



Northern Ireland Act 1998

1998 CHAPTER 47

PART I

PRELIMINARY

1 Status of Northern Ireland.

- (1) It is hereby declared that Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the consent of a majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1.
- (2) But if the wish expressed by a majority in such a poll is that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland, the Secretary of State shall lay before Parliament such proposals to give effect to that wish as may be agreed between Her Majesty's Government in the United Kingdom and the Government of Ireland.

2 Previous enactments.

The ^{M1}Government of Ireland Act 1920 is repealed; and this Act shall have effect notwithstanding any other previous enactment.

Marginal Citations

M1 1920 c.67.

3 Devolution order.

- (1) If it appears to the Secretary of State that sufficient progress has been made in implementing the Belfast Agreement, he shall lay before Parliament the draft of an Order in Council appointing a day for the commencement of Parts II and III ("the appointed day").

Status: Point in time view as at 01/04/2008.

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

- (2) If the draft Order laid before Parliament under subsection (1) is approved by resolution of each House of Parliament, the Secretary of State shall submit it to Her Majesty in Council and Her Majesty in Council may make the Order.

Subordinate Legislation Made

P1 S. 3(2) power fully exercised (1.12.1999): 2.12.1999 appointed by S.I. 1999/3208

4 Transferred, excepted and reserved matters.

- (1) In this Act—

“excepted matter” means any matter falling within a description specified in Schedule 2;

“reserved matter” means any matter falling within a description specified in Schedule 3;

“transferred matter” means any matter which is not an excepted or reserved matter.

- (2) If at any time after the appointed day it appears to the Secretary of State—

- (a) that any reserved matter should become a transferred matter; or
(b) that any transferred matter should become a reserved matter,

he may, subject to subsection (3), lay before Parliament the draft of an Order in Council amending Schedule 3 so that the matter ceases to be or, as the case may be, becomes a reserved matter with effect from such date as may be specified in the Order.

- (3) The Secretary of State shall not lay the draft of an Order before Parliament under subsection (2) unless the Assembly has passed with cross-community support a resolution praying that the matter concerned should cease to be or, as the case may be, should become a reserved matter.

- (4) If the draft of an Order laid before Parliament under subsection (2) is approved by resolution of each House of Parliament, the Secretary of State shall submit it to Her Majesty in Council and Her Majesty in Council may make the Order.

- (5) In this Act—

“the Assembly” means the New Northern Ireland Assembly, which after the appointed day shall be known as the Northern Ireland Assembly;

“cross-community support”, in relation to a vote on any matter, means—

- (a) the support of a majority of the members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting; or

- (b) the support of 60 per cent of the members voting, 40 per cent of the designated Nationalists voting and 40 per cent of the designated Unionists voting;

“designated Nationalist” means a member designated as a Nationalist in accordance with standing orders of the Assembly and “designated Unionist” shall be construed accordingly.

[^{F1}(5A) Standing orders of the Assembly shall provide that a member of the Assembly designated in accordance with the standing orders as a Nationalist, as a Unionist or as Other may change his designation only if—

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- (a) (being a member of a political party) he becomes a member of a different political party or he ceases to be a member of any political party;
- (b) (not being a member of any political party) he becomes a member of a political party.]

Textual Amendments

F1 S. 4(5A) inserted (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 2(2), 13, 27(4)(5) (as amended by Northern Ireland (St Andrews Agreement) 2007 c. 4, s. 1(1)) (with s. 1(3)); S.I. 2007/1397, art. 2

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