Appeal may refer any devolution issue which...

*Appeals from superior courts to Judicial Committee*

20 An appeal against a determination of a devolution issue by...

Part IV — PROCEEDINGS IN SCOTLAND

*Application of Part IV*

21 This Part of this Schedule applies in relation to devolution...

*Institution of proceedings*

22 (1) Proceedings for the determination of a devolution issue may...

*Intimation of devolution issue*

23 Intimation of any devolution issue which arises in any proceedings...

24 A person to whom intimation is given in pursuance of...

*Reference of devolution issue to higher court*

25 A court, other than the House of Lords or any...

26 A tribunal from which there is no appeal shall refer...

27 A court, other than any court consisting of two or...

*References from superior courts to Judicial Committee*

28 Any court consisting of three or more judges of the...

29 Any court consisting of two or more judges of the...

*Appeals from superior courts to Judicial Committee*

30 An appeal against a determination of a devolution issue by...

31 An appeal against a determination of a devolution issue by—...

Part V — GENERAL

*Status: Point in time view as at 11/03/2009.*

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*Proceedings in the House of Lords*

32 Any devolution issue which arises in judicial proceedings in the...

*Direct references to Judicial Committee*

33 The Attorney General, the Attorney General for Northern Ireland, the...

34 The Attorney General, the Attorney General for Northern Ireland, the...

35 (1) This paragraph applies where a reference is made under...

*Delegation by First Ministers*

36 The First Minister and the deputy First Minister acting jointly...

*Expenses*

37 (1) A court or tribunal before which any proceedings take...

*Procedure of courts and tribunals*

38 Any power to make provision for regulating the procedure before...

*Bail and legal aid in criminal proceedings*

39 (1) Sub-paragraph (3) applies where a devolution issue arises in...

40 Where a devolution issue arises as mentioned in sub-paragraph (1)...

*Interpretation*

41 Any duty or power conferred by this Schedule to refer...

SCHEDULE 11 — Tribunal established under section 91

*Introductory*

1 In this Schedule “the Tribunal” means the tribunal established under...

*Members*

2 (1) The Tribunal shall consist of such number of members...

*Chairman*

3 (1) The Lord Chancellor shall appoint one of the members...

*Payments to members*

4 (1) The Lord Chancellor may pay to the members of...

*Proceedings*

5 (1) The Tribunal shall sit at such times and in...

6 The Tribunal shall be deemed to be duly constituted if...

7 The chairman or, in his absence, the deputy chairman, shall...

*Staff*

8 The Lord Chancellor may appoint such officers and servants for...

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### *Expenses*

- 9 The Lord Chancellor shall defray the remuneration of persons appointed...

### *Disqualification of Tribunal Members*

- 10 In Part II of Schedule 1 to the House of...  
11 In Part II of Schedule 1 to the Northern Ireland...

## SCHEDULE 12 — Construction of references in existing laws

### *Preliminary*

- 1 (1) Enactments and instruments shall, except where the context otherwise...

### *The Parliament and the old Assembly*

- 2 (1) References to the Parliament of Northern Ireland shall be...

### *Legislation etc of the Parliament or the old Assembly*

- 3 (1) A reference to an Act or enactment of the...  
4 (1) A reference to a resolution or other decision of...  
5 A reference to laying a document before, or presenting it...  
6 Paragraphs 2 to 5 apply to enactments and instruments passed...

### *Money*

- 7 (1) A reference to— (a) money provided by the Parliament...

### *Office-holders and Ministers*

- 8 (1) A reference to— (a) the Governor of Northern Ireland;...  
9 (1) A reference to— (a) the Prime Minister of Northern...  
10 (1) A reference to— (a) a particular Ministry of Northern...  
11 (1) A reference to— (a) an unspecified Minister of Northern...

### *Courts*

- 12 (1) A reference to the Supreme Court of Judicature in...

### *Equal opportunity bodies*

- 13 (1) A reference to— (a) the Fair Employment Commission for...

## SCHEDULE 12A — Effect of application of section 95A(6) or (7)

### *Directions under section 30A(5): Northern Ireland Ministers and junior Ministers*

- 1 (1) Paragraphs 2 to 4 apply where a direction under...  
2 (1) A person who holds office as a Northern Ireland...  
3 If— (a) an office of Northern Ireland Minister or junior...  
4 Section 18(10) (and section 18(11)), and any provision made under...

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*Directions under section 30A(2) or (5): the First Minister and deputy First Minister*

- 5 (1) Paragraphs 6 to 8 apply where a direction under...
- 6 (1) Sub-paragraphs (2) to (4) apply where—
- 7 (1) Sub-paragraphs (2) to (4) apply where—
- 8 (1) Sub-paragraphs (2) to (4) apply where—

*Directions under section 47B or 51B*

- 9 (1) Sub-paragraphs (2) and (3) apply where a direction under...

*General*

- 10 Where a direction under section 30A, 47B or 51B ceases...

SCHEDULE 13 — Minor and consequential amendments

*Fair Employment (Northern Ireland) Act 1976 (c.25)*

- 1 .....

*Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15))*

- 2 (1) The Sex Discrimination (Northern Ireland) Order 1976 shall be...

