
STATUTORY INSTRUMENTS

1999 No. 3145

**NORTHERN IRELAND
CONSTITUTIONAL LAW**

The Northern Ireland Assembly
Commission (Crown Status) Order 1999

<i>Made</i>	- - - -	<i>24th November 1999</i>
<i>Laid before Parliament</i>		<i>25th November 1999</i>
<i>Coming into force</i>	- -	<i>in accordance with Article 1</i>

At the Court at Buckingham Palace, the 24th day of November 1999

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by paragraph 6(1) of Schedule 5 to the Northern Ireland Act 1998(1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Northern Ireland Assembly Commission (Crown Status) Order 1999 and shall come into force on the appointed day(2).

Commencement Information

II Art. 1 in force at 2.12.1999, see [art. 1](#)

Planning

2.—(1) The Commission shall be treated as a Crown body for the purposes of the Planning (Northern Ireland) Order 1991(3) (“the Planning Order”) and accordingly—

(1) 1998 c. 47.

(2) “the appointed day” is defined in section 3(1) of the Northern Ireland Act 1998.

(3) S.I. 1991/1220 (NI 11).

- (a) the estate of the Commission in any land shall be treated as a Crown estate;
- (b) any development or works carried out by or on behalf of the Commission shall be treated as development or works carried out by or on behalf of the Crown; and
- (c) the use of land by the Commission shall be treated as use by or on behalf of the Crown.

(2) In relation to land which is Crown land by virtue only of paragraph (1)(a), “the appropriate authority” for the purposes of Part XII of the Planning Order shall be the Commission.

(3) If the Commission is entitled to occupy Crown land by virtue of a licence in writing, that licence shall be treated as a Crown estate rather than a private estate.

(4) To the extent that the Commission has responsibility for the management of any land in which it has no estate, the Commission shall be treated as a government department for the purposes of sub-paragraph (b) of the definition of “the appropriate authority” in Article 118(1) of the Planning Order.

(5) This Article shall be construed as if it were contained in Part XII of the Planning Order.

Commencement Information

I2 Art. 2 in force at 2.12.1999, see [art. 1](#)

Historic monuments

3.—(1) The Commission shall be treated as a Crown body for the purposes of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995(4) (“the 1995 Order”) and accordingly—

- (a) the estate of the Commission in any land shall be treated as a Crown estate;
- (b) any works carried out by or on behalf of the Commission shall be treated as works carried out by or on behalf of the Crown; and
- (c) the use of land by the Commission shall be treated as use by or on behalf of the Crown.

(2) In relation to land which is Crown land by virtue only of paragraph (1)(a), “the appropriate authority” for the purposes of Article 37 of the 1995 Order shall be the Commission.

(3) To the extent that the Commission has responsibility for the management of any land in which it has no estate, the Commission shall be treated as a government department for the purposes of sub-paragraph (b) of the definition of “the appropriate authority” in Article 37(3) of the 1995 Order.

(4) This Article shall be construed as if it were contained in the 1995 Order.

Commencement Information

I3 Art. 3 in force at 2.12.1999, see [art. 1](#)

Building regulations

4.—(1) The Commission shall be treated as a Crown body for the purposes of the Building Regulations (Northern Ireland) Order 1979(5) (“the Building Regulations Order”) and accordingly—

- (a) the interest of the Commission in any land shall be treated as a Crown interest;

(4) [S.I. 1995/1625 \(NI 9\)](#).

(5) [S.I. 1979/1709 \(NI 16\)](#).

- (b) any works carried out by or on behalf of the Commission shall be treated as works carried out by or on behalf of a Crown authority; and
 - (c) any building an interest in which belongs to the Commission shall be treated as a Crown building.
- (2) This Article shall be construed as if it were contained in the Building Regulations Order.

Commencement Information

I4 Art. 4 in force at 2.12.1999, see [art. 1](#)

Fire precautions

5.—(1) The Commission shall be treated as a Crown body for the purposes of Part III of the Fire Services (Northern Ireland) Order 1984⁽⁶⁾ (“the Fire Services Order”) and accordingly for the purposes of Article 49 of that Order—

- (a) the occupation of any premises by the Commission shall be treated as occupation by the Crown; and
 - (b) any premises owned by the Commission shall be treated as premises owned by the Crown.
- (2) This Article shall be construed as if it were contained in the Fire Services Order.

