



Northern Ireland

Member State law - Northern Ireland

This page provides you with information about law and legal databases in the United Kingdom, with particular reference to the Northern Ireland jurisdiction.

Sources of law

The principal sources of law in the Northern Ireland jurisdiction of the United Kingdom are:

- **Primary legislation** in the form of Acts of the United Kingdom Parliament and Acts of the Northern Ireland Assembly. Some primary legislation relating to Northern Ireland is also made by the Sovereign in Council as Orders in Council (statutory instruments)
- **European Union law**
- **Secondary (or subordinate) legislation** in the form of statutory instruments and statutory rules of Northern Ireland. Some other subordinate legislation may be made as administrative orders.
- The **common law** as developed through judicial decisions.

Types of legal instruments – description

Acts of Parliament, are made by the UK Parliament in London and may apply to all or any part of the United Kingdom. The UK Parliament has also approved the devolution of legislative powers to the devolved parliaments and assemblies, which can pass primary legislation covering a limited range of subjects and which apply within their own jurisdictions. Other primary legislation may be made by the Sovereign under the prerogative in various forms, such as Orders in Council, proclamations, royal warrants, royal instructions, regulations and letters patent.

Secondary legislation is made under powers conferred by or under statute of Her Majesty in Council or a Minister, department (Ministry), the Northern Ireland Executive, or other body or person. This is also called **delegated or subordinate legislation**, and the statute conferring the power is referred to as the enabling or empowering or 'parent' Act. Secondary legislation may have various titles, such as Orders in Council, regulations or rules, all of which may be referred to collectively as 'statutory Instruments' or 'statutory rules'.

In Northern Ireland, legislation includes Acts or statutes that may be Acts of the UK Parliament, the Northern Ireland Parliament (1921-1972) or the Northern Ireland Assembly in Belfast. At various times, devolved governments in Northern Ireland were suspended and much legislation was contained in 'Orders in Council', which technically are secondary legislation but are used as primary legislation. Legislation in Northern Ireland also includes statutory rules – secondary or subordinate legislation – made under the authority of an Act of the UK Parliament, Order in Council or Act of the Northern Ireland Assembly.

The power to make **international treaties** on behalf of the UK is vested in the Crown, i.e. the Sovereign under the Royal Prerogative, acting on the advice of the UK Government. The UK Parliament has no formal role in making treaties, but where a treaty requires a change in UK legislation or a grant of public money, Parliament will vote on it in the normal way. All EU treaties require legislation for their implementation in the UK and are therefore subject to parliamentary scrutiny. Sections 20-25 of the Constitutional Reform and Governance Act 2010 came into force on 11 November 2010 and requires a treaty may not be ratified unless (a) a Minister of a Crown has in the first instance laid before Parliament a copy of the treaty, (b) the treaty has been published and (c) a period of 21 sitting days has expired without either House of Parliament having resolved that the treaty should not be ratified.

Hierarchy of norms

Where there are conflicts between the different sources of law, the principal forum for resolving them is the courts. The courts may thus resolve disputes about the interpretation of legislation. However, since there is no 'written constitution' in the UK, it is not possible to challenge an Act of Parliament in court on the basis that it is 'unconstitutional'. **The constitutional doctrine of**

'parliamentary sovereignty' holds that the UK Parliament is the supreme legislative authority, in the sense that it may make and repeal any law, and that no other body may repeal or question the validity of an Act of Parliament.

However, the doctrine of parliamentary sovereignty is qualified by the UK's membership of the European Union. By virtue of the European Communities Act 1972, European Union law forms part of the law of Northern Ireland. Domestic legislation must be interpreted so as to comply with EU law wherever possible.

The Human Rights Act 1998, which incorporated the European Convention on Human Rights into UK law, gives the courts another power to call Acts of Parliament into question. As far as possible, domestic legislation must be interpreted so as to be compatible with Convention rights.

Decisions of the courts, and particularly of the appeal courts, play an important role in the development of the law. Not only do they provide authoritative rulings on the interpretation of legislation, but they also form **the basis of the common law**, which is derived from court decisions in previous cases (or case law). As a general principle, courts are bound by earlier decisions made by higher courts. In relation to matters of European Union Law, the European Court of Justice is the highest authority. The Supreme Court is the final court of appeal for all civil and criminal cases from Northern Ireland.

Institutional framework

Institutions responsible for the adoption of legal rules and the decision-making process

Before a **proposal for primary legislation** (known as a Bill) can become an Act of the UK Parliament, it must be approved by both Houses of Parliament in London: the House of Commons and the House of Lords. The following stages take place in both Houses:

- First reading (formal introduction of the Bill without debate)
- Second reading (general debate)
- Committee stage (detailed examination, debate and amendments. In the House of Commons this stage generally takes place in a Public Bill Committee.)
- Report stage (opportunity for further amendments)
- Third reading (final chance for debate; amendments are possible in the Lords).

When a Bill has passed through both Houses it is returned to the first House (where it started) for the second House's amendments to be considered.

Both Houses must agree on the final text. There may be several rounds of exchanges between the two Houses until agreement is reached on every word of the Bill. Once this happens the Bill can be submitted for Royal Assent.

In the **Northern Ireland Assembly**, a similar process (involving introduction of a Bill, consideration, debate and voting) occurs, although there is only a single Chamber within the devolved Assembly. Ministers, committees and individual members can initiate a Bill and present it to the Speaker of the Assembly for consideration by the Assembly. If the Speaker is content that the proposals are within the Assembly's competence, the Bill is then introduced and debated in the Chamber. It is then referred to the appropriate statutory committee for scrutiny. The committee reports back to the Assembly, allowing members to consider the detail of the Bill and to propose amendments. It is then considered further by the Assembly and a final vote is taken.

When a Bill has passed through all its parliamentary stages in the UK or the Northern Ireland Assembly, it is sent to the Sovereign for Royal Assent, after which it becomes **an Act**.

Primary legislation can generally be **amended or repealed** only by new primary legislation. There are, however, exceptions under which certain amendments and repeals may be made by statutory instrument – where they involve implementing EU obligations or a piece of legislative reform that reduces or eliminates regulatory burdens.

Primary legislation comes into force in accordance with the **commencement provisions** set out in the Act. The Act may specify a particular date for coming into force. This might be immediately on Royal Assent, on a specified date (generally at least two months after Royal Assent) or on a date to be specified by a Minister or department in a commencement order (statutory instrument). Different dates may be specified for different provisions within one Act.

The coming into force date for any piece of secondary legislation will generally be specified in the instrument itself. Exceptionally, the commencement date may be made by publication of a notice in the official gazettes (the London or Belfast Gazette).

Legal databases

A number of legal databases are available.

- The [UK Legislation website](#) provides the full text of **all primary legislation** as enacted by the UK Parliament, the Scottish Parliament, the Northern Ireland Assembly and the National Assembly for Wales, together with all secondary legislation applying to the UK as a whole or to parts of the UK. Access to the information is free of charge.
- **Revised primary legislation** covering all parts of the UK from 1235 to date can also be found in the [UK Legislation website](#).

Related Links

[UK legislation website](#)

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