

Concordat between the Department for Work and Pensions and the Department for Communities

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Introduction

Context

1. The aim of this Concordat is to ensure that the close relationship between the Department for Work and Pensions (DWP) and the Department for Communities (DfC) continues and that business between the two Departments is conducted in a smooth and efficient way. It sets out arrangements for consultation, exchange of information (including the terms on which the information is shared), finance, access to services, resolution of disputes and review of relations.
2. The Concordat is agreed in the context of increasing understanding of the implications of devolution for the wider machinery of government across the United Kingdom (UK). It is the responsibility of both Departments to ensure their staff are cognisant of the changing environment.
3. This Concordat is neither a binding agreement nor a contract, but rather a statement of intent about the way DWP and DfC will work together to ensure good communications and the efficient discharge of respective responsibilities. DWP and DfC agree to work in accordance with the principles and obligations set out in this document and will co-operate to the fullest extent to achieve these aims.
4. The Northern Ireland Act 1998 confirmed that responsibility for social security, child support and pensions matters as well as the employment service in Northern Ireland is a matter for the Northern Ireland Assembly “(the Assembly)”. There are, however, some exceptions, for example, the Vaccine Damage Payments Scheme, which has never been administered separately in Northern Ireland. Responsibility for this scheme is not transferred to the Assembly and responsibility remains with DWP. Responsibility for National Insurance contributions and some associated matters is also an excepted matter with executive responsibility resting with HM Revenue and Customs (HMRC) for the whole of the UK.
5. Section 87(1) of the Northern Ireland Act 1998 reinforces the principle of parity between the social security systems in Northern Ireland and Great Britain by requiring the Secretary of State and the Minister responsible for social security, child support and pensions to consult one another with a view to securing, to the extent agreed between them, single systems of social security, child support and pensions. This Concordat sets out how the consultation is taken forward on a practical basis day-to-day by officials in DWP and DfC. This is without prejudice to the duty for direct consultation at Ministerial level.

Memorandum of Understanding

6. A revised [Memorandum of Understanding](#) (MoU) between the UK Government and the devolved administrations in Scotland, Wales and Northern Ireland was agreed in October 2013. This sets out the principles which underlie the working relationships between the UK Government and the devolved administrations. DWP and DfC will implement the practices set out in the MoU and will co-operate to achieve its aims.
7. Both DWP and DfC will work towards the implementation of reformed intergovernmental machinery following the Smith Commission recommendations.

Other statutory and non-statutory agreements

8. Nothing in this Concordat affects relations between the two Departments, which are regulated or affected by a number of statutory and non-statutory agreements:
 - the legal framework for co-ordination and reciprocity in social security, contributions and child support. The current legislation is the Social Security (Northern Ireland Reciprocal Arrangements) Regulations 2016 and the corresponding Social Security (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 2016, and the Child Support (Northern Ireland Reciprocal Arrangements) Regulations 1993 and the corresponding Child Support (Great Britain Reciprocal Arrangements) Regulations (Northern Ireland) 1993;
 - the MoU and Concordat between DWP and HMRC and the equivalent document agreed between DfC and HMRC establish the principles of working relationships in respect of National Insurance contributions and tax credits;
 - working level agreements and/or contractual arrangements on particular aspects of day-to-day administration (a list of the main areas is at **Annex 1**)

Communication and consultation

9. The Belfast Agreement (para 26(e)) recognised that social security in Northern Ireland is governed by separate legislation to that which governs social security in Great Britain although it is an area where parity with Great Britain is normally maintained.
10. In order to ensure that Great Britain and Northern Ireland legislation correspond, or that any divergence can be accommodated, and that implementation timetables can be co-ordinated:
 - DWP and DfC will consult each other as early as possible in the development of policy or operational change to allow particular interests or

local considerations to be properly reflected and to consider the requirements of co-ordination and handling. Both Departments will respect the confidentiality of such exchanges;

