

These notes relate to the Lords Amendments to the Northern Ireland (Miscellaneous Provisions) Bill, as brought from the House of Lords on 4th March 2014 [Bill 179]

NORTHERN IRELAND (MISCELLANEOUS PROVISIONS) BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

INTRODUCTION

1. These explanatory notes relate to the Lords Amendments to the Northern Ireland (Miscellaneous Provisions) Bill, as brought from the House of Lords on 4th March 2014. They have been prepared by the Northern Ireland Office in order to assist the reader of the Bill and the Lords Amendments and to help inform debate on the Lords Amendments. They do not form part of the Bill and have not been endorsed by Parliament.
2. These notes, like the Lords Amendments themselves, refer to HL Bill 58, the Bill as first printed for the Lords.
3. These notes need to be read in conjunction with the Lords Amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the effect of the Lords Amendments.
4. All the Lords Amendments were in the name of the Minister.

COMMENTARY ON LORDS AMENDMENTS

Lords Amendments 1, 2 and 3

5. Lords Amendments 1, 2 and 3 would have the effect of limiting the extent of any change in the number of members of the Assembly returned for each constituency to not less than five and not more than six members per constituency and would require that a Bill brought by the Assembly making provision for such a change must have cross-community support at the point at which the Bill is passed in the Assembly. If any such Bill does not have cross-community support, amendment 3 would prohibit the Secretary of State from submitting such a Bill for Royal Assent. Amendment 3 would also provide that the operation of section 7A of the Northern Ireland Act 1998 is not affected by the provisions of section 53 (Agreements etc. by persons participating in Councils).

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Lords Amendment 4

6. Lords Amendment 4 would require the Secretary of State to lay a report in Parliament prior to bringing forward an Order in Council that makes the Civil Service Commissioners for Northern Ireland a transferred matter. The Secretary of State would be required to lay such a report at least three months prior to laying that Order. The report would have to set out the Secretary of State's view of the effect that the Order would have on the Commissioners' independence, the application of the merit principle in respect of appointments to the Northern Ireland Civil Service, and the impartiality of the Northern Ireland Civil Service.

Lords Amendments 5 and 6

7. Lords Amendments 5 and 6 would require the Secretary of State to lay a report in Parliament prior to bringing forward an Order in Council that makes the Northern Ireland Human Rights Commission a transferred matter. The Secretary of State would be required to lay such a report at least three months prior to laying that Order. The report would have to set out the Secretary of State's view of the effect that the Order would have on the Commission's independence, the application of internationally accepted principles relating to national human rights institutions and the Commission's relationship with the Assembly.

Lords Amendments 7 and 8

8. Lords Amendments 7 and 8 are minor and technical amendments which would change the commencement date for Clause 24 (regulation of biometric data). The amendments would ensure that the changes made to paragraph 8(1) of Schedule 1 to the Protection of Freedoms Act 2012 through Clause 24 would only come into force once paragraph 8(1) of Schedule 1 to the Protection of Freedoms Act 2012 had itself been commenced.

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