

Northern Ireland Assembly Bill



A bill to make provisions for a Northern Ireland Assembly.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I Preliminary

I Status of Northern Ireland

- (1) It is hereby declared that Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the consent of a majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1.
- (2) But if the wish expressed by a majority in such a poll is that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland, the Secretary of State shall lay before Parliament such proposals to give effect to that wish as may be agreed between Her Majesty's Government in the United Kingdom and the Government of Ireland.

II Devolution Order

- (1) If it appears to the Secretary of State that sufficient progress has been made in implementing the Belfast Agreement, he shall submit a Motion to Parliament to appoint the day in which a new Northern Ireland Assembly shall be created

III Transferred, excepted, and reserved matters.

- (1) In this act
 - (a) "excepted matter" is defined as any matter found in Schedule 2
 - (b) "reserved matter" is defined as any matter found in Schedule 3
 - (c) "transferred matter" means any matter which is not an excepted or reserved matter
- (2) If at any time after the appointed day it appears to the Secretary of State—
 - (a) that any reserved matter should become a transferred matter; or
 - (b) that any transferred matter should become a reserved matter,
 - (c) he may lay before Parliament a motion to amend Schedule 3 so that the matter will change its definition.
 - (d) The Secretary of State shall not submit a motion so that a policing and justice matter ceases to be a reserved matter unless—

- (i) a motion for the matter to cease to be a reserved matter is tabled by the First Minister and the deputy First Minister acting jointly; and
 - (ii) the resolution is passed by the Assembly with the support of a majority of the members voting on the motion, a majority of the designated Nationalists voting and a majority of the designated Unionists voting.
- (3) The Secretary of State shall submit a motion unless the Assembly has passed a motion in support with cross-community support
- (4) In this Act—
- (a) “the Assembly” means the new Northern Ireland Assembly, which after the appointed day shall be known as the Northern Ireland Assembly;
 - (b) “cross-community support”, in relation to a vote on any matter, means—
 - (i) the support of a majority of the members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting; or
 - (ii) the support of 60 per cent of the members voting, 40 per cent of the designated Nationalists voting and 40 per cent of the designated Unionists voting;
 - (c) members shall designate themselves as either “designated Nationalist” or “designated Unionist.” Members who do not shall be “designated Other”
 - (d) members may change their designation if—
 - (i) they become a member of a different political party or they cease to be a member of a political party
 - (ii) (not being a member of a political party) they become a member of a political party
 - (iii) or a General Election or Northern Ireland Assembly Election is held.

Part II Legislative Powers

IV Acts of the Northern Ireland Assembly

- (1) Subject to sections 6 to 8, the Assembly may make laws, to be known as Acts.
- (2) A Bill shall become an Act when it has been passed by the Assembly and has received Royal Assent
- (3) The validity of any proceedings leading to the enactment of an Act of the Assembly shall not be called into question in any legal proceedings.
- (4) This section does not affect the power of the Parliament of the United Kingdom to make laws for Northern Ireland, but an Act of the Assembly may modify any provision made by or under an Act of Parliament in so far as it is part of the law of Northern Ireland.

V Legislative Competence

- (1) A provision of an Act is not law if it is outside of the legislative competence of the Assembly.
- (2) A provision is outside that competence if any of the following paragraphs apply—

- (a) it would form part of the law of a country or territory other than Northern Ireland, or confer or remove functions exercisable otherwise than in or as regards Northern Ireland;
 - (b) it deals with an excepted matter and is not ancillary to other provisions (whether in the Act or previously enacted) dealing with reserved or transferred matters;
 - (c) it is incompatible with any of the Convention rights;
 - (d) it is incompatible with Community law;
 - (e) it discriminates against any person or class of person on the ground of religious belief or political opinion;
 - (f) it modifies an enactment in breach of section 7.
- (3) For the purposes of this Act, a provision is ancillary to other provisions if it is a provision—
- (a) which provides for the enforcement of those other provisions or is otherwise necessary or expedient for making those other provisions effective; or
 - (b) which is otherwise incidental to, or consequential on, those provisions;
 - (c) and references in this Act to provisions previously enacted are references to provisions contained in, or in any instrument made under, other Northern Ireland legislation or an Act of Parliament.