- DWP will provide DfC with drafts of consultation documents, White Papers and Green Papers to facilitate, where appropriate, the preparation of briefing for the Northern Ireland Minister prior to publication and, where appropriate, to allow for simultaneous publication in Northern Ireland;
- In recognition of the need to maintain parity between Great Britain and Northern Ireland, consultation documents, White Papers and Green Papers will, if agreed, include a paragraph to the effect that “Social Security, Child Maintenance and Pensions are devolved matters in Northern Ireland. The Government will continue to work closely with the devolved administration in Northern Ireland to seek to maintain single systems across the United Kingdom.”;
- DWP will supply DfC with a draft of all social security, child support and pensions regulations etc. in sufficient time to allow consideration of the implications for Northern Ireland before they are due to be submitted to the Social Security Advisory Committee (SSAC) or the Industrial Injuries Advisory Council (IIAC), or issued for public consultation;
- DfC will advise DWP as early as possible of any circumstances in Northern Ireland which may need to be taken into account in developing policies and planning implementation timetables (for example, any additional procedures arising from the requirements of the DfC Equality Scheme);
- DWP will ensure that DfC has early notice of all proposals for social security, child support and pensions legislation (both primary and secondary) or policy changes or changes in benefit conditionality and employability programmes and services in Great Britain. This is particularly important to enable DfC to understand the impacts of such changes in particular any financial consequences and policy implications. It is accepted that there will be occasions where legislation is introduced quickly but the aim will be that draft legislation, policy changes or proposals to change benefit conditionality etc. will be sent to DfC at the same time as they are available within DWP;
- DWP will keep DfC fully informed at each stage of the legislative process and take account, as far as possible, of timing difficulties faced by DfC in meeting the requirements of Assembly procedures and achieving parity of timing of the legislation. Where possible, operative dates will be agreed to allow both the Great Britain Statutory Instrument and the Northern Ireland Statutory Rule to comply with the 21-day rule;
- DfC will ensure that DWP has early notice of all proposals for social security, child support and pensions legislation (both primary and secondary) or policy changes or changes in benefit conditionality and employability programmes and services in Northern Ireland. This is particularly important to enable DWP to understand the impacts of such

changes in particular any financial consequences and policy implications. It is accepted that there will be occasions where legislation is introduced quickly but the aim will be that draft legislation, policy changes or proposals to change benefit conditionality etc. will be sent to DWP at the same time as they are available within DfC;

- DfC will keep DWP fully informed at each stage of the legislative process and take account, as far as possible, of timing difficulties faced by DWP in meeting the requirements of Westminster procedures and achieving parity of timing of the legislation. Where possible, operative dates will be agreed to allow both the Great Britain Statutory Instrument and the Northern Ireland Statutory Rule to comply with the 21-day rule;
- If the Assembly decide not to maintain parity in any particular instance, whether by not following changes to be introduced in Great Britain, or by introducing changes for Northern Ireland, DfC will immediately inform DWP so that the consequences of divergence can be assessed, including the costs of administering dissimilar schemes and any IT consequences;
- Should Northern Ireland social security and pensions regulations etc. diverge from the position in Great Britain, DfC will ensure that a draft is supplied to DWP for comment in sufficient time before they are submitted to SSAC or IIAC or issued for consultation;
- DWP and DfC will co-ordinate activities where this would be mutually beneficial for security and accuracy.

Further details of how this will be done are described in Annexes 2 – 5 to this document.

Regulatory appraisals

11. All proposed legislation requires a regulatory appraisal of the costs and benefits and in order to minimise any duplication of effort, DWP will liaise with DfC to ensure that the assessment takes appropriate account of the situation in Northern Ireland.

Human Rights Act 1998

12. Similarly, DWP will liaise with DfC to ensure that assessments of compliance with the Human Rights Act 1998 are shared, where parallel legislation is proposed. Such liaison will be carried out in accordance with the provisions of paragraph 10 and Annex 5 paragraph 5.8.

