

**EXPLANATORY MEMORANDUM TO THE  
NORTHERN IRELAND ACT 2000 (MODIFICATION) (No. 2) ORDER  
2005**

**2005 No.**

**1. (i) Title of Instrument**

The Northern Ireland Act 2000 (Modification) (No 2) Order 2005

**(ii) Laying Authority and Purpose**

This explanatory memorandum is laid before Parliament by Command of Her Majesty.

**(iii) The Department Responsible**

The Northern Ireland Office is the lead Department for this Order.

**2. Description**

The Order extends the Government's ability to legislate for Northern Ireland by Order in Council until the end of 14<sup>th</sup> April 2006.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

There are no matters of special interest.

**4. Legislative Background**

(i) The Order is made under paragraph 1(4) of the Schedule to the Northern Ireland Act 2000 (c. 1) (the 2000 Act). On 15 October 2002 the Northern Ireland Assembly (the Assembly) was suspended and section 1 of the 2000 Act was brought into force by the Northern Ireland Act 2000 (Suspension of Devolved Government) Order 2002 (S.I. 2002/2574). Under the Schedule to the 2000 Act, while the Assembly is suspended, Her Majesty may legislate by Order in Council on any matter on which the Assembly has the competence to legislate. Under paragraph 1(3) of the Schedule that power only lasts for six months and then it can be renewed by the Secretary of State by order under paragraph 1(4) of the Schedule.

There have been five previous orders under paragraph 1(4). The first Order (The Northern Ireland Act 2000 (Modification) Order 2003 (S.I. 2003/1155)) provided for the renewal of the power to legislate by Order in Council for a period of six months from 15 April 2003 to the end of 14 October 2003. The second Order (The Northern Ireland Act 2000 (Modification) (No 2) Order

2003 (S.I. 2003/2592)) provided for the renewal of the powers to legislate by Order in Council for the period of six months from 15 October 2003 to the end of 14 April 2004. The third Order (The Northern Ireland Act 2000 (Modification) Order 2004 (S.I. 2004/1105)) provided for the renewal of the power to legislate by Order in Council for a period of six months from 15 April 2004 to the end of 14 October 2004. The fourth Order (The Northern Ireland Act 2000 (Modification) (No 2) Order 2004 (S.I. 2004/2505)) provided for the renewal of the power to legislate by Order in Council for a period of six months from 15 October 2004 to the end of 14 April 2005. The fifth Order (The Northern Ireland Act 2000 (Modification) Order 2005 (S.I. 2005/868)) provided for the renewal of the power to legislate by Order in Council for a period of six months from 15 April 2005 to the end of 14 October 2005.

The period provided for in the Order is six months and therefore the period will expire at the end of 14 April 2006, or earlier if devolved government is restored before then.

(ii) This Order has no EU implications.

## **5. Extent**

The Order only affects Northern Ireland.

## **6. European Convention on Human Rights**

It is the view of the Secretary of State that the provisions of the Order are compatible with the European Convention on Human Rights.

## **7. Policy Background to the Order**

The 2000 Act makes provision for the operation of government in Northern Ireland while the Assembly is suspended. Without the Order all legislation for Northern Ireland would have to be by Act of Parliament.

There is not expected to be a high level of public interest. The Northern Ireland Affairs Committee has reported on the power to legislate under the Schedule to the 2000 Act (see The Northern Ireland Affairs Committee's (NIAC) First Report of Session 2003-04, entitled "The Committee's Work in 2003" and NIAC's Second Special Report of Session 2003-04 entitled "Work of the Committee in 2003: Government's Response to the Committee's First Report of Session 2003-04").

## **8. Financial and Regulatory Impact**

The Order has no regulatory impact and there is no Regulatory Impact Assessment. The Order will not result in any identifiable costs to the public or

the Exchequer. The Order has no impact on business, the voluntary sector and charities.

## **9. Contact**

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**Northern Ireland Office**

**May 2005**