VII Entrench Enactments

- (1) Subject to subsection (2), the following enactments shall not be modified by an Act of the Assembly or subordinate legislation made, confirmed or approved by a Minister or Northern Ireland department—
- (a) the European Communities Act 1972;
 - (b) the Human Rights Act 1998; and
 - (c) section 43(1) to (6) and (8), section 67, sections 84 to 86B, section 95(3) and (4) and section 98 and.
 - (d) section 1 and section 84 of the Justice (Northern Ireland) Act 2002.
- (2) Subsection (1) does not prevent an Act of the Assembly or subordinate legislation modifying section 3(3) or (4) or 11(1) of the European Communities Act 1972.
- (3) In this Act “Minister”, unless the context otherwise requires, means the First Minister, the deputy First Minister or a Northern Ireland Minister.

VIII Consent of Secretary of State required in certain cases.

- (1) The consent of the Secretary of State shall be required in relation to a Bill which contains—
- (a) a provision which deals with an excepted matter and is ancillary to other provisions (whether in the Bill or previously enacted) dealing with reserved or transferred matters; or
 - (b) a provision which deals with a reserved matter.

IX Scrutiny by Ministers

- (1) A Minister in charge of a Bill shall, on or before introduction of it in the Assembly, make a statement to the effect that in his view the Bill would be within the legislative competence of the Assembly.
- (2) The statement shall be in writing and shall be published in such manner as the Minister making the statement considers appropriate.

X Scrutiny by Presiding Officer

- (1) A Bill will not be introduced in the Assembly if the Presiding Officer decides that any provision of it would not be within the legislative competence of the Assembly.

XI Scrutiny by the Supreme Court

- (1) The Attorney General for Northern Ireland may refer the question of whether a provision of a Bill would be within the legislative competence of the Assembly to the Supreme Court for decision

Part III The Executive

XII First Minister and Deputy First Minister

- (1) Within this Section the largest party or designation refers to the party or designation with the most members of the Assembly
- (2) If two or more parties or designations have equal size the party or designation which received the most votes in the closest general election of the members of the Assembly
- (3) Within seven days of the first meeting of the Assembly
 - (a) the largest party of the largest designation shall nominate a member of the Assembly to be First Minister
 - (b) the largest party of the second largest designation shall nominate a member of the Assembly to be Deputy First Minister
- (4) If the First Minister ceases to hold office
 - (a) the largest party of the largest designation shall nominate a member of the Assembly to be First Minister
- (5) If the Deputy First Minister cease to hold office
 - (a) the largest party of the second largest designation shall nominate a member of the Assembly to be Deputy First Minister
- (6) If at any point the largest political party of the largest designation or the largest party of the second largest designation ceases to be the largest party the First Minister and Deputy First Minister shall cease to hold office
- (7) If at any point the largest designation or second largest designation cease to be the largest or second largest designation the First Minister and Deputy First Minister shall cease to hold office

XIII Ministerial Offices

- (1) The First Minister and Deputy First Minister shall decide jointly
 - (a) the number of ministerial offices to be held by Northern Ireland Ministers and

- (b) the functions to be exercised by those ministers
- (2) The Number of Northern Ireland Ministers shall not exceed 10

XIV Northern Ireland Ministers

- (1) Each party in the executive shall receive a proportional number of Northern Ireland Ministers based on the number of their seats in the Northern Ireland Assembly using the d'hondt method
- (2) Each party which receives an office shall select one in descending order by size within the Assembly. After all parties which receive an office have chosen, any parties which are receiving a second office shall choose them in descending order by size within the Assembly, and so on, until all offices have been selected.
- (3) Appointments to offices must be approved by a motion of cross-community support within the Assembly
- (4) If an office becomes vacant the office remains with the party which originally selected it, but the new appointee must be approved by a motion of cross-community support

