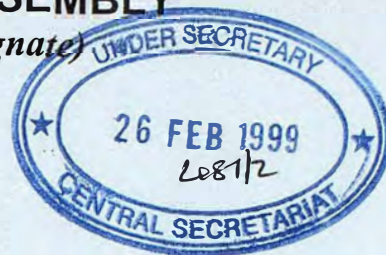


THE NEW NORTHERN IRELAND ASSEMBLY

Office of the Deputy First Minister (Designate)



From: Billy Gamble
Private Secretary to the
Deputy First Minister

25 February 1999

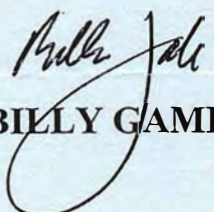
R126/98

PS/Secretary of State (B&L)



NORTHERN IRELAND (ROYAL ASSENT TO BILLS) ORDER 1999

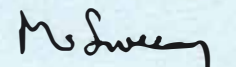
1. The Deputy First Minister (Designate) has asked me to thank the Secretary of State for her letter and enclosure of 22 February.
2. Mr Mallon notes the necessity of the above Order for the purposes of Section 49(1) of the Northern Ireland Act 1998 and that it largely reproduces arrangements at Westminster.
3. Mr Mallon does not wish to raise any points at this stage regarding the Order-in-Council.
4. I am copying this minute to David Lavery.


BILLY GAMBLE

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~~Mr Millen~~

~~Mr Rea~~

~~Mrs Hetherington~~

24212



BUCKINGHAM PALACE

24th February, 1999.

Desk Immediate

cc PS1585 (L+B)

AS1-PUS-1270)

Mr Jeffrey

Mr McCusker

Mr D Ferguson

Mr Stephens

Mr Whymell

Mr Barber

Mr Evans
(HOLPA)

Mr Gray

JH 200

J
26/2

JH 200

Thank you for your letter of 23rd February enclosing the draft of an Order in Council about Letters Patent signifying Royal Assent to Bills of the Northern Ireland Assembly. I can confirm that The Queen has approved the draft of the new Letters Patent and has noted that the Order in Council will be taken at the meeting on 10th March.

Sir Robin Janvrin
Private Secretary to The Queen

N. Perry, Esq.

Circulation

~~Mr. Milten~~

~~Mr. Rea~~

~~Mrs. Hetherington~~

FROM GEORGE GRAY
 Legislative Counsel
 11 February, 1999

cc Mr Stephens
 Mrs Devlin

Mr Heaton

LETTERS PATENT

1. Thank you for the draft Order in Council. The letters patent seem to me to strike the right balance between formality and efficacy. For the record I agree with your comments on the writing in of the date of Royal Assent by the Presiding Officer. That date forms part of the Act and will appear at the front page of the Act under the long title

2. I have only a few comments on matters of detail.

3. There is some inconsistency as regards the description of what the letters patent actually do. The title of the SI and the footnote to the letters patent refer to Royal Assent to **Acts**. On the other hand Article 1(2) and the body of the letters patent refer to Royal Assent to **Bills**. Given the wording of the enabling power in section 49(1) of the 1998 Act, should reference throughout not be to Royal Assent to a Bill?

4. In earlier correspondence with Martha Wooldridge I noted that you had concerns about saying that an Act would have full force of law after Royal Assent. I very much agree. But I wonder if much the same concerns arise about the words at the end of paragraph 2 of the letters patent that "the Bill is not of force and effect in the Law without Our Royal Assent". That seems to carry the implication that with Royal Assent it is of force and effect in the Law which we agree is not necessarily the case. It might be closer to the spirit of section 5(2) of the 1998 Act if the last two lines of para 2 said something like "but the said Bill does not become an Act of the Northern Ireland Assembly without Our Royal Assent." ?

5. I have reservations about paragraph 5 of the Letters Patent beginning "And Finally we". This seems to amount simply to a restatement of section 5(3) of the 1998 Act. The moment at which Royal Assent is effective is laid down by the 1998 Act and it does not therefore seem appropriate for subordinate legislation under that Act to repeat the text of the Act albeit in slightly different words. I would suggest omitting this paragraph.

Yours sincerely

George Gray



Sir Robin Janvrin, CB, KCVO,
Private Secretary To HM The Queen
Buckingham Palace
London

PS/Selfs LTB
PS/Mr Murphy L+B
PS/PUS
Mr Gray
Mr Jeffrey
Mrs Evans, HCLAB
Mr Fergusson
Mr McCusker
Mr Stephens
Mr Heaton, HCLAB
Mr Barbour

NORTHERN IRELAND OFFICE
11 MILLBANK
LONDON
SW1P 4QE

413
1 FEB 1999
MAR

Miss O'Boyle

D1/3

Floors.

