



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 19 October 2018

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 1 to 19 and NC1 to NC6

COMMITTEE OF THE WHOLE HOUSE

NORTHERN IRELAND (EXECUTIVE FORMATION AND EXERCISE OF FUNCTIONS) BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Nigel Mills

15

★ Clause 1, page 1, line 16, at end insert—

“(4A) If the period mentioned in section 16(A)(3) of the Northern Ireland Act 1998, as modified by subsection (1), ends without the Ministerial offices having been filled section 32 of the Northern Ireland Act 1998 has effect as if for subsection (3) there were substituted—

“(3) The Secretary of State shall within 7 calendar days of the end of the period mentioned in section 16(A)(3) set a date for the poll for the election of the next Northern Ireland Assembly. The date set shall be no

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later than 3 calendar months after the end of the period mentioned in section 16(A)(3).”

Member’s explanatory statement

This amendment would require elections in Northern Ireland to be called if Ministerial offices are not filled by 26 March 2019.

Dr Andrew Murrison

1

- ★ Clause 2, page 2, line 20, leave out paragraph (b)

Member’s explanatory statement

This amendment would prevent the Secretary of State from extending the deadline for appointment of Northern Ireland Ministers without the approval of Parliament.

Mr Steve Baker

10

- ★ Clause 3, page 3, line 2, at end insert—

“(1A) But the absence of Northern Ireland Ministers is not to be treated as allowing any senior officer of a Northern Ireland department to agree that distinct arrangements are appropriate for Northern Ireland in connection with leaving the European Union.”

Member’s explanatory statement

This amendment would prevent senior officers of Northern Ireland Departments acting in place of the Northern Ireland Executive and Assembly to agree to distinct arrangements under the terms of paragraph 50 of the Joint Report dated 8 December 2017 from the negotiators of the EU and the UK Government on progress during phase 1 of Brexit negotiations, TF50 (2017) 19.

Mr Steve Baker

11

- ★ Clause 3, page 3, line 2, at end insert—

“(1A) The absence of Northern Ireland Ministers is not to be treated as allowing any senior officer of a Northern Ireland department to make any provision for implementing new EU obligations after exit day.”

Member’s explanatory statement

This amendment would prevent senior officers of Northern Ireland Departments acting in the absence of Northern Ireland Ministers from preparing to implement any new EU obligations that could arise during an implementation or transition period or under a Northern Ireland backstop.

Mr Steve Baker

12

- ★ Clause 3, page 3, line 2, at end insert—

“(1A) The absence of Northern Ireland Ministers is not to be treated as allowing any senior officer of a Northern Ireland department to prepare for, or to implement, any trade or regulatory barriers between Northern Ireland and Great Britain.”

Member’s explanatory statement

This amendment would prevent senior officers of Northern Ireland Departments acting in the absence of Northern Ireland Ministers from preparing or implementing any trade or regulatory barriers between Northern Ireland and Great Britain.

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Mr Steve Baker

13

★ Clause 3, page 3, line 5, at end insert—

“(2A) The guidance published under subsection (2) must include guidance to ensure the same reciprocal unfettered access as at present for Northern Ireland businesses to the whole of the United Kingdom internal market.”

Member’s explanatory statement

This amendment would require the Secretary of State to ensure that senior officers of Northern Ireland Departments acting in the absence of Northern Ireland Ministers fully implement the terms of paragraph 50 of the Joint Report dated 8 December 2017 from the negotiators of the EU and the UK Government on progress during phase 1 of Brexit negotiations, TF50 (2017) 19.

Mr Steve Baker

14

★ Clause 3, page 3, line 5, at end insert—

“(2A) The guidance published under subsection (2) must include as a principle the maintenance of the integrity of the United Kingdom internal market.”

Member’s explanatory statement

This amendment would require the Secretary of State’s guidance to include as a principle to be taken into account by senior officers of Northern Ireland Departments when deciding whether or not to exercise a function the maintenance of the integrity of the United Kingdom internal market.