XV Junior Ministers

- (1) The First Minister and Deputy First Minister acting jointly may
 - (a) decide that any Members of the Assembly may be appointed as a Junior Minister
 - (b) that the functions the Junior Minister carries out shall be specified
- (2) The determination for who shall receive Junior Ministerial Offices shall be the same outlined in Section XIV for determining Northern Ireland Ministers

XVI Disqualifying Offices

- (1) No person may be appointed First Minister, Deputy First Minister, to a Ministerial Office or to a Junior Ministerial Office if they are
 - (a) A Minister in the Government of Ireland
 - (b) Chairman or deputy chairman of
 - (i) a committee of the Dáil Éireann
 - (ii) a committee of the Seanad Éireann
 - (iii) a joint committee of the Oireachtas
 - (c) A Member of Parliament for a constituency outside of Northern Ireland

XVII The Executive Committee

- (1) There shall be an Executive Committee of each Assembly consisting of the First Minister, the deputy First Minister and the Northern Ireland Ministers.
- (2) The First Minister and the deputy First Minister shall be chairmen of the Committee
- (3) The Committee shall have the functions set out in paragraphs 19 and 20 of Strand One of the Belfast Agreement.
- (4) The Committee shall also have the function of discussing and agreeing upon—
 - (a) significant or controversial matters that are clearly outside the scope of the agreed programme referred to in paragraph 20 of Strand One of that Agreement;

- (b) significant or controversial matters that the First Minister and deputy First Minister acting jointly have determined to be matters that should be considered by the Executive Committee.

XVIII Northern Ireland Departments

- (1) Subject to subsection (2), the Northern Ireland departments existing on the appointed day shall be the Northern Ireland departments for the purposes of this Act.
- (2) Provision may be made by Act of the Assembly for establishing new Northern Ireland departments or dissolving existing ones.
- (3) If an Act of the Assembly which establishes a new Northern Ireland department provides for it to be in the charge of the First Minister and the deputy First Minister acting jointly—
 - (a) It shall be regarded as a Ministerial Office
 - (b) It shall be appointed as per under Section XIV
- (4) An Act of the Assembly that establishes a Ministerial Office which is to exercise functions in justice or policing may
 - (a) be put in the charge of two Northern Ireland Ministers acting jointly or
 - (b) to be put in the charge of a Northern Ireland Minister with a junior minister and that they will rotate who is the Minister and who is the junior has to be specified in the Act

XIX Statutory Functions

- (1) An Act of the Assembly or other enactment may confer functions on a Minister (but not a junior Minister) or a Northern Ireland department by name.
- (2) Functions conferred on a Northern Ireland department by an enactment passed or made before the appointed day shall, except as provided by an Act of the Assembly or other subsequent enactment, continue to be exercisable by that department.

XX Prerogative and executive powers.

- (1) The executive power in Northern Ireland shall continue to be vested in Her Majesty.
- (2) As respects transferred matters, the prerogative and other executive powers of Her Majesty in relation to Northern Ireland shall, subject to subsection (3), be exercisable on Her Majesty's behalf by any Minister or Northern Ireland department.
- (3) As respects the Northern Ireland Civil Service and the Commissioner for Public Appointments for Northern Ireland, the prerogative and other executive powers of Her Majesty in relation to Northern Ireland shall be exercisable on Her Majesty's behalf by the First Minister and the deputy First Minister acting jointly.
- (4) The First Minister and deputy First Minister acting jointly may by prerogative order under subsection (3) direct that such of the powers mentioned in that subsection as are specified in the order shall be exercisable on Her Majesty's behalf by a Northern Ireland Minister or Northern Ireland department so specified.

XXI Community law, Convention rights etc.

- (1) A Minister or Northern Ireland department has no power to make, confirm or approve any subordinate legislation, or to do any act, so far as the legislation or act—
 - (a) is incompatible with any of the Convention rights;
 - (b) is incompatible with Community law;
 - (c) discriminates against a person or class of person on the ground of religious belief or political opinion;
 - (d) in the case of an act, aids or incites another person to discriminate against a person or class of person on that ground; or
 - (e) in the case of legislation, modifies an enactment in breach of section 7.
- (2) Subsection (1)(c) and (d) does not apply in relation to any act which is unlawful by virtue of the Fair Employment and Treatment (Northern Ireland) Order 1998, or would be unlawful but for some exception made by virtue of Part VIII of that Order.

