

# Northern Ireland (Executive Formation) Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

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*[Amendments marked ★ are new or have been altered]*

Amendment  
No.

**After Clause 2**

BARONESS O'LOAN  
LORD MORROW

1★

Insert the following new Clause—

**“Involvement of MLAs pending Executive formation**

- (1) When the Secretary of State lays a report before Parliament under section 3 of this Act, he or she must send a copy of the report to each member of the Northern Ireland Assembly.
- (2) Before a statutory instrument may be laid before each House of Parliament under any provision of this Act, the conditions in subsections (3) and (4) must be met.
- (3) The first condition is that the Secretary of State must—
  - (a) consult individually with members of the Northern Ireland Assembly on the proposals in the regulations; and
  - (b) lay a report before each House of Parliament on the outcome of the consultations held under this section, including the number of members of the Northern Ireland Assembly in favour of and against each of the regulations.
- (4) The second condition is that the regulations under the relevant section may only be laid before Parliament if a majority of the members of the Northern Ireland Assembly support the proposed regulations under the relevant section as stated in the report laid before Parliament under subsection (3)(b).
- (5) In this section, “the relevant section” means any section of the Northern Ireland (Executive Formation) Act 2019 which requires the Secretary of State to make regulations.”

### Clause 3

LORD ANDERSON OF IPSWICH  
LORD GOLDSMITH  
LORD NEWBY  
VISCOUNT HAILSHAM

2★ Page 2, line 19, at end insert “, which shall be considered by each House of Parliament in accordance with subsection (2A).”

3★ Page 2, line 20, leave out subsection (2) and insert –

“(2A) The Secretary of State must make arrangements for –

- (a) a copy of each report published under subsection (1) to be laid before each House of Parliament by the end of the day on which it is published,
  - (b) a motion in neutral terms, to the effect that the House of Commons has considered the report, to be moved in the House of Commons by a Minister of the Crown, and
  - (c) a motion for the House of Lords to take note of the report to be tabled in the House of Lords and moved by a Minister of the Crown.
- (2B) The motions required under subsections (2A)(b) and (c) must be moved in the relevant House by a Minister of the Crown within the period of five calendar days beginning with the end of the day on which the report is laid before Parliament.”

BARONESS BUTLER-SLOSS  
LORD MCCOLL OF DULWICH

4★ Page 3, line 32, at end insert –

“( ) The report under subsection (1) must include a report to be published on or before 4 September 2019 on progress on the arrangements for appointing independent guardians under section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. The report must cover –

- (a) the number of children for whom an independent guardian has been appointed –
  - (i) for whom a reference has been made to a competent authority for a determination as to whether the child is a victim of trafficking in human beings; and
  - (ii) who have been determined to be a separated child by the Regional Health and Social Care Board;
- (b) the immigration status of the children for whom an independent guardian has been appointed;
- (c) the length of time for which an independent guardian assists, represents and supports a child;
- (d) the number of persons for whom an independent guardian has continued to act in relation to a person after that person attains the age of 18 but is under the age of 21, with the consent of that person, according to section 21(10) of that Act;

**Clause 3 - continued**

- (e) the processes established to ensure relevant persons or bodies recognise and pay due regard to the functions of the independent guardian and provide the independent guardian with access to relevant information in accordance with section 21(8) of that Act and the effectiveness of those processes.”

## LORD EMPEY

- 5★ Page 4, line 2, at end insert –  
“( ) The Secretary of State must, on or before 21 October 2019, publish a report on progress on the establishment of a Renewable Heat Incentive Hardship Unit in the Department for the Economy (unless an Executive has already been formed).”
- 6★ Page 4, line 2, at end insert –  
“( ) The Secretary of State must, on or before 21 October 2019, publish a report on progress on libel legislation in Northern Ireland and any plans to align Northern Irish legislation with libel legislation in the rest of the United Kingdom (unless an Executive has already been formed).”
- 7★ Page 4, line 2, at end insert –  
“( ) The Secretary of State must, on or before 21 October 2019, publish a report on progress of the implementation of the Protect Life 2 – Strategy for Suicide Prevention in Northern Ireland (unless an Executive has already been formed).”
- 8★ Page 4, line 2, at end insert –  
“( ) The Secretary of State must, on or before 21 October 2019, publish a report on an assessment of how much demand there is for elective care services and how this is exceeding health service capacity for both new and existing patients across Northern Ireland, and detailing each of the current measures being taken to reduce health and social care waiting times, as well as those that are planned, and the impact of NHS waiting times on children (unless an Executive has already been formed).”
- 9★ Page 4, line 2, at end insert –  
“( ) The Secretary of State must, on or before 1 December 2019, publish a report on the future welfare mitigation support measures that will be in place after March 2020 (unless an Executive is formed on or before 1 December 2019).”

