

**EXPLANATORY MEMORANDUM TO
THE NORTHERN IRELAND ACT 2000 (MODIFICATION) ORDER 2006**

2006 No. 1012

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

The Order extends the Government's ability to legislate for Northern Ireland by Order in Council until the end of 14th October 2006.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

There are no matters of special interest

4. **Legislative Background**

4.1 The Order is made under paragraph 1(4) of the Schedule to the Northern Ireland Act 2000 (c. 1) (the 2000 Act). On 15 October 2002 the Northern Ireland Assembly (the Assembly) was suspended and section 1 of the 2000 Act was brought into force by the Northern Ireland Act 2000 (Suspension of Devolved Government) Order 2002 (S.I. 2002/2574). Under the Schedule to the 2000 Act, while the Assembly is suspended, Her Majesty may legislate by Order in Council on any matter on which the Assembly has the competence to legislate. Under paragraph 1(3) of the Schedule that power only lasts for six months and then it can be renewed by the Secretary of State by order under paragraph 1(4) of the Schedule.

4.2 There have been six previous orders under paragraph 1(4). The first Order (The Northern Ireland Act 2000 (Modification) Order 2003 (S.I. 2003/1155)) provided for the renewal of the power to legislate by Order in Council for a period of six months from 15 April 2003 to the end of 14 October 2003. The second Order (The Northern Ireland Act 2000 (Modification) (No 2) Order 2003 (S.I. 2003/2592)) provided for the renewal of the powers to legislate by Order in Council for the period of six months from 15 October 2003 to the end of 14 April 2004. The third Order (The Northern Ireland Act 2000 (Modification) Order 2004 (S.I. 2004/1105)) provided for the renewal of the power to legislate by Order in Council for a period of six months from 15 April 2004 to the end of 14 October 2004. The fourth Order (The Northern Ireland Act 2000 (Modification) (No 2) Order 2004 (S.I. 2004/2505)) provided for the renewal of the power to legislate by Order in Council for a period of six months from 15 October 2004 to the end of 14 April 2005. The fifth Order (The Northern Ireland Act 2000 (Modification) Order 2005 (S.I. 2005/868)) provided for the renewal of the power to legislate by Order in Council for a period of six months from 15 April 2005 to the end of 14 October 2005. The sixth Order (The Northern

Ireland Act 2000 (Modification) (No 2) Order 2005 (S.I. 2005/2046)) provided for the renewal of the power to legislate by Order in Council for a period of six months from 15 October 2005 to the end of 14 April 2006.

4.3 The period provided for in the Order is six months and therefore the period will expire at the end of 14 October 2006, or earlier if devolved government is restored before then.

4.4 This Order has no EU implications.

5. Extent

This instrument only applies to Northern Ireland.

6. European Convention on Human Rights

It is the view of the Secretary of State that the provisions of the Order are compatible with the European Convention on Human Rights.

7. Policy background

7.1 The 2000 Act makes provision for the operation of government in Northern Ireland while the Assembly is suspended. Without the Order all legislation for Northern Ireland would have to be by Act of Parliament.

7.2 There is not expected to be a high level of public interest

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Any enquiries regarding the content of this Memorandum should be addressed to:

Jonathan Margetts, Head of Legislation and Parliamentary Unit, Northern Ireland Office.

Tel: 020 7210 6575

e-mail: jonathan.margetts@nio.x.gsi.gov.uk

or

David Coleman, Legislation and Parliamentary Unit, Northern Ireland Office

Tel: 020 7210 6576

e-mail: david.coleman@nio.x.gsi.gov.uk

Northern Ireland Office
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