XXII Excepted and reserved matters.

- (1) If any subordinate legislation made, confirmed or approved by a Minister or Northern Ireland department contains a provision dealing with an excepted or reserved matter, the Secretary of State may by order revoke the legislation.
- (2) An order made under subsection (1) shall recite the reasons for revoking the legislation and may make provision having retrospective effect.

XXIII International Obligations

- (1) If the Secretary of State considers that any action proposed to be taken by a Minister or Northern Ireland department would be incompatible with any international obligations, with the interests of defence or national security or with the protection of public safety or public order, he may by order direct that the proposed action shall not be taken.
- (2) If the Secretary of State considers that any action capable of being taken by a Minister or Northern Ireland department is required for the purpose of giving effect to any international obligations, of safeguarding the interests of defence or national security or of protecting public safety or public order, he may by order direct that the action shall be taken.
- (3) In subsections (1) and (2), “action” includes making, confirming or approving subordinate legislation and, in subsection (2), includes introducing a Bill in the Assembly.
- (4) If any subordinate legislation made, confirmed or approved by a Minister or Northern Ireland department contains a provision which the Secretary of State considers—
 - (a) would be incompatible with any international obligations, with the interests of defence or national security or with the protection of public safety or public order; or

- (b) would have an adverse effect on the operation of the single market in goods and services within the United Kingdom,
 - (c) the Secretary of State may by order revoke the legislation.
- (5) An order under this section shall recite the reasons for making the order and may make provision having retrospective effect.

XXIV Quotas for purposes of international etc obligations

- (1) A Minister of the Crown may make an order containing provision such as is specified in subsection (2) where—
- (a) an international obligation or an obligation under Community law is an obligation to achieve a result defined by reference to a quantity (whether expressed as an amount, proportion or ratio or otherwise); and
 - (b) the quantity relates to the United Kingdom (or to an area including the United Kingdom or to an area consisting of a part of the United Kingdom which is or includes the whole or part of Northern Ireland).
- (2) The provision referred to in subsection (1) is provision for the achievement by a Minister or Northern Ireland department (in the exercise of his or its functions) of so much of the result to be achieved under the international obligation or obligation under Community law as is specified in the order.
- (3) The order may specify the time by which any part of the result to be achieved by the Minister or department is to be achieved.
- (4) Where an order under subsection (1) is in force in relation to an international obligation or an obligation under Community law, the obligation shall have effect for the purposes of this Act as if it were an obligation to achieve so much of the result to be achieved under the obligation as is specified in the order by the time or times so specified.
- (5) No order shall be made by a Minister of the Crown under subsection (1) unless he has consulted the Minister or department concerned.

XXV Agency arrangements between UK and NI departments

- (1) Arrangements may be made between—
- (a) any department of the Government of the United Kingdom or any public body, or holder of a public office, in the United Kingdom; and
 - (b) any Northern Ireland department,
 - (c) for any functions of one of them to be discharged by, or by officers of, the other.
- (2) No such arrangements shall affect the responsibility of the person on whose behalf any functions are discharged.
- (3) In this section—
- (a) references to a department of the Government of the United Kingdom include references to any Minister of the Crown; and

(b) references to a Northern Ireland department include references to a Minister.

Schedule 1 Polls for the Purposes of Part 1

- (1) The Secretary of State may by order direct the holding of a poll for the purposes of Section 1 on a date specified in the order
- (2) Subject to paragraph 3, the Secretary of State shall exercise the power under paragraph 1 if at any time it appears likely to him that a majority of those voting would express a wish that Northern Ireland should cease to be part of the United Kingdom and form a part of a united Ireland.
- (3) The Secretary of state shall not make an order under paragraph 1 earlier than seven years after the holding of a previous poll under this Schedule.
- (4) An order under this Schedule directing the holding of a poll shall specify-
 - (a) the persons entitled to vote;
 - (b) the question or questions to be asked.
- (5) An order-
 - (a) may include an other provisions about the poll which the Secretary of State thinks expedient (including the creation of criminal offences); and
 - (b) may apply (with or without modification) any provisions of, or made under, any enactment.

