

Orders which Ministers have decided should mirror or bring Northern Ireland closer into line with national policy, although there is no legal or overriding policy imperative to do so

Roads Traffic (Northern Ireland) Order 1995

The purpose of this Order was to review and update Northern Ireland's road traffic law relating to road safety and the construction and use of vehicles.

It brought Northern Ireland into line with provisions already existing in GB, although it would have been possible to take a different approach.

The Children (Northern Ireland) Order 1995

This Order was closely modelled on the Children Act 1989 which covered England Wales.

There were a number of provisions which reflected the different administrative structures in Northern Ireland, that is the different structures and procedures in NI courts and the fact that Social Services are delivered through Boards and Trusts, not local authorities as in England and Wales.

Trade Union and Labour Relations (Northern Ireland) Order 1995

The purpose of this Order was to bring trade union law in Northern Ireland into line with that applying in Great Britain. The initial intention of the 1995 Order was to introduce corresponding provisions to those already in force in Great Britain.

A number of differences do still exist between Great Britain and Northern Ireland trade union law after the making of this Order. Moreover, while there are no provisions to reflect or provide for different administrative structures or arrangements for delivery of policy in

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Northern Ireland and current policy is to maintain broad parity with Great Britain on industrial relations and employment law matters, it remains theoretically possible for there to be some departure from national policy or administrative arrangements in the future.

Agriculture (Conservation Grants) (Northern Ireland) Order 1996

The main purpose of this Order was to replicate in Northern Ireland a power in GB's Environmental Act 1995 to make grants for purposes conducive to conservation.

When the Environmental Bill was proceeding through Parliament in 1995 it was not intended that it should apply to Northern Ireland but it was felt that the particular provision subsequently enacted would enable a comprehensive and coherent approach to be adopted to agri-environment legislation in Northern Ireland. Discretion was exercised with the introduction of the Order but there were no implications for administrative structures for delivery of the policy.

Road Traffic (Offenders) (Northern Ireland) Order 1996

The purpose of this Order was to introduce penalty points and extend driving tests for the most serious driving offences and provide for trials in the use of rehabilitation courses for drink drivers.

The legislation was modelled on GB's Road Traffic Act 1988 and harmonised Northern Ireland's laws dealing with the prosecution and punishment of road traffic offenders with the corresponding laws in GB. However, it would have been possible to take a different approach.

The Commissioner for Complaints (Northern Ireland) Order 1996 and the Ombudsman (Northern Ireland) Order 1996

Both these Orders consolidated, with some amendments, existing Northern Ireland legislation.

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In some respects, the Northern Ireland legislation differs from that of Great Britain - differences which have existed since the introduction of the original legislation in 1969 and which have been retained in the 1996 legislation. In some cases, the changes made through the Orders followed Great Britain and reflected the recommendations of the Select Committee which covers Northern Ireland and Great Britain. Overall Northern Ireland and Great Britain have proceeded in broadly the same direction on Ombudsman legislation, a strong factor being the existence of the UK-wide Select Committee.

Employment Rights (Northern Ireland) Order 1996 and the Industrial Tribunals (Northern Ireland) Order 1996

These 2 Orders provided for the consolidation of the existing Northern Ireland legislation on individual employment rights and industrial tribunals.

Although Northern Ireland has its own separate legal and administrative framework of industrial relations legislation, it has generally followed the corresponding law in Great Britain. Current Government policy is one of parity in this area unless there are compelling local reasons justifying a departure. In addition, there are no provisions reflecting or providing for different administrative structures or arrangements for delivery of policy in Northern Ireland. However, it is theoretically possible for there to be some movement on either national policy or administrative arrangements.

Domestic Energy Efficiency Schemes (Northern Ireland) Order 1996

The purpose of this Order was to replicate in Northern Ireland certain provisions of the Housing Grants, Construction and Regeneration Act 1996. It did not give effect to a policy approach separate or distinct from the rest of the UK, although it was possible to do so.

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Industrial Tribunals (Northern Ireland) Order 1996

This Order re-enacted provisions relating to Industrial Tribunals which were scattered throughout employment rights legislation.

The only provisions which give effect to a policy approach separate or distinct from the rest of the UK relate to appeals, which are made to Employment Appeals Tribunals in Great Britain and, because of the very small caseload, to the Court of Appeal in Northern Ireland. There are no provisions reflecting or providing for different administrative structures or arrangements for delivery of policy in Northern Ireland; and current policy is to maintain broad parity with Great Britain on industrial relations and employment law matters. However it is theoretically possible for there to be some departure from national policy or administrative arrangements.

