

*Changes to legislation:* There are currently no known outstanding effects for the Northern Ireland Act 1998, SCHEDULE 12. (See end of Document for details)

## SCHEDULES

### SCHEDULE 12 U.K.

Section 95(5).

#### CONSTRUCTION OF REFERENCES IN EXISTING LAWS

##### *Preliminary*

- 1 (1) Enactments and instruments shall, except where the context otherwise requires, be construed in accordance with this Schedule.
- (2) In this Schedule “instruments” includes charters, contracts and other documents.

##### *The Parliament and the old Assembly*

- 2 (1) References to the Parliament of Northern Ireland shall be construed as including references to—
  - (a) the Assembly established under section 1 of the <sup>M1</sup>Northern Ireland Assembly Act 1973; and
  - (b) the Assembly.
- (2) References to the Assembly established under section 1 of the Northern Ireland Assembly Act 1973 shall be construed as including references to the Assembly.

#### **Marginal Citations**

**M1** 1973 c.17.

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

- 3 (1) A reference to an Act or enactment of the Parliament of Northern Ireland shall be construed as including a reference to an Order in Council under section 1(3) of the <sup>M2</sup>Northern Ireland (Temporary Provisions) Act 1972.
- (2) A reference to an Act or enactment of, or a Bill in, the Parliament of Northern Ireland shall be construed as including a reference to—
  - (a) a Measure or proposed Measure of the Assembly established under section 1 of the <sup>M3</sup>Northern Ireland Assembly Act 1973; and
  - (b) an Act or Bill of the Assembly.
- (3) A reference to a Measure or proposed Measure of the Assembly so established shall be construed as including a reference to an Act or Bill of the Assembly.
- (4) A reference to a Measure of the Assembly so established shall be construed as including a reference to an Order in Council under paragraph 1 of Schedule 1 to the <sup>M4</sup>Northern Ireland Act 1974.

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- M2** 1972 c.22.  
**M3** 1973 c.17.  
**M4** 1974 c.28.

- 4 (1) A reference to a resolution or other decision of the Senate or the House of Commons of the Parliament of Northern Ireland, or of either House of that Parliament, shall be construed as including a reference to a resolution or decision of—
- (a) the Assembly established under section 1 of the Northern Ireland Assembly Act 1973; or
  - (b) the Assembly.
- (2) A reference to a resolution or other decision of the Assembly established under section 1 of the Northern Ireland Assembly Act 1973 shall be construed as a reference to a resolution or decision of the Assembly.
- 5 A reference to laying a document before, or presenting it to—
- (a) the Parliament of Northern Ireland or either House of that Parliament; or
  - (b) the Assembly established under section 1 of the <sup>M5</sup>Northern Ireland Assembly Act 1973,
- shall be construed as a reference to laying it before, or presenting it to, the Assembly.

**Marginal Citations**

- M5** 1973 c.17.

- 6 Paragraphs 2 to 5 apply to enactments and instruments passed or made before the appointed day.

*Money*

- 7 (1) A reference to—
- (a) money provided by the Parliament of Northern Ireland; or
  - (b) money appropriated by Measure of the Assembly established under section 1 of the Northern Ireland Assembly Act 1973,
- shall be construed as a reference to money appropriated by Act of the Assembly.
- (2) A reference to payment into or out of the Exchequer of Northern Ireland shall be construed as a reference to payment into or out of the Consolidated Fund of Northern Ireland.
- (3) This paragraph applies to enactments and instruments passed or made before the appointed day.

*Office-holders and Ministers*

- 8 (1) A reference to—
- (a) the Governor of Northern Ireland;
  - (b) the Governor of Northern Ireland in Council; or
  - (c) the making of an Order in Council by the Governor of Northern Ireland,

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shall be construed as a reference to the Secretary of State or, as the case may be, the making of an order by the Secretary of State.

- (2) This paragraph applies to enactments and instruments passed or made before 1st January 1974.
- 9 (1) A reference to—
- (a) the Prime Minister of Northern Ireland; or
  - (b) the chief executive member,
- shall be construed as a reference to the First Minister and deputy First Minister acting jointly.
- (2) References to Northern Ireland executive authorities shall be construed as references to Ministers and the Northern Ireland departments.
- (3) A reference to—
- (a) the Executive Committee for Northern Ireland; or
  - (b) the Northern Ireland Executive,
- shall be construed as a reference to the Executive Committee established by section 20.
- (4) This paragraph applies to enactments and instruments passed or made before the appointed day.
- 10 (1) A reference to—
- (a) a particular Ministry of Northern Ireland; or
  - (b) the Minister in charge of a particular Ministry,
- shall, in relation to a function, be construed as a reference to the Northern Ireland department which exercises that function or to the Northern Ireland Minister in charge of that department.
- (2) A reference to an unspecified Ministry shall be construed as a reference to a Northern Ireland department.
- (3) This paragraph applies to enactments and instruments passed or made before 1st January 1974.
- 11 (1) A reference to—
- (a) an unspecified Minister of Northern Ireland; or
  - (b) the head of a Northern Ireland department,
- shall be construed as a reference to a Northern Ireland Minister.
- (2) A reference to the head of a specified Northern Ireland department shall, in relation to a function, be construed as a reference to the Northern Ireland Minister in charge of the department which exercises that function.
- (3) In sub-paragraph (1) “Northern Ireland Minister” includes the First Minister and the deputy First Minister.
- (4) This paragraph applies to enactments and instruments passed or made before the appointed day.

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### *Courts*

- 12 (1) A reference to the Supreme Court of Judicature in Ireland shall be construed as a reference to the <sup>F1</sup>Court of Judicature] .
- (2) A reference to the High Court of Justice in Ireland shall be construed as a reference to the High Court of Justice in Northern Ireland.
- (3) A reference to the Court of Appeal in Ireland shall be construed as a reference to the Court of Appeal in Northern Ireland.
- (4) This paragraph applies to enactments and instruments passed or made before the passing of the <sup>M6</sup>Government of Ireland Act 1920.

#### **Textual Amendments**

**F1** Words in Sch. 12 para. 12(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, {Sch. 11 para. 33(3)}; [S.I. 2009/1604](#), **art. 2(b)(d)**

#### **Marginal Citations**

**M6** [1920 c.67](#).

### *Equal opportunity bodies*

- 13 (1) A reference to—
- (a) the Fair Employment Commission for Northern Ireland;
  - (b) the Equal Opportunities Commission for Northern Ireland;
  - (c) the Commission for Racial Equality for Northern Ireland; or
  - (d) the Northern Ireland Disability Council,
- shall be construed as a reference to the Equality Commission for Northern Ireland.
- (2) This paragraph applies to enactments and instruments passed or made before section 74 comes into force.

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