
Changes to legislation: Protection of Freedoms Act 2012, Paragraph 8 is up to date with all changes known to be in force on or before 24 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1 **U.K.**

AMENDMENTS OF REGIMES OTHER THAN PACE

PART 7 **U.K.**

CORRESPONDING NORTHERN IRELAND PROVISION FOR EXCEPTED OR RESERVED MATTERS ETC.

- 8 (1) The Secretary of State may make an order under sub-paragraph (2) or (3) if the Secretary of State considers that the subject-matter in relation to Northern Ireland of any provision of an Act of the Northern Ireland Assembly made in [F¹2013 or 2014] is the same as the subject-matter in relation to England and Wales of any provision made by any of sections 1 to 18 and 23 to 25 of this Act.
- (2) The Secretary of State may by order make excepted or reserved provision in relation to Northern Ireland which is about the same subject-matter as any provision made in relation to England and Wales by any of sections 1 to 18 and 23 to 25 of this Act.
- (3) The Secretary of State may by order make such provision as the Secretary of State considers appropriate in consequence of the Act of the Northern Ireland Assembly or an order under sub-paragraph (2).
- (4) The power to make an order under this paragraph—
- (a) is exercisable by statutory instrument,
 - (b) includes power to make incidental, supplementary, transitional, transitory or saving provision,
 - (c) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an enactment (including this Act).
- (5) An order under this paragraph may not make provision which—
- (a) if it were contained in an Act of the Northern Ireland Assembly, would be within the legislative competence of the Northern Ireland Assembly and would deal with a transferred matter without being ancillary to other provision (whether in the Act or previously enacted) which deals with an excepted or reserved matter,
 - (b) if it were contained in an Act of the Scottish Parliament, would be within the legislative competence of the Scottish Parliament, or
 - (c) if it were contained in an Act of the National Assembly for Wales, would be within the legislative competence of the National Assembly for Wales.
- (6) Subject to sub-paragraph (7), a statutory instrument containing an order under this paragraph is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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- (7) A statutory instrument containing an order under this paragraph which neither amends nor repeals any provision of primary legislation is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this paragraph—
- “enactment” includes an Act of the Scottish Parliament, a Measure or Act of the National Assembly for Wales and Northern Ireland legislation,
 - “excepted or reserved matter” have the meanings given by section 4(1) of the Northern Ireland Act 1998,
 - “excepted or reserved provision” means provision which—
 - (a) forms part of the law of Northern Ireland, and
 - (b) is not prohibited by sub-paragraph (5)(a),
 - “primary legislation” means—
 - (a) a public general Act,
 - (b) an Act of the Scottish Parliament,
 - (c) a Measure or Act of the National Assembly for Wales, and
 - (d) Northern Ireland legislation,
 - “transferred matter” has the meaning given by section 4(1) of the Northern Ireland Act 1998.

Textual Amendments

- F1** Words in Sch. 1 para. 8(1) substituted (13.3.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 24, 28(1)(h)(3)**

Commencement Information

- I1** Sch. 1 para. 8 in force at 16.12.2014 by [S.I. 2014/3315](#), **art. 2**

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2234 art. 13 by [S.I. 2014/831 art. 2\(2\)](#)
- specified provision(s) transitional provisions and savings for commencing S.I. 2013/1814 by [S.I. 2013/1813 art. 2-9](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)