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

DRAFT STATUTORY INSTRUMENTS

1999 No.

NORTHERN IRELAND

Northern Ireland (Modification of Enactments—No. 1) Order 1999

Made - - - -

Coming into force in accordance with Article 1(2)

At the Court at , the day of 1999

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 86 of the Northern Ireland Act 1998(**1**) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

Title, commencement and extent

1.—(1) This Order may be cited as the Northern Ireland (Modification of Enactments—No. 1) Order 1999.

(2) This Order shall come into force on the appointed day(**2**).

(3) Subject to paragraphs (4) and (5), this Order extends to Northern Ireland only.

(4) The following provisions extend to the whole of the United Kingdom–

(a) this Article and Article 5;

(b) paragraphs 12 and 14 of Schedule 1 (and Article 2(1) so far as relating thereto) .

(5) Paragraph 24 of Schedule 1 (and Article 2(1) so far as relating thereto) extends to Scotland only.

(**1**) 1998 c. 47.

(**2**) "the appointed day" is defined in section 3(1) of the Northern Ireland Act 1998.

Modification of enactments

2.—(1) The enactments set out in Schedule 1 shall have effect subject to the amendments specified in that Schedule.

(2) The enactments set out in columns 1 and 2 of Schedule 2 are hereby repealed to the extent specified in column 3 of that Schedule.

(3) In the Northern Ireland (Modification of Enactments—No. 1) Order 1973(**3**)–

(a) Articles 12 and 13; and

(b) in Schedule 5, paragraphs 18 and 24,

are hereby revoked.

Subordinate legislation

3.—(1) A statutory rule which–

(a) is made before the appointed day; and

(b) would, but for this paragraph, have been liable to be annulled or capable of being revoked in pursuance of a resolution, motion or address of the Assembly,

shall not be so annulled or revoked.

(2) So much of any statutory provision as makes it a condition for the continuing of any statutory rule in operation that it is approved by a resolution of the Assembly shall not apply in relation to any statutory rule made before the appointed day.

(3) Where immediately before the appointed day a statutory rule is, by virtue of paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974(**4**), liable to be annulled in pursuance of a resolution of either House of Parliament, it shall on that day cease to be so liable.

(4) In this Article "statutory rule" has the same meaning as in the Statutory Rules (Northern Ireland) Order 1979(**5**).

Application of Documentary Evidence Act 1868 to First Minister and deputy First Minister

4.—(1) The Documentary Evidence Act 1868(**6**), as amended by the Documentary Evidence Act 1882(**7**), shall apply to the First Minister and deputy First Minister as if–

(a) they were mentioned in column 1 of the Schedule to the 1868 Act;

(b) they or a person authorised by them to act on their behalf were mentioned in column 2 of that Schedule; and

(c) the regulations referred to in those Acts included any document issued by them.

(2) References to the First Minister and deputy First Minister in paragraph (1) are references to them acting jointly.

Transitional and saving provision

5.—(1) Any subordinate legislation made or other thing done before the appointed day under any enactment amended by Schedule 1 shall have effect on and after that day as if made or (as the case may be) done under that enactment as amended.

(**3**) S.I.1973/2163.
(**4**) 1974 c. 28.
(**5**) 1979 NI 12.
(**6**) 1868 c. 37.
(**7**) 1882 c. 9.

(2) The amendments made by Schedule 1 do not prejudice the operation of section 95(5) of, and Schedule 12 to, the Northern Ireland Act 1998.

Clerk of the Privy Council

SCHEDULE 1

Article 2(1)

AMENDMENTS

The Marriages (Ireland) Act 1844 (c. 81)

1.—(1) In section 7 for "subject to the approbation of the lord lieutenant" substitute "with the approval of the Minister of Finance and Personnel" and for "during the pleasure of the lord lieutenant" substitute "unless the Minister of Finance and Personnel otherwise directs".

(2) In section 56 for the words from "lord lieutenant" to the end substitute "Department of Finance and Personnel a general abstract of the number of marriages registered during the foregoing year in such form as that Department may require; and every such annual general abstract shall be laid before the Assembly by that Department.".