Dr Andrew Murrison

2

★ Clause 3, page 3, line 7, at end insert—

“(3A) The guidance must direct departments to take action on the following areas—

- (a) implementing the recommendations of the Historical Institutional Abuse Inquiry (the Hart Report),
- (b) instigating any research, consultations or planning required for post-Brexit policy,
- (c) designing and implementing devolved post-Brexit functions in relation to Northern Ireland fishing and agriculture that would normally fall to the Northern Ireland Executive,
- (d) taking decisions on infrastructure planning and projects that will benefit Northern Ireland.”

Member’s explanatory statement

This amendment highlights four key areas where guidance must be issued.

Dr Andrew Murrison

3

★ Clause 3, page 3, line 34, after “Assembly” insert “and Members of Parliament”.

Member’s explanatory statement

This amendment would require the Secretary of State to have regard to representations from MPs as well as MLAs before publishing guidance.

Dr Andrew Murrison

4

★ Clause 3, page 3, line 34, at end insert—

“(9A) If the Secretary of State wishes to revise or amend the guidance, they must write to the Northern Ireland Affairs Committee at least 30 sitting days before the revised guidance is issued to seek its views on the proposed changes.”

Member’s explanatory statement

This amendment would require the Secretary of State to consult the Northern Ireland Affairs Committee before changing the guidance.

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Dr Andrew Murrison

5

- ★ Clause 3, page 3, line 42, at end insert—

“Northern Ireland Affairs Committee” means the Northern Ireland Affairs Committee of the House of Commons and—

- (a) if the name of that Committee is changed, is to be treated as a reference to that Committee by its new name, and
- (b) if the functions of that Committee (or substantially corresponding functions) become functions of a different Committee of the House of Commons, is to be treated as a reference to the Committee by which those functions are exercisable.”

Member’s explanatory statement

This amendment defines the Northern Ireland Affairs Committee of the House of Commons for the purpose of Clause 3.

Gareth Thomas

17

- ★ Clause 3, page 4, line 7, at end insert “which must include guidance to meet the requirements of section (Guidance on exercise of departmental functions: credit unions).”

Member’s explanatory statement

This amendment is linked to NC4 with the intention of requiring Northern Ireland Departments, in the continued absence of Northern Ireland Ministers, to promote credit unions in Northern Ireland.

Gareth Thomas

18

- ★ Clause 3, page 4, line 7, at end insert “which must include guidance to meet the requirements of section (Guidance on exercise of departmental functions: energy co-operatives).”

Member’s explanatory statement

This amendment is linked to NC5 with the intention of requiring Northern Ireland Departments, in the continued absence of Northern Ireland Ministers, to promote energy co-operatives in Northern Ireland.

Gareth Thomas

19

- ★ Clause 3, page 4, line 7, at end insert “which must include guidance to meet the requirements of section (Guidance on exercise of departmental functions: housing co-operatives).”

Member’s explanatory statement

This amendment is linked to NC6 with the intention of requiring the Northern Ireland Department for Communities, in the continued absence of Northern Ireland Ministers, to promote housing co-operatives in Northern Ireland.

Dr Andrew Murrison

6

- ★ Clause 4, page 4, line 26, at end insert “, publish the advice received and write to the Northern Ireland Affairs Committee to notify the Committee of the appointment

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decision prior to the appointment being made.”

Member's explanatory statement

This amendment requires the relevant Minister of the Crown to consult the Northern Ireland Affairs Committee of the House of Commons before exercising an appointment function in relation to a specified office.

Nigel Mills

16

★ Clause 4, page 4, line 26, at end insert—

“(5A) Before exercising an appointment function in reliance on subsection (1) in relation to a role with an annual salary of £100,000 or more the relevant Minister of the Crown must refer their recommendation for the appointment to the Northern Ireland Affairs Committee of the House of Commons for a pre-appointment scrutiny hearing.

(5B) The Minister of the Crown may not proceed with the appointment referred to in subsection (5A) for a period of 30 calendar days from the date of referral to the Northern Ireland Affairs Committee of the House of Commons.

