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STATUTORY INSTRUMENTS

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**1999 No. 340 (C. 6)**

**NORTHERN IRELAND**

CONSTITUTIONAL LAW

HUMAN RIGHTS AND EQUAL OPPORTUNITIES

The Northern Ireland Act 1998  
(Commencement No. 1) Order 1999

Made - - - - 11th February 1999

The Secretary of State, in exercise of the power conferred on him by section 101(3) of the Northern Ireland Act 1998(1), hereby makes the following Order:

1.—(1) This Order may be cited as the Northern Ireland Act 1998 (Commencement No. 1) Order 1999.

(2) In this Order, “the 1998 Act” means the Northern Ireland Act 1998.

2.—(1) A provision of the 1998 Act mentioned in Part 1 of the Schedule to this Order shall come into force, for the purpose of making appointments to the Northern Ireland Human Rights Commission, on 15th February 1999 and for all other purposes on 1st March 1999.

(2) A provision of the 1998 Act mentioned in column (1) of Part 2 of the Schedule to this Order shall come into force on 15th February 1999 for the purpose mentioned opposite thereto in column (2) of that Part.

(3) A provision of the 1998 Act mentioned in Part 3 of the Schedule to this Order shall come into force on 1st March 1999.

(4) Section 75(3)(a) and (d) of the 1998 Act shall come into force on 1st March 1999 for the purpose of making designations under either of those paragraphs of sub section (3) of that section.

(5) A provision of the 1998 Act mentioned in Part 4 of the Schedule to this Order shall come into force on 1st June 1999.

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Northern Ireland Office  
11th February 1999

*Paul Murphy*  
Minister of State

## SCHEDULE

Article 2

### Part 1

#### PROVISIONS OF THE 1998 ACT COMING INTO FORCE IN ACCORDANCE WITH ARTICLE 2(1) FOR CERTAIN PURPOSES ON 15th FEBRUARY 1999 AND FOR ALL OTHER PURPOSES ON 1st MARCH 1999.

Section 68 (the Northern Ireland Human Rights Commission)

Paragraphs 1 and 2 of Schedule 7 (the Northern Ireland Human Rights Commission)

### Part 2

#### PROVISIONS OF THE 1998 ACT COMING INTO FORCE IN ACCORDANCE WITH ARTICLE 2(2) FOR CERTAIN PURPOSES ON 15th FEBRUARY 1999.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Purpose</i>
Section 73 and paragraphs 1 and 2 of Schedule 8 (the Equality Commission for Northern Ireland)	For the purpose of making appointments to the Equality Commission for Northern Ireland and appointing the Chief Commissioner and Deputy Chief Commissioner
Section 91(1) and paragraphs 1 to 3 and 8 of Schedule 11 (the Tribunal)	For the purpose of making appointments and nominations in connection with the Tribunal established under section 91

### Part 3

#### PROVISIONS OF THE 1998 ACT COMING INTO FORCE IN ACCORDANCE WITH ARTICLE 2(3) ON 1st MARCH 1999.

Section 49(1) (Letters Patent)

Section 69(1), (2), (3), insofar as it provides for the Commission to advise the Secretary of State, and (6) to (11) (functions of the Northern Ireland Human Rights Commission)

Section 72 (Standing Advisory Commission on Human Rights: dissolution)

Section 79 (to the extent necessary to bring paragraph 38 of Schedule 10 into force) (devolution issues)

Section 82(3) to (5) (the Judicial Committee of the Privy Council)

Section 91(2) to (6) (Tribunal rules)

Section 92(3) and (4) (rules for appeals from Tribunal)

Section 97 (financial provision)

Section 100(2) (to the extent necessary to bring into force the repeal in Schedule 15 of section 20 of the Northern Ireland Constitution Act 1973(2)) (repeals)

Paragraphs 3 to 11 of Schedule 7 (the Northern Ireland Human Rights Commission)

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(2) 1973 c. 36.

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Paragraph 38 of Schedule 10 (rules for devolution issue proceedings)

In Schedule 15 the entry relating to section 20 of the Northern Ireland Constitution Act 1973 (repeals)

## Part 4

### PROVISIONS OF THE 1998 ACT COMING INTO FORCE IN ACCORDANCE WITH ARTICLE 2(5) ON 1st JUNE 1999.

Section 69(5) (functions of Northern Ireland Human Rights Commission)

Section 70 (assistance by the Northern Ireland Human Rights Commission)

Section 71(1) (to the extent it makes provision about section 69(5)), (2) and (5) (restrictions on applications about rights)

Section 100(1) (to the extent necessary to bring into force paragraph 1 of Schedule 14 to the Act in accordance with article 2(5) of this Order) (transitional provisions)

Paragraph 1 of Schedule 14 (to the extent it refers to section 71) (transitional provisions about human rights)

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on the dates provided for in the Order various provisions of the Northern Ireland Act 1998.

On 15th February 1999, the powers to make appointments to the Northern Ireland Human Rights Commission (mainly section 68), the Equality Commission for Northern Ireland (mainly section 73) and the Tribunal established under section 91 of the Act come into force.

The Human Rights Commission is brought into existence by article 2(1) on 1st March 1999 and can carry out most but not all its functions from that date. The function of assisting in or bringing proceedings under section 65(5) and 70 is brought into force by article 2(5) on 1st June 1999. Remaining functions, in connection with the Assembly are not yet in force. The Order also brings into force on 1st March 1999 section 72 which dissolves the Standing Advisory Commission on Human Rights.

The Order brings into force on 1st March 1999 the power under section 75(3) to designate certain departments, corporations, bodies or persons as a public authority on whom, once it is in force, the statutory duty to have regard to the need to promote equality of opportunity under section 75 is imposed.

The Order also brings into force on 1st March 1999, powers to make rules governing procedures in connection with proceedings before the Tribunal established under section 91. In addition, on that date, there is brought into force the power to make an Order in Council under section 49 about the form, manner and publication of Letters Patent signifying Her Majesty's Royal Assent to an Assembly Bill; provision, in paragraph 38 of Schedule 10, enlarging existing powers to make rules of procedure for courts and tribunals in connection with proceedings in devolution issues; and the

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power in section 82 to make Orders in Council in connection with proceedings under the 1998 Act before the Judicial Committee of the Privy Council.