23 February 1999

Dear Sir Robin

We have announced our intention to put in place all the legislative preparations necessary for devolution in Northern Ireland by 10 March, even though it seems that the earliest date at which it could be brought about politically is rather later than that.

I am writing in connection with one aspect of this. Bills of the Northern Ireland Assembly (like those of the Scottish Parliament) will require Royal Assent. The Northern Ireland Act 1998 (section 49) permits provision by Order in Council about **Letters Patent** for signifying such Assent. A draft of such an Order is attached.

We have sought, with one eye to the Northern Ireland political context, to use simpler and more contemporary language than in Letters Patent associated with Bills of the Westminster Parliament. Our draft has been discussed with the Privy Council Office, who are content.

The mechanism for submitting Letters Patent will be similar to that for Westminster Bills, except that the Office of the Clerk to the Crown in Northern Ireland rather than the Crown Office will have responsibility for preparing them and sealing them with a Wafer Great Seal of Northern Ireland. Letters Patent will continue to be drawn up in advance of a Bill's being passed and close liaison will be maintained at all times by the Clerk of the Crown's Office to ensure the timely submission of Bills. Inevitably, the need to approve Assembly Bills will create additional work

Circulation

~~Mr Millen~~

~~Mr Rea~~

~~Mrs Pennington~~



for your staff and for Her Majesty, but we are trying to ensure that the process will be smooth.

The Secretary of State would be grateful if you would lay before The Queen the draft of the new Letters Patent. If Her Majesty is pleased to approve them, we hope to submit the Order for making at the meeting of the Privy Council on 10 March.

It would be most helpful if you were able to let me have a reply to this letter by 2 March.

Copies of this letter go for information to the Private Secretaries to the Home Secretary, the Lord President of the Council and the Secretary of State for Scotland.

Yours sincerely
Janet H.
N P PERRY

STATUTORY INSTRUMENTS

1999 No.

NORTHERN IRELAND

CONSTITUTIONAL LAW

The Northern Ireland (Royal Assent to Bills) Order 1999

Made

10th March 1999

Coming into force in accordance with article 1(1)

At the Court at Buckingham Palace, the 10th day of March 1999

Present

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 49(1) of the Northern Ireland Act 1998⁽¹⁾, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.-- (1) This Order may be cited as the Northern Ireland (Royal Assent to Bills) Order 1999 and shall come into force on the appointed day.

(2) In this Order, references to Letters Patent are to Letters Patent signed with Her Majesty's own hand signifying Her Assent to a Bill passed by the Northern Ireland Assembly.

⁽¹⁾ 1998 c.47.

Form and manner of preparation

2.-- (1) Letters Patent are to take the form set out in the Schedule to this Order, subject only to such variations as **are specified in the Schedule itself** or are necessitated by circumstances to be referred to in the Letters Patent on a particular occasion.

(2) They may be prepared on paper or parchment, and may be printed or written or partly printed and partly written.

Publication

3. Letters Patent are to be published in the Belfast Gazette.

Clerk of the Privy Council

“ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other **Realms** and Territories Queen, Head of the Commonwealth, Defender of the Faith, To the Members of the Northern Ireland Assembly GREETING:

WHEREAS you the Members of the Northern Ireland Assembly have passed a Bill the short title of which is set out in the Schedule hereto but the said Bill does not become an Act of the Northern Ireland Assembly without Our Royal Assent;

AND WHEREAS pursuant to the Northern Ireland Act 1998 the said Bill has been submitted to Us by *[insert name of Secretary of State]* one of Our Principal Secretaries of State for Our Royal Assent;

We have therefore caused these Our Letters Patent to be made and have signed them and by them We give Our Royal Assent to the said Bill **COMMANDING** *[insert name of Clerk of the Crown for Northern Ireland]* the Clerk of the Crown for Northern Ireland to seal these Our Letters with the Great Seal of Northern Ireland **AND ALSO COMMANDING** that these Our Letters be notified to the Presiding Officer of the Northern Ireland Assembly;

AND FINALLY WE declare that, in accordance with the Northern Ireland Act 1998, at the beginning of the day on which Our Royal Assent has been notified as aforesaid the said Bill shall become an Act of the Northern Ireland Assembly.

In Witness whereof We have caused these Our Letters to be made Patent

WITNESS Ourselves at _____ the _____ day of _____ in the _____
year of Our Reign _____

By the Queen Herself Signed with Her Own Hand"

(²) Where the Royal Assent is given to more than one Bill this form shall be modified accordingly.

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 5(3) of the Northern Ireland Act 1998, a Bill becomes an Act at the beginning of the day on which Letters Patent signifying Royal Assent are notified to the Presiding Officer of the Assembly. This Order in Council prescribes a standard form for the Letters Patent.

The Order also requires the Letters Patent to be published in the Belfast Gazette.