Draft Order in Council laid before Parliament under section 86(6) of the Northern Ireland Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2002 No. (N.I.)

NORTHERN IRELAND

Northern Ireland Act 1998 (Modification of Enactments) Order 2002

Made - - - - 2002

Coming into force - - 2002

At the Court at , the day of 2002,

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this order has been laid before and approved by resolution of each House of Parliament:

And whereas it appears to Her Majesty to be necessary or expedient in consequence of, or for giving full effect to, the Northern Ireland Act 1998(**1**).

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 86(1), (3)(a) and (4) of the Northern Ireland Act 1998, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Northern Ireland Act 1998, (Modification of Enactments) Order 2002 and shall come into force on the day after the day on which it is made.

(2) In this Order "the Northern Ireland Department" means the Northern Ireland Department of Agriculture and Rural Development.

Agriculture Act 1957

2.—(1) In this Article "the 1957 Act" means the Agriculture Act 1957(**2**).

(**1**) 1998 c. 47.
(**2**) 5&6 Eliz 2 c. 57.

(2) Any function under the 1957 Act which is exercisable by the Secretary of State concerned with agriculture in Northern Ireland acting alone shall instead be exercisable by the Northern Ireland Department.

(3) The Secretary of State concerned with agriculture in Northern Ireland shall cease to be amongst those persons who may, acting jointly, make an order under section 5, insofar as it relates to Northern Ireland, or under section 6 of the 1957 Act, but the function of so making such an order shall be exercisable only with the consent of the Northern Ireland Department.

(4) Sections 9(3) and 35(2) of the 1957 Act do not apply to an order which, by virtue of paragraph (2), is made by the Northern Ireland Department, but any such order shall be laid before the Northern Ireland Assembly as soon as may be after it is made, and shall cease to have effect (without prejudice to anything previously done thereunder or to the making of a new order) on the expiration of the period of forty days beginning on the day on which it comes into force unless within that period it has been approved by resolution of the Northern Ireland Assembly.

(5) In sections 6(3)(b) and 9(4) of the 1957 Act, where "the Minister" refers to the Secretary of State concerned with agriculture in Northern Ireland or to that Secretary of State and other persons acting jointly, the term shall be modified so as instead to refer to the Northern Ireland Department or that Department and those persons acting jointly.

Agricultural Marketing Act 1958

3.—(1) In this Article "the 1958 Act" means the Agricultural Marketing Act 1958(**3**).

(2) In section 13(1)(e) of the 1958 Act, where "the Minister" includes the Secretary of State concerned with agriculture in Northern Ireland, the term shall be modified so as instead to include the Northern Ireland Department.

(3) The Secretary of State concerned with agriculture in Northern Ireland shall cease to be amongst the Ministers who, acting jointly, may exercise any of the functions conferred by the provisions set out in paragraph (4), and such functions as would, in accordance with section 52(1) of the 1958 Act, be exercisable by that Secretary of State acting jointly with one or more of the following, namely another Minister of the Crown, the Scottish Ministers and the National Assembly for Wales, shall instead be exercisable by the Northern Ireland Department acting jointly with such other person or persons.

(4) The provisions referred to in paragraph (3) are sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 16, 19, 19A, 20, 21, 26, 28, 30, 31, 32, 43, 44 and 45 of the 1958 Act.

(5) In section 30 of the 1958 Act, the requirement for the Ministers to lay a report before Parliament shall include a requirement for the Northern Ireland Department to lay a copy of the report before the Northern Ireland Assembly.

Lands Tribunal and Compensation Act (Northern Ireland) 1964

4. The function of making an order under section 2(5) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964(**4**), shall be exercisable by the Department of Finance and Personnel instead of by the Secretary of State for Northern Ireland(**5**).

(**3**) 6&7 Eliz 2 c. 47.
(**4**) 1964 c. 29.
(**5**) By virtue of paragraph 8(1)(c) of Schedule 12 to the Northern Ireland Act 1998, the reference in section 2(5) to the making of an Order in Council by the Governor is to be construed as a reference to the making of an order by the Secretary of State.

Plant Varieties and Seeds Act 1964

5. For section 39(3)(a)(ii) of the Plant Varieties and Seeds Act 1964(**6**) there shall be substituted —

"(ii) any power expressed to be exercisable by "the Ministers" were exercisable by them only with the consent of the Northern Ireland Department of Agriculture and Rural Development; and".

Cereals Marketing Act 1965

6.—(1) In this Article—

"the 1965 Act" means the Cereals Marketing Act 1965(**7**), and

"the Authority" means the Home-Grown Cereals Authority established under section 1 of the 1965 Act.

(2) Subject to paragraph (3), any function under the 1965 Act which is exercisable in relation to the Authority by the Secretary of State for Northern Ireland acting jointly with any one or more of the following, namely another Minister of the Crown, the Scottish Ministers and the National Assembly for Wales, shall instead be exercisable by the Northern Ireland Department acting jointly with such other person or persons.

(3) Paragraph (2) shall not apply to any function of making Orders under sections 7, 13 and 16 of, and Schedule 3 to, the 1965 Act.

(4) The Secretary of State for Northern Ireland shall cease to be amongst the Ministers who, acting jointly, may exercise the functions referred to in paragraph (3) and the functions under section 6 of the Agriculture Act 1986(**8**) (Extension of the 1965 Act to new cereals and other crops), but such functions shall only be exercisable with the consent of the Northern Ireland Department.

(5) In sections 17(2)(c) and 21 of the 1965 Act, where "the Ministers" includes the Secretary of State concerned with agriculture in Northern Ireland, the term shall be modified so as instead to include the Northern Ireland Department.

(6) In section 21 of the 1965 Act, any requirement for the Ministers to lay a copy of a report or statement before each House of Parliament shall include a requirement for the Northern Ireland Department to lay a copy of the report or statement before the Northern Ireland Assembly.

Agricultural Marketing Act 1983

7.—(1) In this Article "the 1983 Act" means the Agricultural Marketing Act 1983(**9**).

(2) Any function under the 1983 Act in relation to Food from Britain which is exercisable by the Secretary of State for Northern Ireland acting alone shall instead be exercisable by the Northern Ireland Department.

(3) Any function under the 1983 Act in relation to Food from Britain which is exercisable by the Secretary of State for Northern Ireland acting jointly with one or more of the following, namely another Minister of the Crown, the Scottish Ministers and the National Assembly for Wales, shall instead be exercisable by the Northern Ireland Department, acting jointly with such other person or persons.

(4) In section 5(7) of the 1983 Act, the requirement for the Ministers to lay copies of documents before Parliament shall include a requirement for the Northern Ireland Department to lay copies of the documents before the Northern Ireland Assembly.

(**6**) 1964 c. 14.
(**7**) 1965 c. 14.
(**8**) 1986 c. 49.
(**9**) 1983 c. 3.