Changes to legislation: *Statutory Rules (Northern Ireland) Order 1979 is up to date with all changes known to be in force on or before 04 March 2022. 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*

STATUTORY INSTRUMENTS

1979 No. 1573 (N.I. 12)

Statutory Rules (Northern Ireland) Order 1979 [F1]

[3rd December 1979]

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F1 functions transf. SR 1999/481

Modifications etc. (not altering text)

C1 Order excluded (18.1.2012 for specified purposes, 1.4.2012 in so far as not already in operation) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 2 para. 5(7)**; S.R. 2012/13, art. 2(1)(2), Sch. 1, 2

C2 Order excluded (27.3.2009) by Charities Act (Northern Ireland) 2008 (c. 12), ss. 6(7), 185(1), **Sch. 1 para. 10(4)**; S.R. 2009/138, **art. 2**, Sch.

Title and commencement

1. This Order may be cited as the Statutory Rules (Northern Ireland) Order 1979 … *Commencement …*

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the Department" means the Department of Finance;

"instrument" has the meaning given by section 1(*c*) of the Interpretation Act (Northern Ireland) 1954;

"regulations", except in Article 4(*a*) and (*b*), means regulations made under Article 7(1);

"rule-making authority" has the meaning given by Article 3;

"statutory provision" has the meaning given by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954;

"statutory rules" has the meaning given by Article 4.

(3) For the purposes of section 42(2) of the Northern Ireland Constitution Act 1973 (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

Rule-making authorities

3.—(1) Each of the authorities mentioned in Part I of Schedule 1 is, subject to paragraph (3), a rule-making authority.

(2) In addition, an authority (including an authority having statutory power to regulate the qualifications or conduct of members of a profession of which the authority is representative) is, subject to paragraph (3), a rule-making authority—

(a) if it is designated a rule-making authority for the purposes of this Order by any Act or Measure passed after the commencement of this Order; or

(b) if it is prescribed as a rule-making authority by regulations.

(3) An authority is a rule-making authority by virtue of paragraph (1) or (2) so far as it has power (whether acting alone or together with or with the concurrence, advice or approval of any other authority or person) to make statutory rules.

(4) Except as provided in Article 4(*b*), an instrument made otherwise than by a rule-making authority shall not be held to be a statutory rule by reason only that it was made with the confirmation, approval or consent of a rule-making authority.

Statutory rules

4. In this Order "statutory rules" means—

(a) all orders, rules, regulations or byelaws having effect in Northern Ireland made after 31st December 1958 by a rule-making authority in exercise of any power of a legislative character conferred by—

(i) any Act of the Parliament of Northern Ireland unless the power is expressed to be exercisable by statutory instrument;

(ii) any**[**[F2] Act**]** of the Assembly, unless the power is expressed to be exercisable by statutory instrument;

(iii) any Act of the Parliament of the United Kingdom passed before 1st January 1974, if the power relates to any matter in respect of which the Parliament of Northern Ireland had power to make laws and is not expressed to be exercisable by statutory instrument;

(iv) any Act of the Parliament of the United Kingdom passed after 1st January 1974, if the power is expressed to be exercisable by statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958 or this Order;

[[F3](v) any retained direct EU legislation (within the meaning of the European Union (Withdrawal) Act 2018), if the power is expressed to be exercisable by statutory rule for the purposes of this Order;

(vi) any regulations made under the European Union (Withdrawal) Act 2018, if the power is expressed to be exercisable by statutory rule for the purposes of this Order;**]**

[[F4](vii) any legislation referred to in paragraph 7(b) of Schedule 1 to the Direct Payments to Farmers (Legislative Continuity) Act 2020, if the power is expressed to be exercisable by statutory rule for the purposes of this Order;

(viii) any regulations made under the Direct Payments to Farmers (Legislative Continuity) Act 2020, if the power is expressed to be exercisable by statutory rule for the purposes of this Order;**]**