Schedule 2 Excepted Matters

- (1) The Crown, including the succession of the crown and a regency, but not-
 - (a) functions of the First Minister and deputy First Minister, the Northern Ireland Ministers or the Northern Ireland departments, or functions in relation to Northern Ireland of any Minister of the Crown;
 - (b) property belonging to Her Majesty in right of the Crown or belonging to a government department or held in trust for Her Majesty for the purposes of a government department (other than property used for the purposes of the armed forces of the Crown or the Ministry of Defence Police);
 - (c) the foreshore or the sea bed or subsoil or their natural resources so far as vested in Her Majesty in right of the Crown.
- (2) The Parliament of the United Kingdom; parliamentary elections, including the franchise; disqualifications for membership of that Parliament.
- (3) International relations, including relations with territories outside the United Kingdom, the European Communities (and their institutions) and other international organisations and extradition, and international development assistance and co-operation, but not—

- (a) co-operation between the Police Service of Northern Ireland and the Garda Síochána with respect to any of the following matters—
 - (i) transfers, secondments, exchanges or training of officers;
 - (ii) communications (including liaison and information technology);
 - (iii) joint investigations;
 - (iv) disaster planning;
- (b) the exercise of legislative powers so far as required for giving effect to any agreement or arrangement entered into—
 - (i) by a Minister or junior Minister participating, by reason of any provision of section 52A or 52B, in a meeting of the North-South Ministerial Council or the British-Irish Council; or
 - (ii) by, or in relation to the activities of, any body established for implementing, on the basis mentioned in paragraph 11 of Strand Two of the Belfast Agreement, policies agreed in the North-South Ministerial Council;
- (c) observing and implementing international obligations, obligations under the Human Rights Convention and obligations under Community law.
- (4) The defence of the realm; trading with the enemy; the armed forces of the Crown but not any matter within paragraph 10 of Schedule 3; war pensions; the Ministry of Defence Police.
- (5) Control of nuclear, biological and chemical weapons and other weapons of mass destruction.
- (6) Dignities and titles of honour.
- (7) Treason but not powers of arrest or criminal procedure.
- (8) Nationality; immigration, including asylum and the status and capacity of persons in the United Kingdom who are not British citizens; free movement of persons within the European Economic Area; issue of travel documents.
- (9) The following matters—
 - (a) taxes or duties under any law applying to the United Kingdom as a whole;
 - (b) stamp duty levied in Northern Ireland before the appointed day; and
 - (c) taxes or duties substantially of the same character as those mentioned in sub-paragraph (a) or (b).
- (10) The following matters—
 - (a) national insurance contributions;
 - (i) includes the determination, payment, collection and return of national insurance contributions and matters incidental to those matters.
 - (b) the control and management of the Northern Ireland National Insurance Fund and payments into and out of that Fund;
 - (i) not including the payments out of the Northern Ireland National Insurance Fund which relate to—