**Clause 5**

BARONESS BUTLER-SLOSS  
LORD MCCOLL OF DULWICH

- 10★ Page 4, line 31, after “for” insert “independent guardians and”

### Clause 8

LORD HAYWARD  
LORD BRUCE OF BENNACHIE  
BARONESS MASSEY OF DARWEN

11★

Page 6, line 3, leave out subsections (1) to (4) and insert—

- “(1) The Secretary of State must, by regulations, make provision so that—
- (a) two persons who are of the same sex are eligible to marry in Northern Ireland, and
  - (b) two persons who are not of the same sex are eligible to form a civil partnership in Northern Ireland,
- provided that, apart from the question of sex, they would be eligible to marry or form a civil partnership (as the case may be).
- (2) Regulations under subsection (1) must be made so as to come into force on or before 13 January 2020 (but this does not in any way limit the re-exercise of the power).
- (3) The Secretary of State may, by regulations, make any other provision that appears to the Secretary of State to be appropriate in view of—
- (a) the extension of eligibility to marry in Northern Ireland to persons of the same sex, and
  - (b) the extension of eligibility to form civil partnerships in Northern Ireland to persons who are not of the same sex.
- (4) Regulations under subsection (3) may, in particular, make provision about—
- (a) parenthood and parental responsibility of parties to a marriage or civil partnership;
  - (b) the application by a party to a marriage or civil partnership for a gender recognition certificate under the Gender Recognition Act 2004, or the issuing of such a certificate, and the consequences of that application or issuing for the marriage or civil partnership;
  - (c) the financial consequences of marriage or civil partnership (for example, in relation to pensions or social security);
  - (d) the treatment under the law of Northern Ireland of marriages, civil partnerships or relationships similar to civil partnerships formed outside of Northern Ireland.
- (5) The Secretary of State may, by regulations, make provision for and in connection with a right to—
- (a) convert a marriage into a civil partnership;
  - (b) convert a civil partnership into a marriage.

Such regulations may, in particular, make provision equivalent or similar to that contained in or authorised by section 9 of the Marriage (Same Sex Couples) Act 2013.

- (6) The Secretary of State may, by regulations, make any provision that the Secretary of State considers appropriate in order to protect the ability to act in accordance with religious or other belief or opinion in relation to marriage or civil partnership (including the conversion of marriage into civil partnership and vice versa).

**Clause 8 - continued**

- (7) Regulations under this section—
- (a) may make provision for fees to be payable;
  - (b) may make provision conferring a discretion on a person;
  - (c) may make provision enabling a person to make regulations (and such regulations may make provision for fees to be payable);
  - (d) may include provision amending, repealing or revoking any provision made by an Act of Parliament or Northern Ireland legislation;
  - (e) may, in so far as made in reliance on section (*Regulations: procedure and supplementary 1*)(4), include provision amending or repealing provision made by an Act or Measure of the National Assembly for Wales or an Act of the Scottish Parliament.
- (8) In this section—
- (a) references to marriage in Northern Ireland (however expressed) include references to marriage outside of the United Kingdom by virtue of eligibility to marry in Northern Ireland (in accordance with Part 1 or Part 3 of Schedule 6 to the Marriage (Same Sex Couples) Act 2013);
  - (b) references to forming a civil partnership in Northern Ireland include references to registering as civil partners outside the United Kingdom by virtue of eligibility to do so in Northern Ireland (in accordance with section 210(2)(b) or 211(2)(b) of the Civil Partnership Act 2004).”

**Clause 9**

BARONESS BARKER

LORD DUBS

BARONESS WATKINS OF TAVISTOCK

12★

Page 6, line 16, leave out subsections (1) to (4) and insert—

- “(1) The Secretary of State must ensure that the recommendations in paragraphs 85 and 86 of the CEDAW report are implemented in respect of Northern Ireland.
- (2) Sections 58 and 59 of the Offences Against the Person Act 1861 (attempts to procure abortion) are repealed under the law of Northern Ireland.
- (3) No investigation may be carried out, and no criminal proceedings may be brought or continued, in respect of an offence under those sections under the law of Northern Ireland (whenever committed).
- (4) The Secretary of State must by regulations make whatever other changes to the law of Northern Ireland appear to the Secretary of State to be necessary or appropriate for the purpose of complying with subsection (1).
- (5) Regulations under subsection (4) must, in particular, make provision for the purposes of regulating abortions in Northern Ireland, including provision as to the circumstances in which an abortion may take place.
- (6) Regulations under subsection (4) must be made so as to come into force by 13 January 2020 (but this does not in any way limit the re-exercise of the power).
- (7) The Secretary of State must carry out the duties imposed by this section expeditiously, recognising the importance of doing so for protecting the human rights of women in Northern Ireland.
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**Clause 9 - continued**

- (8) The Secretary of State may by regulations make any provision that appears to the Secretary of State to be appropriate in view of subsection (2) or (3).
- (9) Regulations under this section may make any provision that could be made by an Act of the Northern Ireland Assembly.
- (10) In this section “the CEDAW report” means the Report of the Inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/OP.8/GBR/1) published on 6 March 2018.”