*Interpretation Act 1978 (c.30)*

- 3 In section 24(5) of the Interpretation Act 1978 (meaning of...

*Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I.12))*

- 4 In Part II of Schedule 1 to the Statutory Rules...

*Mental Health Act 1983 (c.20)*

- 5 (1) The Mental Health Act 1983 shall be amended as...

*Insolvency Act 1986 (c.45)*

- 6 In section 427 of the Insolvency Act 1986 (members of...

*Audit (Northern Ireland) Order 1987 (S.I. 1987/460 (N.I.5))*

- 7 In Article 6(2) of the Audit (Northern Ireland) Order 1987...

*Copyright, Designs and Patents Act 1988 (c.48)*

- 8 (1) The Copyright, Designs and Patents Act 1988 shall be...

*Official Secrets Act 1989 (c.6)*

- 9 (1) Section 12 of the Official Secrets Act 1989 (interpretation)...

*Fair Employment (Northern Ireland) Act 1989 (c.32)*

- 10 .....

*Social Security Administration Act 1992 (c.5)*

- 11 In section 189 of the Social Security Administration Act 1992...



*Status: Point in time view as at 11/03/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998. (See end of Document for details)*

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*Social Security Administration (Northern Ireland) Act 1992 (c.8)*

- 12 In section 165 of the Social Security Administration (Northern Ireland)...

*Environment and Safety Information (Northern Ireland) Order 1993 (S.I. 1993/3159 (N.I.14))*

- 13 In the second column of Schedule 1 to the Environment...

*Civil Service (Management Functions) (Northern Ireland) Order 1994 (S.I. 1994/1894 (N.I.9))*

- 14 In Article 3(1) of the Civil Service (Management Functions) (Northern...

*Olympic Symbol etc. Protection Act 1995 (c.32)*

- 15 In section 4(16) of the Olympic Symbol etc. Protection Act...

*Disability Discrimination Act 1995 (c.50)*

- 16 .....

*Commissioner for Complaints (Northern Ireland) Order 1996 (S.I. 1996/1297 (N.I.7))*

- 17 In Article 9(3) of the Commissioner for Complaints (Northern Ireland)...

*Ombudsman (Northern Ireland) Order 1996 (S.I. 1996/1298 (N.I.8))*

- 18 In Article 10(3) of the Ombudsman (Northern Ireland) Order 1996...

*Race Relations (Northern Ireland) Order 1997 (S.I. 1997/869 (N.I.6))*

- 19 (1) The Race Relations (Northern Ireland) Order 1997 shall be...

*Northern Ireland (Elections) Act 1998 (c.12)*

- 20 In Schedule 1 to the Northern Ireland (Elections) Act 1998...

*Data Protection Act 1998 (c.29)*

- 21 (1) In paragraph 4 of Schedule 7 to the Data...

SCHEDULE 14 — Transitional provisions and savings

*Human rights*

- 1 In relation to any time before the Human Rights Act...

*First Minister and deputy First Minister*

- 2 Any election of the First Minister and the deputy First...

*Ministerial offices*

- 3 Any determination of— (a) the number of Ministerial offices to...

*Northern Ireland Ministers*

- 4 Any nomination of a person to hold a Ministerial office...

*Status: Point in time view as at 11/03/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998. (See end of Document for details)*

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*Junior Ministers*

5 Any of the following made and approved before the appointed...

*Department of First Minister and deputy First Minister*

6 Any Northern Ireland department established before the appointed day under...

*Prerogative orders*

7 Any prerogative order made by the Secretary of State under...

*Agency arrangements*

8 Any arrangements made under section 11 of the Northern Ireland...

*Statutory committees*

9 (1) Any committee of the Assembly established before the appointed...

*Elections of members*

10 Any order made under section 2(5) of the Northern Ireland...

*Vacancies*

11 Any order made under section 3 of the Northern Ireland...

*Disqualification*

12 A person elected on 25th June 1998 shall not be...

*Presiding Officer and deputy*

13 Any person appointed or elected under paragraph 3 of the...

*Standing orders*

14 Any standing orders made by the Secretary of State under...

*Civic Forum*

15 Any such arrangements as are mentioned in subsection (1) of...

*Comptroller and Auditor General for Northern Ireland*

16 Any appointment made by Her Majesty under section 36(1)(d) of...

*Social security and child support*

17 Any regulations made under any enactment repealed by virtue of...

*Certificates by Secretary of State*

18 Section 90 shall have effect— (a) in relation to any...

*Devolution issues*

19 In relation to any time before the first appointment of...

*Status: Point in time view as at 11/03/2009.*

*Changes to legislation: There are currently no known outstanding effects  
for the Northern Ireland Act 1998. (See end of Document for details)*

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*Relations with Republic of Ireland*

20 The repeal effected by this Act of section 12 of...

*Discrimination in legislation*

21 The repeals effected by this Act shall not affect the...

*Discrimination by public bodies*

22 The repeals effected by this Act shall not affect the...

*Members' Pensions*

23 The repeals effected by this Act shall not affect the...

SCHEDULE 15 — Repeals

**Status:**

Point in time view as at 11/03/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Act 1998.