- (ii) the benefits mentioned in section 143(1) of the Social Security Administration (Northern Ireland) Act 1992, or benefits substantially of the same character as those benefits; or
 - (iii) (ii) administrative expenses incurred in connection with matters not falling within sub-sections (a) to (g).
 - (iv) Sub-paragraphs (b) and (e) do not include payments out of or into the Northern Ireland National Insurance Fund under—
 - (c) reductions in and deductions from national insurance contributions;
 - (d) national insurance rebates;
 - (e) payments out of public money to money purchase pension schemes;
 - (f) contributions equivalent premiums;
 - (g) rights to return to the state pension scheme.
 - (h) Sub-paragraphs (b) and (e) do not include payments out of or into the Northern Ireland National Insurance Fund under—
 - (i) section 172(1)(b), (2)(a) or (7)(c) of the Pension Schemes (Northern Ireland) Act 1993; or
 - (ii) Article 202, 227, 234 or 252 of the Employment Rights (Northern Ireland) Order 1996.
 - (i) In this section “contributions equivalent premium” has the meaning given by section 51(2) of the Pension Schemes (Northern Ireland) Act 1993.
 - (j) Tax credits under Part 1 of the Tax Credits Act 2002
 - (k) Health in pregnancy grant,] Child benefit and guardian’s allowance.
- (11) The appointment and removal of judges of the Court of Judicature of Northern Ireland, holders of offices listed in column 1 of Schedule 3 to the Judicature (Northern Ireland) Act 1978, county court judges, recorders, resident magistrates, lay magistrates, justices of the peace, members of juvenile court panels, coroners, the Chief and other Social Security Commissioners for Northern Ireland, the Chief and other Child Support Commissioners for Northern Ireland and the President and other members of the Lands Tribunal for Northern Ireland.
- (12) The Supreme Court
- (13) Elections, including the franchise, in respect of the Northern Ireland Assembly, the European Parliament and district councils.
- (14) The subject-matter of the Political Parties, Elections and Referendums Act 2000 with the exception of Part IX (political donations etc. by companies).
- (a) This paragraph does not include the funding of political parties for the purpose of assisting members of the Northern Ireland Assembly connected with such parties to perform their Assembly duties.
- (15) Coinage, legal tender and bank notes.
- (16) The National Savings Bank.
- (17) The subject-matter of the Protection of Trading Interests Act 1980.

- (18) National security (including the Security Service, the Secret Intelligence Service and the Government Communications Headquarters); special powers and other provisions for dealing with terrorism or subversion; the subject-matter of—
- (a) the Official Secrets Acts 1911 and 1920;
 - (b) Chapter I of Part I of the Regulation of Investigatory Powers Act 2000 except so far as relating to the prevention or detection of serious crime (within the meaning of that Act); and
 - (c) the Official Secrets Act 1989, except so far as relating to any information, document or other article protected against disclosure by section 4(2) (crime) and not by any other provision of sections 1 to 4.
- (19) Nuclear energy and nuclear installations, including nuclear safety, security and safeguards, and liability for nuclear occurrences, but not the subject-matter of—
- (a) section 3(5) to (7) of the Environmental Protection Act 1990 (emission limits); or
 - (b) the Radioactive Substances Act 1993.
- (20) Regulation of sea fishing outside the Northern Ireland zone (except in relation to Northern Ireland fishing boats).
- (a) In this section “Northern Ireland fishing boat” means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Northern Ireland as the port to which the vessel is to be treated as belonging.
- (21) Regulation of activities in outer space.
- (22) Any matter with which a provision of the Northern Ireland Constitution Act 1973 solely or mainly deals.
- (23) The office and functions of the Advocate General for Northern Ireland.
- (24) Any matter with which a provision of this Act falling within the following sub-paragraphs solely or mainly deals—
- (a) Parts I and II;
 - (b) Part III except sections 19, 20, 22, 23(2) to (4), 28, 28A, 28B, 28D and 28E
 - (c) Part IV except sections 40, 43, 44(8) and 50 and Schedule 5;
 - (d) in Part V, sections 52A to 52C and 54;
 - (e) Part VI except sections 57(1) and 67;
 - (f) Part VII except sections 73, 74(1) to (4), 75 and 77 and Schedules 8 and 9;
 - (g) in Part VIII, sections 79 to 83 and Schedule 10.
 - (h) This section does not apply to—
 - (i) any matter in respect of which it is stated by this Act that provision may be made by Act of the Assembly;
 - (ii) any matter to which a description specified in this Schedule or Schedule 3 is stated not to apply; or
 - (iii) any matter falling within a description specified in Schedule 3.

Schedule 3

- (1) The conferral of functions in relation to Northern Ireland on any Minister of the Crown.