LORD MORROW

13★ Page 6, line 18, leave out “statutory instrument” and insert “order”

14★ Page 6, line 24, leave out “A statutory instrument” and insert “An order”

**After Clause 9**

LORD HAYWARD  
LORD BRUCE OF BENNACHIE  
BARONESS MASSEY OF DARWEN

15★ Insert the following new Clause –

**“Regulations: procedure and supplementary 1**

- (1) Regulations under section 8 are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under section 8 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A power to make regulations under section 8 may be used to make different provision for different purposes.
- (4) Regulations under section 8 may make incidental, supplementary, consequential, transitional or saving provision.”

BARONESS O'LOAN  
LORD MACKAY OF CLASHFERN  
LORD TRIMBLE

16★ Insert the following new Clause –

**“Requirement for majority of MLAs to support regulations**

- (1) Before a statutory instrument can be laid in each House of Parliament under section 9 of this Act, the conditions in subsections (2) and (3) must be met.
- (2) The first condition is that the Secretary of State must –
  - (a) consult individually with members of the Northern Ireland Assembly on the proposals of the regulations; and
  - (b) lay a report before each House of Parliament on the outcome of the consultation held under this section, including the number of members of the Northern Ireland Assembly in favour of and against the regulations.

**After Clause 9 - continued**

- (3) The second condition is that the relevant regulations under section 9 may only be laid before Parliament if a majority of the members of the Northern Ireland Assembly support the regulations as stated in the report laid before Parliament under subsection (2)(b).”

LORD HAIN  
LORD BRUCE OF BENNACHIE  
LORD CORMACK  
LORD EAMES

17★ Insert the following new Clause –

**“Victims’ payments**

- (1) The Secretary of State must by regulations establish a scheme under the law of Northern Ireland which provides for one or more payments to be made to, or in respect of, a person who has sustained an injury as a result of a Troubles-related incident.
- (2) The first regulations under subsection (1) must be made before the end of January 2020 and come into force before the end of May 2020.
- (3) Regulations under subsection (1) must make provision as to the eligibility criteria for payments under the scheme which may, in particular, relate to –
- (a) the nature or extent of a person’s injury;
  - (b) how, when or where the injury was sustained;
  - (c) residence or nationality;
  - (d) whether or not a person has been convicted of an offence.
- (4) Regulations under subsection (1) may make provision for the reimbursement of costs incurred by a person in connection with an application under the scheme (whether or not the application is successful).
- (5) Regulations under subsection (1) may, in particular, make provision –
- (a) for determining the amount of any payment;
  - (b) for payments to be made in respect of past periods (including periods before this Act was passed);
  - (c) for payments to be reduced or repaid (in whole or in part) in specified circumstances;
  - (d) about the treatment under other legislation (for example social security legislation) of payments under the scheme.
- (6) Regulations under subsection (1) must make provision of the kind mentioned in subsection (5)(b) so as to ensure that where –
- (a) a person is eligible under the scheme as the result of an injury sustained by that person before the scheme comes into force, and
  - (b) the person makes an application within a period specified in the regulations (which must not be less than the period of two years beginning with the day on which the scheme comes into force),

the person is entitled to a payment to reflect the amount that the person would have received had the scheme been in force since the making of the Stormont House Agreement.

**After Clause 9 - continued**

- (7) Regulations under subsection (1) may, in particular, make provision about—
- (a) the administration of the scheme (including provision establishing a body or conferring functions on an existing body);
  - (b) the funding of the scheme by money from the Consolidated Fund of Northern Ireland (whether by virtue of grant funding from a Northern Ireland department, the appropriation of money by an Act of the Northern Ireland Assembly or otherwise);
  - (c) the sharing of information between public authorities for the purposes of the scheme;
  - (d) evidential matters;
  - (e) the procedure for the making and deciding of applications (including provision imposing time limits);
  - (f) appeals and reviews;
  - (g) information, advice or assistance in relation to the scheme or payments under it.
- (8) Regulations under subsection (1) may make provision conferring a discretion on a person.
- (9) Regulations under subsection (1)—
- (a) may include provision amending, repealing or revoking any provision made by an Act of Parliament or Northern Ireland legislation, and
  - (b) in so far as made in reliance on section (*Regulations: procedure and supplementary 2*)(4), may also include provision amending or repealing provision made by an Act or Measure of the National Assembly for Wales or an Act of the Scottish Parliament.
- (10) In making the first regulations under this section the Secretary of State must have regard to any advice given by the Commission for Victims and Survivors for Northern Ireland.
- (11) In this section—
- “injury” means any illness or injury (whether physical or mental);
- “the Stormont House Agreement” means the agreement made between parties represented in the Northern Ireland Assembly, the Government of the United Kingdom and the Government of Ireland on 23 December 2014;
- “Troubles-related incident” means an incident involving an act of violence or force carried out in Ireland, the United Kingdom or anywhere in Europe for a reason related to the constitutional status of Northern Ireland or to political or sectarian hostility between people there.”