(5C) Any reference in this Act to the Northern Ireland Affairs Committee of the House of Commons—

(a) if the name of that Committee is changed, is to be treated as a reference to that Committee by its new name, and

(b) if the functions of that Committee (or substantially corresponding functions) become functions of a different Committee of the House of Commons, is to be treated as a reference to the Committee by which those functions are exercisable.

(5D) Any question arising under sub-paragraph (5C) is to be determined by the Speaker of the House of Commons.”

Member's explanatory statement

This amendment would require the more highly-paid public appointments to be subject to scrutiny by the Northern Ireland Affairs Select Committee of the House of Commons.

Dr Andrew Murrison

7

★ Clause 5, page 4, line 36, at end insert “, publish the advice received and write to the Northern Ireland Affairs Committee to notify the Committee of the appointment decision prior to the appointment being made.”

Member's explanatory statement

This amendment requires the relevant Northern Ireland department to consult the Northern Ireland Affairs Committee of the House of Commons before exercising an appointment function which normally require consultation with, or the consent of, Northern Ireland Ministers.

Dr Andrew Murrison

8

★ Clause 6, page 5, line 7, at end insert “, publish the advice received and write to the Northern Ireland Affairs Committee to notify the Committee of the appointment decision prior to the appointment being made.”

Member's explanatory statement

This amendment requires the Secretary of State to consult the Northern Ireland Affairs Committee

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of the House of Commons before exercising an appointment function which is normally exercisable by Northern Ireland Ministers acting jointly with the Secretary of State.

Dr Andrew Murrison

9

★ Clause 7, page 5, line 34, at end insert—

“Northern Ireland Affairs Committee” means the Northern Ireland Affairs Committee of the House of Commons and—

- (a) if the name of that Committee is changed, is to be treated as a reference to that Committee by its new name, and
- (b) if the functions of that Committee (or substantially corresponding functions) become functions of a different Committee of the House of Commons, is to be treated as a reference to the Committee by which those functions are exercisable.”

Member’s explanatory statement

This amendment defines the Northern Ireland Affairs Committee of the House of Commons for the purposes of Clauses 4 to 6.

Nigel Mills

NC1

★ To move the following Clause—

“Fisheries: termination of Voisinage Agreement

- (1) Subject to the condition in subsection (2), the Government shall bring forward before 31 March 2019 measures that end the Voisinage Agreement;
- (2) Subsection (1) shall not apply if the Republic of Ireland has brought into force by 31 March 2019 the provisions contained in the Sea Fisheries (Amendment) Bill 2017.”

Member’s explanatory statement

This new clause would require the reciprocal voisinage fisheries arrangement with the Republic of Ireland to be ended by 31 March 2018 unless the Republic of Ireland has enacted a Bill exempting Northern Ireland sea-fishing vessels from being treated within Irish exclusive fishery limits as a foreign vessel.

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Stella Creasy
Conor McGinn

NC2

- ★ To move the following Clause—

“Equal rights for people of Northern Ireland

In the absence of Northern Ireland Ministers to address the matters identified by the Supreme Courts in relation to the human rights of the people of Northern Ireland, the Secretary of State shall make provision for—

- (a) repeal of sections 58 and 59 of the Offences against the Person Act 1861 where they pertain to management of public services in Northern Ireland, and
- (b) repeal of section 6(6)(e) of the Marriage (NI) Order 2003.”

Member’s explanatory statement

This new clause would allow for action to be taken in the absence of Northern Ireland Ministers to repeal legislation which adversely affects the human rights of people in Northern Ireland.

Stella Creasy
Conor McGinn

NC3

- ★ To move the following Clause—

“Human rights proceedings: Northern Ireland Human Rights Commission

- (1) For the purposes of ensuring the effective functioning of the Human Rights Act 1998 and the Northern Ireland Human Rights Commission in the absence of the Northern Ireland Ministers, the Northern Ireland Act 1998 is amended as follows.
- (2) In section 71(2B)(c), after “unlawful act” insert “if any”.
- (3) In section 71(2C)(a)(i), omit “section” and insert “sections 3, 4(2), 4(4) or”.