Commencement Information

I5 Art. 5 in force at 2.12.1999, see [art. 1](#)

Health and Safety at Work

6.—(1) The Commission shall be treated as a Crown body for the purposes of Part II of the Health and Safety at Work (Northern Ireland) Order 1978⁽⁷⁾ (“the Health and Safety at Work Order”) and accordingly for the purposes of Article 44 of that Order—

- (a) any reference to the Crown shall be treated as including a reference to the Commission; and
 - (b) any reference to persons in the public service of the Crown shall be treated as including a reference to persons employed by the Commission.
- (2) This Article shall be construed as if it were contained in the Health and Safety at Work Order.

Commencement Information

I6 Art. 6 in force at 2.12.1999, see [art. 1](#)

Licensing

7. The Commission shall be treated as a Crown body for the purposes of the Licensing (Northern Ireland) Order 1996⁽⁸⁾.

⁽⁶⁾ S.I. 1984/1821 (NI 11).
⁽⁷⁾ S.I. 1978/1039 (NI 9).
⁽⁸⁾ S.I. 1996/3158 (NI 22).

Commencement Information

I7 Art. 7 in force at 2.12.1999, see [art. 1](#)

Value Added Tax

8. The Commission shall be treated as a Crown body for the purposes of the Value Added Tax Act 1994(9) and accordingly for the purposes of section 41 of that Act (application to the Crown) it shall be treated as a government department.

Commencement Information

I8 Art. 8 in force at 2.12.1999, see [art. 1](#)

[^{F1}Data Protection Act 2018

9.—(1) The Commission is to be treated as a Crown body for the purposes of the Data Protection Act 2018 to the extent specified in this article.

(2) The Commission is to be treated as a government department for the purposes of the following provisions—

- (a) section 8(d) (lawfulness of processing under the [^{F2}UK GDPR]: public interest etc),
- (b) section 209 (application to the Crown),
- (c) paragraph 6 of Schedule 1 (statutory etc and government purposes),
- (d) paragraph 7 of Schedule 2 (exemptions from the [^{F3}UK GDPR]: functions designed to protect the public etc), and
- (e) paragraph 8(1)(o) of Schedule 3 (exemptions from the [^{F4}UK GDPR]: health data).

(3) In the provisions mentioned in paragraph (4)—

- (a) references to employment by or under the Crown are to be treated as including employment as a member of staff of the Commission, and
- (b) references to a person in the service of the Crown are to be treated as including a person so employed.

(4) The provisions are—

- (a) section 24(3) (exemption for certain data relating to employment under the Crown), and
- (b) section 209(6) (application of certain provisions to a person in the service of the Crown).

^{F5}(5)]

F1 Art. 9 substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 238** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

F2 Words in art. 9(2)(a) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 30(a)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)

F3 Words in art. 9(2)(d) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 30(a)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)

(9) 1994 c. 23.

- F4** Words in art. 9(2)(e) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 30(a)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 9(5) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 30(b)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)

A. K. Galloway
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the Northern Ireland Assembly Commission, established by section 40 of the Northern Ireland Act 1998 (c. 47), to be treated as a Crown Body for the purposes of—

- (a) the Planning (Northern Ireland) Order 1991 (S.I. 1991/1220 (N.I.11));
- (b) the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995 (S.I. 1995/1625 (N.I.9));
- (c) the Building Regulations (Northern Ireland) Order 1979 (S.I. 1979/1709 (N.I.16));
- (d) the Fire Services (Northern Ireland) Order 1984, Part III (S.I. 1984/1821 (N.I.11));
- (e) the Health and Safety at Work (Northern Ireland) Order 1978, Part II (S.I. 1978/1039 (N.I.9));
- (f) the Licensing (Northern Ireland) Order 1996 (S.I. 1996/3158 (N.I.22));
- (g) the Value Added Tax Act 1994 (c. 23);
- (h) the Data Protection Act 1984 (c. 35); and
- (i) the Data Protection Act 1998 (c. 29).

It also makes provision consequential upon and supplementary to the foregoing provisions.

Changes to legislation:

There are currently no known outstanding effects for the The Northern Ireland Assembly Commission (Crown Status) Order 1999.