**18★** Insert the following new Clause—

**“Regulations: procedure and supplementary 2**

- (1) Regulations under section (*Victims’ payments*) are to be made by statutory instrument.

**After Clause 9 - continued**

- (2) A statutory instrument containing regulations under section (*Victims' payments*) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A power to make regulations under section (*Victims' payments*) may be used to make different provision for different purposes.
- (4) Regulations under section (*Victims' payments*) may make incidental, supplementary, consequential, transitional or saving provision."

BARONESS BARKER

LORD DUBS

BARONESS WATKINS OF TAVISTOCK

19★ Insert the following new Clause –

**“Regulations: procedure and supplementary 3**

- (1) Regulations under section 9 are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under section 9 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A power to make regulations under section 9 may be used to make different provision for different purposes.
- (4) Regulations under section 9 may make incidental, supplementary, consequential, transitional or saving provision.”

LORD DUBS

20★ Insert the following new Clause –

**“Reception of unaccompanied refugee children in Northern Ireland: regulations**

- (1) The Secretary of State must by regulations under section 67 of the Immigration Act 2016 provide for the reception of unaccompanied refugee children in Northern Ireland in accordance with that section.
- (2) Regulations under this section must be in force no later than 21 October 2019, subject to subsection (3).
- (3) If a Northern Ireland Executive is formed before the regulations under this section come into force, any regulations made under this section and any extant obligations arising under subsection (1) shall cease to have effect.”

**Clause 10**

BARONESS BARKER

LORD DUBS

BARONESS WATKINS OF TAVISTOCK

21★ Page 6, line 32, leave out subsection (1) and insert –

- “(1) Except as mentioned in subsection (1A), this Act extends to England and Wales, Scotland and Northern Ireland.
- (1A) Sections 9 and (*Regulations: procedure and supplementary 3*) extend to Northern Ireland only.”

**Clause 10 - continued**

LORD HAYWARD  
LORD BRUCE OF BENNACHIE  
BARONESS MASSEY OF DARWEN

- 22★** Page 6, line 33, leave out subsection (2) and insert –
- “(2) Except as mentioned in subsection (2A), this Act comes into force on the day on which it is passed.
- (2A) Sections 8 and (*Regulations: procedure and supplementary 1*) come into force on 22 October 2019, unless an Executive in Northern Ireland is formed on or before 21 October 2019 (in which case they do not come into force at all).
- (2B) For the purposes of this section an Executive is formed once the offices of the First Minister, deputy First Minister and the Northern Ireland Ministers are all filled.”

LORD HAIN  
LORD BRUCE OF BENNACHIE  
LORD CORMACK  
LORD EAMES

- 23★** Page 6, line 33, leave out subsection (2) and insert –
- “(2) Except as mentioned in subsection (2A), this Act comes into force on the day on which it is passed.
- (2A) Sections (*Victims' payments*) and (*Regulations: procedure and supplementary 2*) come into force on 22 October 2019, unless an Executive in Northern Ireland is formed on or before 21 October 2019 (in which case they do not come into force at all).
- (2B) For the purposes of this section an Executive is formed once the offices of the First Minister, deputy First Minister and the Northern Ireland Ministers are all filled.”

BARONESS BARKER  
LORD DUBS  
BARONESS WATKINS OF TAVISTOCK

- 24★** Page 6, line 33, leave out subsection (2) and insert –
- “(2) Except as mentioned in subsection (2A), this Act comes into force on the day on which it is passed.
- (2A) Sections 9 and (*Regulations: procedure and supplementary 3*) come into force on 22 October 2019, unless an Executive in Northern Ireland is formed on or before 21 October 2019 (in which case they do not come into force at all).
- (2B) For the purposes of this section an Executive is formed once the offices of the First Minister, deputy First Minister and the Northern Ireland Ministers are all filled.”

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*16 July 2019*

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