(b) all orders, rules, regulations or other subordinate legislation (whether or not relating to any matter in respect of which the Parliament of Northern Ireland had power to make laws), made, confirmed or approved by any of the rule-making authorities mentioned in Part II

of Schedule 1 in exercise of powers conferred by any Act of the Parliament of the United Kingdom passed before 1st January 1974, including orders, rules, regulations or other subordinate legislation made, confirmed or approved as aforesaid on or after 1st January 1948 (the date of the commencement of the Statutory Instruments Act 1946);

(c) schemes made under the statutory provisions listed in Schedule 2; and

(d) instruments, or instruments of any class, declared by regulations under Article 7(1) to be statutory rules for the purposes of this Order;

but does not include instruments, or instruments of any class, declared by regulations under Article 7(1) not to be statutory rules.

F2 SI 1999/663

F3 Art. 4(a)(v)(vi) inserted (28.11.2018) by The European Union (Withdrawal) Act 2018 (Consequential Amendments) Regulations 2018 (S.I. 2018/1242), reg. 1, **Sch. 2 para. 3**

F4 Art. 4(a)(vii)(viii) inserted (30.4.2020) by The Direct Payments to Farmers (Legislative Continuity) Act 2020 (Consequential Amendments) Regulations 2020 (S.I. 2020/463), regs. 1(1), **7**

Duties of rule-making authorities and their officers

5.—(1) Without prejudice to any other statutory provision which designates a person as the responsible officer in relation to statutory rules of any class, for the purposes of this Article and of Article 7 references to the responsible officer of a rule-making authority are—

[F5(a) in the case of an order made by the Secretary of State with respect to any transferred matter (within the meaning of the Northern Ireland Act 1998), to such officer of the department which is responsible for the submission of the draft order to the Secretary of State as the Minister of that department directs;**]**

(b) in the case of statutory rules made by a joint authority of which one of the constituent members is a Northern Ireland department or the Head of such a department, to such officer or other person acting under the control or direction of that constituent member as that constituent member directs; and

(c) in any other case, to such officer or other person acting under the control or direction of the rule-making authority as that authority directs.

(2) It shall be the duty of the responsible officer of each rule-making authority making any statutory rules—

(a) forthwith to send to the Department for registration under this Order two copies of those rules certified by him together with a written declaration by him that the authority considers the rules to be general or local, as the case may be;

(b) as soon as may be after the making of those rules to arrange for the publication of those rules or of notice of the making of those rules in the Belfast Gazette; and

(c) to make due arrangements with Her Majesty's Stationery Office for the printing and sale on behalf of the Department of all such rules other than the rules mentioned in Schedule 3 or rules which by virtue of regulations are also exempted from the requirements of this sub-paragraph.

(3) Publication of a notice under paragraph (2)(*b*) shall be sufficient compliance with any statutory requirement as to publication or notification in the Belfast Gazette.

F5 SI 1999/663

Functions of the Department

6.—(1) The Department shall, subject to and in accordance with the provisions of this Order and of regulations, cause statutory rules sent to the Department under Article 5 for registration under this Order—

(a) to be registered; and

(b) to be numbered consecutively as nearly as may be in the order in which they are received by the Department, a separate series of numbers being kept for each year.

(2) The Department shall prepare and publish an annual volume of statutory rules in respect of each year in which there shall, so far as is practicable, be printed and indexed in such manner as the Department may think proper all statutory rules made in that year other than—

(a) statutory rules which the rule-making authority considers to be local;

(b) statutory rules which have ceased to be in force at the time of the publication or which, being of a temporary character, are likely to cease to be in force within six months thereafter;

(c) statutory rules which are exempted from the requirements of Article 5(2)(*c*);

(d) statutory rules which by virtue of regulations are exempted from the requirements of this paragraph.

(3) The Department—

(a) shall publish in each annual volume a list, in such form as the Department thinks proper, of all such statutory rules referred to in paragraph (2)(*a*) to (*d*) as have been made during the year to which the volume relates and sent to the Department for registration, and

(b) may also publish in the annual volumes such further relevant information or other matter as the Department thinks proper.