The Deregulation and Contracting Out (Northern Ireland) Order 1996

Of the 6 deregulatory measures in this Order, 3 replicated measures contained in the Deregulation and Contracting Out Act 1994 and 3 were unique to Northern Ireland.

From a legislative point of view it would have been possible not to follow the GB approach.

Construction Contracts (Northern Ireland) Order 1997

The purpose of this Order was to replicate in Northern Ireland certain provisions of the Housing Grants, Construction and Regeneration Act 1996. It did not give effect to a policy approach separate or distinct from the rest of the UK, although it possible to do so.

Industrial Pollution Control (Northern Ireland) Order 1997

The purpose of this Order was to provide an improved system of control of pollution from industrial processes.

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As in GB, responsibility for enforcement is shared by a Chief Inspector (located within Environment Heritage Service) and local councils. However, Northern Ireland is slightly different in terms of administrative arrangements. The Chief Inspector has responsibility for control of some processes which in GB are controlled by local authorities. The reasons for this deviation are the different nature of the industrial base in Northern Ireland and the lack of capacity of local councils here to take on new responsibilities. In policy terms the Order does not give effect to an approach in Northern Ireland which is separate or distinct from the rest of the UK, although it would have been possible to do so.

The Shops (Sunday Trading etc) (Northern Ireland) Order 1997

This Order brought Northern Ireland shops law broadly into line with the corresponding law in England and Wales which was contained in the Sunday Trading Act 1994 and the Employment Rights Act 1996.

Northern Ireland does, however, differ from Great Britain in some important aspects, for example, the opening hours for large shops and the work required of local Councils which in Northern Ireland are not required to keep a register of large shops trading on Sundays. The Order did not reflect any provisions which provided for different administrative structures or arrangements for the delivery of policy in Northern Ireland. There was, however, provision for scope for departure from national policy or administrative arrangements in two main areas.

The first, handled by DHSS, relates to the regulation of Sunday trading hours. There was scope for departure from the law in England and Wales but a consultation exercise in 1995 produced a majority in favour of bringing Northern Ireland shops law into line with England and Wales. The second element of the Order relates to the employment protection measures of the legislation. Northern Ireland currently has a policy of maintaining parity in employment law and therefore the provisions of the Northern Ireland Order in this field are identical to legislation in England and Wales.

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Commissioner for Complaints (Amendment) (Northern Ireland) Order 1997

This Order extended the Northern Ireland Commissioner's jurisdiction in line with GB's Health Service Commissioners (Amendment) Act 1996.

It is current policy to maintain broad parity with Great Britain in this area although the Northern Ireland Commissioner has a wider remit than in Great Britain and also covers numerous public and local government bodies.

The Further Education (Northern Ireland) Order 1997

This Order reflects and provides for different administrative structures and arrangements for the delivery of a policy in Northern Ireland which had already been introduced in Great Britain in 1993. However, it was a separate decision to implement this policy in Northern Ireland. The Order also reflects local arrangements and the distinctive features of the Northern Ireland education system.

Education (Northern Ireland) Order 1997

This Order has 2 main provisions covering pre-school education and open enrolment and school transport.

The open enrolment arrangements reflected broadly similar arrangements in Great Britain but these were adapted to take account of the selective system of education in Northern Ireland. The pre-school education provisions implemented the nursery voucher scheme in Northern Ireland as part of a national scheme. However, it would have been open to the Department of Education or a local administration to make different arrangements, in light of local circumstances.

IN CONFIDENCE

Race Relations (Northern Ireland) Order 1997

This legislation broadly follows the Race Relations Act 1976.

The main differences from Great Britain are the specific inclusion of the Irish Travellers as a separate ethnic minority group in the Northern Ireland legislation and provisions reflecting the separate pattern of central and local government structures here.

Deregulation (Northern Ireland) Order 1997

This Order contains 6 deregulatory measures which replicated action taken in Great Britain and 2 deregulatory measures unique to Northern Ireland.

Although the measures did have direct Great Britain read across it would have been possible not to deregulate.

Financial Provisions Orders (every 2 years approx)

These Orders provide for financial provisions of a technical, non-controversial nature. The provisions can either reflect parity with GB or a distinctive NI approach, depending on circumstances and/or policy.