



## NORTHERN IRELAND Information Service

15 July 1998

### MOWLAM INTRODUCES BILL TO IMPLEMENT AGREEMENT

“In just twelve weeks since the Good Friday Agreement Northern Ireland has seen huge and genuinely historic change in the form of the election and first meeting of a new Assembly, and the election of the First and Deputy First Ministers.

“The Government has moved heaven and earth to consult the parties, and to draft and introduce a bill as swiftly as possible so that the Assembly, with north-south bodies, the British-Irish Council, the Human Rights and Equality Commissions and all the other elements of the Agreement can be up and running very early in the new year.”

That was the message given by Dr Marjorie Mowlam, MP, the Secretary of State for Northern Ireland today to mark the introduction of the Northern Ireland Bill in the House of Commons.

“The Bill is one of the most important of the present Parliament. In giving legal form to the Agreement that was negotiated with such courage and vision by the representatives of the people of Northern Ireland on Good Friday, it lays the foundations for a better future for Northern Ireland. A new Northern Ireland governed by its people on behalf of its people.

“We have drafted the Bill to give effect faithfully to the whole of the Agreement, so far as legislation is needed, adding to the machinery only where necessary to make it work.

"I would like particularly to thank the civil servants for their hard work and both Houses of Parliament for facilitating the scrutiny of this legislation and maintaining the momentum of the peace process," she said.

## NOTES FOR EDITORS

1. The Bill was introduced in the House of Commons today. It is available from the Stationery Office.
2. The Bill is intended to go through all its Commons stage before the summer, moving to the House of Lords as soon as it returns in the Autumn, and becoming law before the end of the year.
3. A number of technical clauses in the Bill reflect the Scottish and Welsh devolution legislation, now in the final stages of its passage through Parliament. The Bill will repeal the Government of Ireland Act 1920; all but a few provisions of the Northern Ireland Constitution Act 1973; the arrangements for Direct Rule, which will disappear for good as soon as the Assembly takes power; and the Northern Ireland (Elections) Bill passed earlier this year to pave the way for elections to the Assembly and its shadow existence.
4. An explanatory note is attached.

*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 the European Convention, or EU law, or that amend the Bill or other Acts 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 7 and 13 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 a proposed Measure in this context to them (clause 10); clauses 69-71 provide 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 14), **Ministers** (clause 15), and chairman and members of Assembly **Committees** (clause 22). Transitional provisions 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 23), 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 34); and **Assembly pay** (clause 38).

*Part V: financial provisions*

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

*Part VI: human rights and equal opportunities*

12. Part VI establishes the **Human Rights and Equality Commissions**, casts **statutory duties in respect of equality on public authorities**, and reproduces several other provisions on discrimination of the Constitution Act.

*Part VII and VIII: miscellaneous and supplemental (including North-South)*

13. Part VII makes provision for **participation in Strand Two and Strand Three bodies** (clause 66); **setting up of initial implementation bodies** (clause 68); consultation with the **Civic Forum** (clause 65); and miscellaneous powers of **subordinate legislation** (clause 72 and 73).

*Northern Ireland Office, 15 July 1998*