- (2) Property belonging to Her Majesty in right of the Crown or belonging to a department of the Government of the United Kingdom or held in trust for Her Majesty for the purposes of such a department (other than property used for the purposes of the armed forces of the Crown or the Ministry of Defence Police).
- (3) Navigation, including merchant shipping, but not harbours or inland waters.
- (4) Civil aviation but not aerodromes.
- (5) The foreshore and the sea bed and subsoil and their natural resources (except so far as affecting harbours); submarine pipe-lines; submarine cables, including any land line used solely for the purpose of connecting one submarine cable with another.
- (6) Domicile.
- (7) The subject-matter of the Postal Services Act 2000.
 - (a) This section does not include financial assistance for the provision of services (other than postal services and services relating to postal or money orders) to be provided from public post offices.
 - (b) In this section “postal services” and “public post offices” have the same meanings as in the Postal Services Act 2000.
- (8) Disqualification for membership of the Assembly; privileges, powers and immunities of the Assembly, its members and committees greater than those conferred by section 50.
- (9) The following matters—
 - (a) the criminal law;
 - (b) the creation of offences and penalties;
 - (c) the prevention and detection of crime and powers of arrest and detention in connection with crime or criminal proceedings;
 - (d) prosecutions;
 - (e) the treatment of offenders (including children and young persons, and mental health patients, involved in crime);
 - (f) compensation out of public funds for victims of crime.
 - (g) Sub-paragraphs (a) to (c) do not include any matter within section 18 of Schedule
 - (h) Sub-paragraph (e) includes, in particular, prisons and other institutions for the treatment or detention of persons mentioned in that sub-paragraph.
 - (i) The Chief Inspector of Criminal Justice in Northern Ireland.
- (10) The maintenance of public order, including the conferring of powers, authorities, privileges or immunities for that purpose on constables, members of the armed forces of the Crown and other persons (other than the Ministry of Defence Police), but not any matter within paragraph 17 of Schedule 2; the Parades Commission for Northern Ireland.
- (11) The establishment, organisation and control of the Police Service of Northern Ireland and of any other police force (other than the Ministry of Defence Police); the Northern Ireland Policing Board; traffic wardens.

- (a) Co-operation between the Police Service of Northern Ireland and the Garda Síochána with respect to any of the following matters—
 - (i) transfers, secondments, exchanges or training of officers;
 - (ii) communications (including liaison and information technology);
 - (iii) joint investigations;
 - (iv) disaster planning.
- (12) Firearms and explosives.
- (13) Civil defence.
- (14) The subject-matter of Part 2 of the Civil Contingencies Act 2004 .
 - (a) The following matters—
 - (i) rights of appeal to the Supreme Court;
 - (ii) legal aid for appeals to the Supreme Court.
- (15) All matters, other than those specified in paragraph 11 of Schedule 2, relating to the Court of Judicature of Northern Ireland, county courts, courts of summary jurisdiction (including magistrates' courts and juvenile courts) and coroners, including procedure, evidence, appeals, juries, costs, legal aid and the registration, execution and enforcement of judgments and orders but not—
 - (a) bankruptcy, insolvency, the winding up of corporate and unincorporated bodies or the making of arrangements or compositions with creditors;
 - (b) the regulation of the profession of solicitors.
 - (c) The Northern Ireland Law Commission.
- (16) The functions and procedures of the Civil Service Commissioners for Northern Ireland.
- (17) All matters (including procedure and appeals) relating to—
 - (a) the Chief and other Social Security Commissioners for Northern Ireland; or
 - (b) the Chief and other Child Support Commissioners for Northern Ireland,
 - (i) but not any matter within paragraph 11 of Schedule 2.
- (18) The subject-matter of sections 149 to 151 of and Schedules 5 and 5A to the Social Security Administration (Northern Ireland) Act 1992 (Social Security Advisory Committee and Industrial Injuries Advisory Council).
- (19) The subject-matter of the Vaccine Damage Payment Scheme.
- (20) Import and export controls and trade with any place outside the United Kingdom but not—
 - (a) the furtherance of the trade of Northern Ireland or the protection of traders in Northern Ireland against fraud;
 - (b) services in connection with, or the regulation of, the quality, insurance, transport, marketing or identification of agricultural or food products, including livestock;
 - (c) the prevention of disease or the control of weeds and pests;
 - (d) aerodromes and harbours;