(3) In section 67 for "lord lieutenant" substitute "Department of Finance and Personnel".

The Registration of Marriages (Ireland) Act 1863 (c. 90)

2. In section 16 for the words from "Lord Lieutenant" (where they first occur) to the end substitute "Department of Finance and Personnel a general abstract of the number of marriages registered during the foregoing year in such form as that Department may require; and every such annual general abstract shall be laid before the Assembly by that Department.".

The Fairs (Ireland) Act 1868 (c. 12)

3. In section 3 for "Lord Lieutenant in Council, upon representation duly made to him" substitute "Department of Agriculture and Rural Development upon representation duly made to it", for "the Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland" substitute "that Department" and for "he shall think fit" substitute "it shall think fit".

The Burial (Ireland) Act 1868 (c. 103)

4. In section 4 for "Lord Lieutenant in Council" substitute "Department of the Environment".

The Matrimonial Causes and Marriage Law (Ireland) Amendment Act >1870 (c. 110)

5. In section 34 for "Lord Lieutenant" substitute "Minister of Finance and Personnel".

The Pedlars Act 1871 (c. 96)

6.—(1) In section 5(6) for "Lord Lieutenant may from time to time provide" substitute "Department for Social Development may by order provide".

(2) In section 8 for "Lord Lieutenant" substitute "Department for Social Development".

(3) In Schedule 2 for "Lord Lieutenant of Ireland" substitute "Department for Social Development".

The Public Records Act (Northern Ireland) 1923 (c. 20 (N.I.))

7.—(1) In section 1(2)(a) for "has power" substitute "had power".

(2) In section 7(1) and (3) for "Governor of Northern Ireland" substitute "Minister of Culture, Arts and Leisure".

(3) In section 8(4) for the words from "be laid before" to the end substitute "be subject to negative resolution".

(4) In section 10 for the words from "the Governor of Northern Ireland" to the end substitute "the First Minister and the deputy First Minister of the proceedings taken under this Act and that report shall be laid before the Assembly.".

The Petroleum (Consolidation) Act (Northern Ireland) 1929 (c. 13 (N.I.))

8.—(1) In section 19(1) for the words "Governor of Northern Ireland may by Order in Council" substitute "Department of Enterprise, Trade and Investment may by order", for "Order" (where it twice occurs) substitute "order" and for "the said Governor" substitute "that Department".

(2) In section 19(2) and (3) for "Order in Council" and "Order" (wherever they occur) substitute "order".

(3) In section 21 for the words from "be laid before" to the end substitute "be subject to negative resolution".

The Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))

9.—(1) In section 1–

(a) in paragraph (a) at the end add "or an Act of the Assembly";

(b) in paragraph (f) after "Parliament" (where it first occurs) insert "or Assembly";

(c) in paragraph (g)(ii) for "has power" substitute "had power".

(2) In section 2(2) for "transferred" wherever it occurs substitute "statutory".

(3) In section 12(1) for "Parliament" substitute "the Assembly".

(4) In section 12(2) for "transferred" wherever it occurs substitute "statutory".

(5) In section 15(2)–

(a) for "Parliament" (where it first occurs) substitute "the Assembly";

(b) for "having passed both Houses of Parliament" substitute "having been passed by the Assembly".

(6) In section 15(3) for "having passed both Houses of Parliament" substitute "having been passed by the Assembly".

(7) In sections 17(4), 27, 28 and 29 for "transferred" wherever it occurs substitute "statutory".

(8) In section 28(1) after "Parliament" insert "or (as the case may be) the Assembly".

(9) In section 30(1)–

(a) for "a transferred provision is to be reprinted, that provision" substitute "an Act is to be reprinted, that Act";

(b) for "any transferred provision" substitute "any statutory provision".

(10) In section 30(2)–

(a) for the words from the beginning to "copy of that provision" substitute "For the purpose of reprinting any Act, the Presiding Officer shall cause to be prepared and shall certify a copy of that Act";

(b) for "transferred provision" substitute "statutory provision";

(c) for "appear to him" substitute "may be".

(11) In section 30(3) for "enactment" (where it first occurs) substitute "Act".