
STATUTORY INSTRUMENTS

2010 No. 976

The Northern Ireland Act 1998 (Devolution
of Policing and Justice Functions) Order 2010

PART 3

The Northern Ireland Act 1998

Quasi-judicial decisions

23. In section 20 of the Northern Ireland Act 1998⁽¹⁾ (Executive Committee) after subsection (4) insert—

“(5) Subsections (3) and (4) are subject to subsection (6).

(6) Quasi-judicial decisions may be made by the Department of Justice or the Minister in charge of that Department without recourse to the Executive Committee.”

Royal prerogative of mercy

24.—(1) Amend section 23 of the Northern Ireland Act 1998 (prerogative and executive powers) as follows.

(2) In subsection (2) for “subsection (3)” substitute “subsections (2A) and (3)”.

(3) After subsection (2) insert—

“(2A) So far as the Royal prerogative of mercy is exercisable on Her Majesty’s behalf under subsection (2), it is exercisable only by the Minister in charge of the Department of Justice.”

25.—(1) This article applies if—

(a) before the coming into force of this Order the Secretary of State recommended, or refused to recommend, the exercise of the Royal prerogative of mercy in any case, and

(b) by virtue of the Northern Ireland Act 1998 (Amendment of Schedule 3) Order 2010 the Royal prerogative of mercy becomes exercisable on Her Majesty’s behalf under section 23(2) of the Northern Ireland Act 1998 in that case.

(2) If the Secretary of State made a recommendation, Her Majesty may act on the recommendation despite section 23(2).

(3) If the Secretary of State refused to make a recommendation, the refusal is to be treated as if it were a refusal by the Minister in charge of the Department of Justice to exercise the Royal prerogative of mercy on Her Majesty’s behalf under section 23(2); and any legal proceedings in relation to the refusal are to be brought or continued accordingly.

(1) 1998 c. 47. Section 20 was amended by section 5 of the Northern Ireland (St Andrews Agreement) Act 2006 (c. 53).

Amendment of paragraph 11A of Schedule 2 to the Northern Ireland Act 1998 consequential on repeal of paragraph 14A of Schedule 3 to that Act

26. In paragraph 11A of Schedule 2 to the Northern Ireland Act 1998⁽²⁾ (excepted matters: the Supreme Court) at the end insert “, but not rights of appeal to the Supreme Court or legal aid for appeals to the Supreme Court”.

Repeals of earlier amendments of Schedule 3 to the Northern Ireland Act 1998

27.—(1) Paragraph 24(4) of Schedule 6 to the Police (Northern Ireland) Act 2000⁽³⁾ (which amended paragraph 11 of Schedule 3 to the Northern Ireland Act 1998) is omitted.

(2) The following provisions of the Justice (Northern Ireland) Act 2002⁽⁴⁾ are omitted—

- (a) section 83 (which inserted paragraphs 9(h), 9A and 15A into Schedule 3 to the 1998 Act);
- (b) paragraph 65(3) of Schedule 12 (which amended paragraph 9 of Schedule 3 to the 1998 Act).

(3) Section 58(3) of the Constitutional Reform Act 2005⁽⁵⁾ (which inserted paragraph 14A into Schedule 3 to the 1998 Act) is omitted.

(4) Paragraph 13(3) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006⁽⁶⁾ (which inserted paragraph 11A into Schedule 3 to the 1998 Act) is omitted.

(2) 1998 c. 47. Paragraph 11A was inserted by section 58 of the Constitutional Reform Act 2005 (c. 4).
(3) 2000 c. 32.
(4) 2002 c. 26.
(5) 2005 c. 4.
(6) 2006 c. 33.