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201/98 Part 3

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**NORTHERN IRELAND
Information Service**

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NORTHERN IRELAND BILL RECEIVES ROYAL ASSENT

The Northern Ireland Bill received Royal Assent today. It gives legal form to the Good Friday Agreement which lays the foundation for a stable and peaceful future for Northern Ireland.

Secretary of State for Northern Ireland Dr Marjorie Mowlam said:

"An enormous amount of hard work has gone into this legislation since it was introduced into the House of Commons in July.

"Extensive consultations unprecedented in their thoroughness took place throughout the summer with the political parties in Northern Ireland. I would like to thank them and the Ministers and civil servants who put in such an effort.

"Over 400 amendments were made in the House of Lords to reflect their wishes and those expressed in debate. We have in particular been able to improve the provisions on human rights, equality and the Strand 2 and 3 bodies, at the same time bringing them more closely into line with the Agreement.

"The Act is an historic piece of legislation which will help create the framework within which peace can take root and flourish to bring about a stable and just society, a society within which all sections of the community are treated equally.

"This is another stepping stone on the path to peace. We are confident that early next year when power is devolved to the Assembly and its Ministers, Northern Ireland will be taking the first historic steps to governing itself."

"There is of course still much work to be done on the ground. Equally however, we cannot overestimate what has already been achieved in just one short year. We have, I hope, now come too far down the road to lasting peace and prosperity to turn back. The only way is forward."

Notes to Editors

1. The Northern Ireland Bill was introduced in the House of Commons on 15 July 1998 (PN L117/98). It went through all its House of Commons stages before the summer. Third Reading in the House of Lords was on 17 November.
2. An explanatory note follows:

Part I: preliminary

1. **Clause 1 and 2** appear precisely as they featured in the **constitutional issues** section of the Agreement. They give effect to the principle of consent, and to the repeal of the Government of Ireland Act 1920 with the affirmation that the present Bill shall have effect notwithstanding previous enactments.
2. **Clause 3** provides for **initial devolution**, with Parliamentary approval, once sufficient progress is made in implementing the Agreement. The provisions on legislative and executive powers will come into effect, and direct rule will end.

Part II: legislative powers

3. **Clause 6** sets out the **legislative competence** of the Assembly, reflecting the Agreement and the Scotland Bill. The Assembly may not make laws that are discriminatory or incompatible with rights under European Convention, or EC law, or ~~that~~ amend certain provisions of constitutional importance.

4. **Clause 6** also prevents the Assembly legislating generally about **excepted matters** (set out in schedule 2 - mainly issues of national significance). The Agreement (paragraph 27 of the Strand One section) envisaged the Assembly **legislating for reserved matters subject to the Secretary of State's consent and parliamentary control**: clauses 8 and 15 in particular achieve this (reserved matters are set out in schedule 3). **The Assembly has full authority for matters within the responsibility of Northern Ireland departments** (as in para 3 of Strand One) which are **transferred matters** (defined as those not listed in the two schedules).

5. Because legislation often has necessarily to stray across constitutional boundaries for incidental purposes, however, the Assembly has a limited right to make "**ancillary**" **excepted or reserved provision** (eg creating a criminal offence in housing legislation), subject to the consent of the Secretary of State.

6. The **question whether the Assembly has strayed outside its competence** is, in accordance with paragraph 28 of the Agreement, for the courts. The Attorney General can refer Bills in this context to them (clause 11); clause 83 provides for handling of these issues in later litigation.

Part III: executive authorities

7. Part III provides for **the selection of the First and Deputy First Ministers** (clause 16), **Ministers** (clause 17), junior Ministers and chairman and members of Assembly **Committees** (clause 29). Transitional programmes will provide for those elected in the shadow phase to step directly into the substantive roles.

8. The part also covers **Ministers' functions**, in accordance with the Agreement: in principle full authority in the transferred field, subject to restrictions on action that is in conflict with ECHR or EU rights, discriminatory, etc.

9. There are provisions on **exclusion from office** (clause 30), following the Agreement, and reflecting the Prime Minister's Balmoral statement.

Part IV: the Northern Ireland Assembly

10. Part IV regulates **election** to the Assembly, **disqualification**, aspects of procedure, including the **petition of concern** mechanism (clause 42); and **Assembly pay** (clause 47).

Part V: North-South Ministerial Council and British-Irish Council

11. **Part V** makes provision for participation by Northern Ireland Ministers and junior Ministers in the North-South Ministerial Council and British-Irish Council in accordance with the terms of the Agreement (clause 52). It also provides for the Assembly to legislate in respect of any agreements made in the Councils (clause 53). This part further provides for attendance by Northern Ireland Ministers at relevant meetings of the British-Irish Intergovernmental Conference (clause 54) and for the Secretary of State to make orders conferring functions and powers on the initial, agreed implementation bodies (clause 55).

Part VI : financial provisions

12. Part VI makes provision for devolved finance. (The level of funding is, as in Scotland, decided extra-statutorily).

Part VII: human rights and equal opportunities

13. Part VII establishes a new Northern Ireland **Human Rights** Commission and an **Equality Commission**, which replaces four existing statutory bodies. It imposes on public bodies carrying out functions in Northern Ireland a new duty to have due regard to the need to promote equality of opportunity, implemented through equality schemes. The details of these schemes have been considerably expanded following consultation in recent months. This part also reproduces several provisions on discrimination from the 1973 Constitution Act.

14. Clause 75 casts **statutory duties in respect of equality on public authorities**, and reproduces several other provisions on discrimination of the Constitution Act.