- (e) any matter within paragraph 4 of Schedule 2.
- (21) The subject-matter of the National Minimum Wage Act 1998.
- (22) The subject-matter of the following provisions of the Pension Schemes Act 1993—
 - (a) section 6(1), (2)(a)(i), (iii) and (iv) and (b), (3), (4) and (8) (registration of occupational and personal pension schemes);
 - (b) section 145 (Pensions Ombudsman).
- (23) The following matters—
 - (a) financial services, including investment business, banking and deposit-taking, collective investment schemes and insurance;
 - (b) financial markets, including listing and public offers of securities and investments, transfer of securities and insider dealing.
 - (c) This paragraph does not include the subject-matter of—
 - (i) the Industrial and Provident Societies Act Northern Ireland) 1969;
 - (ii) the Credit Unions (Northern Ireland) Order 1985;
 - (iii) the Companies (Northern Ireland) Order 1986;
 - (iv) the Insolvency (Northern Ireland) Order 1989;
 - (v) the Companies (Northern Ireland) Order 1990;
 - (vi) the Companies (No.2) (Northern Ireland) Order 1990;
 - (vii) the Open-Ended Investment Companies (Investment Companies with Variable Capital) Regulations (Northern Ireland) 1997.
- (24) The subject-matter of—
 - (a) the Building Societies Act 1986;
 - (b) The Friendly Societies Act 1992.
- (25) The subject-matter of the Money Laundering Regulations 2007, but in relation to any type of business.
 - (a) The subject-matter of the Transfer of Funds (Information on the Payer) Regulations 2007, but in relation to any type of business.
- (26) Regulation of anti-competitive practices and agreements; abuse of dominant position; monopolies and mergers.
- (27) Intellectual property but not the subject-matter of Parts I and II of the Plant Varieties Act 1997 (plant varieties and the Plant Varieties and Seeds Tribunal).
- (28) Units of measurement and United Kingdom primary standards.
- (29) Telecommunications; wireless telegraphy; the provision of programme services (within the meaning of the Broadcasting Act 1990); internet services; electronic encryption; the subject matter of Part II of the Wireless Telegraphy Act 1949 (electromagnetic disturbance).
- (30) The National Lottery (except in so far as any matter within Schedule 2 is concerned).
- (31) Xenotransplantation.

- (32) Surrogacy arrangements, within the meaning of the Surrogacy Arrangements Act 1985, including the subject-matter of that Act.
- (33) The subject-matter of the Human Fertilisation and Embryology Act 1990.
- (34) Human genetics.
- (35) Research Councils within the meaning of the Science and Technology Act 1965.
 - (a) The Arts and Humanities Research Council (as defined by section 1 of the Higher Education Act 2004).
- (36) Areas in which industry may qualify for assistance under Part III of the Industrial Development Act 1982.
- (37) Consumer safety in relation to goods.
- (38) Technical standards and requirements in relation to products in pursuance of an obligation under Community law but not standards and requirements in relation to food, agricultural or horticultural produce, fish or fish products, seeds, animal feeding stuffs, fertilisers or pesticides.
- (39) The subject-matter of section 3(5) to (7) of the Environmental Protection Act 1990 (emission limits); the environmental protection technology scheme for research and development in the United Kingdom.
- (40) The subject-matter of—
 - (a) the Data Protection Act 1984;
 - (b) the Data Protection Act 1998; and
 - (c) Council Directive 95/46/EC (protection of individuals with regard to the processing of personal data and free movement of such data).
- (41) Oaths and declarations (including all undertakings and affirmations, by whatever name) other than those within section 77(3).
- (42) Any matter with which a provision of this Act falling within the following sub-paragraphs solely or mainly deals—
 - (a) in Part III, sections 19, 20, 28, 28A and 28B ;
 - (b) in Part VII, sections 73, 74(3) and (4), 75 and 77(1), (2) and (4) to (8) and Schedules 8 and 9;
 - (c) in Part VIII, sections 90 to 93 and Schedule 11.
 - (d) This paragraph does not apply to—
 - (i) any matter in respect of which it is stated by this Act that provision may be made by Act of the Assembly; or
 - (ii) any matter to which a description specified in this Schedule or Schedule 2 is stated not to apply.