Member’s explanatory statement

This new clause responds to paragraph 18 of the UK Supreme Court judgment in the matter of an application by the Northern Ireland Human Rights Commission for judicial review in relation to abortion in Northern Ireland, UKSC [2018] 27, and also removes impediments to the work of the Northern Ireland Human Rights Commission which has affected the NIHRC’s ability to protect human rights in the absence of NI Ministers.

Gareth Thomas

NC4

- ★ To move the following Clause—

“Guidance on exercise of departmental functions: credit unions

- (1) The guidance published under section 3(2) must include guidance on credit unions.
- (2) Guidance under this section includes, but is not limited to, guidance to —
 - (a) senior officers of the Department for Communities in the exercise of the functions in relation to—

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- (i) promoting and protecting the interests of children, older people, people with disabilities, and other socially excluded groups, and
- (ii) providing emergency financial assistance; and
- (b) senior officers of the Department of the Economy in the exercise of the functions in relation to—
 - (i) business regulation including consumer affairs services,
 - (ii) mutuals policy, legislation and operations, and
 - (iii) the social economy.
- (3) Guidance under this section must include the promotion of credit unions in Northern Ireland to combat organised crime, to reduce financial exclusion, to assist the social inclusion of marginalised groups and to promote financial well-being in all parts of Northern Ireland.”

Member's explanatory statement

The intention of this new clause is to require Northern Ireland Departments, in the continued absence of Northern Ireland Ministers, to promote credit unions in Northern Ireland.

Gareth Thomas

NC5

- ★ To move the following Clause—

“Guidance on exercise of departmental functions: energy co-operatives

- (1) The guidance published under section 3(2) must include guidance on energy co-operatives.
- (2) Guidance under this section includes, but is not limited to, guidance to —
 - (a) senior officers of the Department of the Economy in the exercise of their functions in relation to—
 - (i) energy policy and legislation;
 - (ii) sustainable energy, including energy efficiency measures;
 - (iii) assistance to the gas and electricity industries;
 - (iv) Renewable Heat Incentive Scheme and associated costs;
 - (v) the social economy; and
 - (vi) making certain payments to the Department of Business, Energy and Industry Strategy; and
 - (b) senior officers of the Department for Infrastructure in the exercise of their functions in relation to energy matters.
- (3) Guidance under this section must include the promotion of energy co-operatives in Northern Ireland to combat fuel poverty and to encourage the safe, sustainable, affordable and efficient production and consumption of energy in all parts of Northern Ireland.”

Member's explanatory statement

The intention of this new clause is to require Northern Ireland Departments, in the continued absence of Northern Ireland Ministers, to promote energy co-operatives in Northern Ireland.

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Gareth Thomas

NC6

★ To move the following Clause—

“Guidance on exercise of departmental functions: housing co-operatives

- (1) The guidance published under section 3(2) must include guidance on housing co-operatives.
- (2) Guidance under this section includes, but is not limited to, guidance to senior officers of the Department for Communities in the exercise of their functions in relation to—
 - (a) loans for certain home improvement loans;
 - (b) housing led regeneration;
 - (c) regulation of the NI Housing Association sector;
 - (d) urban regeneration including services such as property maintenance and events;
 - (e) community and voluntary sector;
 - (f) grants to district councils in support of local services and transferred functions;
 - (g) built heritage; and
 - (h) grants and grants-in-aid.
- (3) Guidance under this section must include the promotion of housing co-operatives in Northern Ireland to combat poverty, family breakdown and social exclusion and to encourage the provision safe, sustainable, affordable and energy-efficient homes in all parts of Northern Ireland.”

Member’s explanatory statement

The intention of this new clause is to require the Northern Ireland Department for Communities, in the continued absence of Northern Ireland Ministers, to promote housing co-operatives in Northern Ireland.