(4) The Department may prepare and publish such separate indexes of the annual volumes of statutory rules as it thinks proper.

Regulations for purposes of this Order

7 [F6]**.**—(1) Regulations for the purpose of giving effect to this Order may be made by the Head of the Department with the concurrence of the Lord Chief Justice and,[F7]. . . , the presiding officer of the Assembly.

(2) Regulations may (without prejudice to their generality) provide—

(a) for the exemption, from any provision of this Order (other than the provisions of Article 5(2)(*a*)) specified in the regulations, of any statutory rules or statutory rules of any class—

(i) which are published in full in the Belfast Gazette; or

(ii) as respects which the Department is satisfied that adequate arrangements exist for bringing, so far as is reasonably practicable, notice of their making to persons appearing to be affected by them and for supplying (whether upon payment or otherwise) copies of them to persons applying for such copies; or

(iii) which are of a temporary character and are likely to cease to be in force within such period (not exceeding twelve months) after they are made as may be prescribed;

(b) for declaring, in cases which appear to the Head of the Department to be doubtful, whether or not any particular instrument or an instrument of any class is a statutory rule within the meaning of this Order;

(c) for regulating the numbering, printing and publication under this Order of statutory rules and of other instruments to which the provisions of this Order may be applied.

(3) Where regulations declare that this paragraph shall apply to any statutory rules exempted (whether by the regulations or otherwise) from the requirements of Article 5(2)(*c*), it shall be the duty of the responsible officer of the rule-making authority to make arrangements for the supply and sale at Her Majesty's Stationery Office in Belfast and, in the case of local statutory rules, at the offices of the local authority concerned to any person on demand of photographic copies of the rules at a price related as nearly as may be to the cost of making such copies.

(4) Regulations may provide for the publication by the Department, with such omissions, exceptions and abbreviations as may be specified in the regulations, of a revised edition of the annual volumes or of a revised editition of such subordinate legislation in force in Northern Ireland as may be so specified.

(5) Regulations may amend or repeal paragraphs 1, 3, 6 and 8 of Schedule 3 and the entry relating to the Registrar of**[**F8 Credit Unions**]** for Northern Ireland in Part I of Schedule 1 (which were formerly contained in regulations made under the Statutory Rules Act (Northern Ireland) 1958).

(6) Regulations shall be subject to negative resolution.

F6 mod. while s. 1 is in force by 2000 c. 1
F7 1998 c. 47
F8 1992 c. 40

Citation of statutory rules

8. A statutory rule may, without prejudice to any other mode of citation, be cited by the number assigned to it under Article 6 and the calendar year.

Application of Documentary Evidence Acts to rule-making authorities

9. Without prejudice to any other statutory provision, the Documentary Evidence Act 1868 , as amended by the Documentary Evidence Act 1882 shall apply to every rule-making authority as if—

(a) the rule-making authority were included in the first column of the Schedule to the first-mentioned Act;

(b) the rule-making authority or a principal officer of that authority were named in the second column of that Schedule as a certifying officer;

(c) the regulations referred to in those Acts included statutory rules within the meaning of this Order;

(d) the expression “Gazette” included the Belfast Gazette; and the expression “Government printer” included the officer appointed to print Measures of the Assembly; and

(e) photographic copies for the supply and sale of which arrangements have been made under Article 7(3) were copies purporting to be printed by the Government printer.

Laying of certain subordinate legislation before the Assembly

10. Where a provision of—

(a) any Act passed by the Parliament of Northern Ireland on or before 30th May 1950, or

(b) any Act relating to a matter in respect of which the Parliament of Northern Ireland had power to make laws and passed by the Parliament of the United Kingdom at any time before 12th December 1968,

requires any statutory rules or other instrument (whether as made or in draft or other preliminary form) to be laid before the Assembly for, or enables any proceedings in relation to any such rules or instrument to be taken in the Assembly within, a specified period, then, for the reference to