Co-ordination of implementation timetables

13. The general principle that the Assembly will continue to maintain parity with Great Britain on social security, child support and pensions provisions encompasses common implementation dates for new requirements.
14. As DfC relies on DWP computer systems, services and underpinning commercial arrangements to calculate and deliver the majority of benefits for which it is responsible, it is also essential that, where DWP is planning change for Great Britain, and DfC is planning to introduce the same changes, the two Departments work closely together to co-ordinate implementation timetables. Where DWP is planning legislation, it will be necessary for DfC to confirm at an early stage whether or not, and when, it would seek to introduce parallel legislation. Usually this will be as soon as possible after Great Britain legislation has been approved by Parliament. Where primary legislation is involved, DfC will, where necessary, seek the agreement of the Assembly to the use of the accelerated passage procedure for considering a draft Bill in accordance with Standing Order 42 (Annex 5 para 5.4.2).
15. DfC should be considered to be in scope for any changes to DWP computer systems, services and underpinning commercial arrangements unless by agreement in writing, they have asked to be excluded. Where DWP is considering new computer systems, services or commercial arrangements, details of these should be notified in writing to the Head of Strategic Policy and Resources Group in DfC at the earliest opportunity.
16. Annex 5 sets out in more detail the protocol for handling DWP involvement in parallel legislation that DfC takes through the Assembly.

Liaison arrangements

17. Liaison arrangements will be taken forward by officials in DWP and DfC who will develop specific procedures, including regular stocktake meetings, where necessary. On general points, or where there is no established link, the initial contact points will be the Devolution Team in DWP and Social Security Policy and Legislation Division in DfC.
18. The Director General, **Strategy, Policy and Analysis Group** in DWP will liaise with the relevant Director in DfC to ensure that adequate formal liaison arrangements are maintained and that both DWP and DfC are fully sighted on all policy and legislative proposals at an early stage.

Joint authority

19. Section 88 of the Northern Ireland Act 1998 continued in being the former National Insurance Joint Authority with an expanded membership and role and renamed it the Social Security, Child Support and Pensions Joint Authority (“the Joint Authority”). Its members are the Secretary of State for Work and Pensions, the Chancellor of the Exchequer and the Minister for Communities. The Authority’s responsibilities include giving effect to arrangements reached to co-ordinate the operation of legislation in Great Britain and Northern Ireland and it continues to have responsibility for making any necessary adjustments between the Great Britain and Northern Ireland National Insurance Funds. The agreed working arrangements of the Joint Authority are set out in Annex 2.
20. DWP is responsible for nominating the Secretary to the Joint Authority and obtaining the agreement of the Chancellor of the Exchequer and the Minister for Communities to the appointment. DWP will also provide the secretariat to the Joint Authority.

Service arrangements

21. Services are provided by DWP to support the work of DfC in the following main areas:
 - IT services;
 - Commercial Support for IT Services;
 - State Pension Forecasts;
 - Winter Fuel and Cold Weather payment schemes (they process applications made by non-benefit recipients in Northern Ireland and the helpline available is a national service as well);
 - International Pension Centre;
 - Support for Family Resources Survey, Northern Ireland.
22. Services are provided by DfC to support the work of DWP in the following main areas:
 - the Belfast Benefit Delivery Centre – processing of benefit products across DWP;
 - Universal Credit and Personal Independence Payment services;
 - the Child Maintenance Group – processing of child support cases for an agreed percentage of the Great Britain caseload and additional work packages as negotiated;

- management of the Northern Ireland fieldwork for the Family Resources Survey in Northern Ireland.
23. Both Departments will establish and maintain appropriate arrangements that specify the service provided, the financial arrangements and review procedures. This Concordat is not intended to prevent the development of new arrangements where appropriate to meet the changing needs of the business. Arrangements in existence since 2 December 1999 for administrative liaison and co-ordination, and if appropriate for cost sharing, will continue until changes are agreed
24. Main areas covered by Working Level Agreements and Service Level Agreements are set out in Annex 1.

Handling correspondence, parliamentary or assembly debates, committees and questions

25. DWP and DfC will implement the agreed arrangements for consultation and advance notifications, and for liaison between the administrations in respect of correspondence, Parliamentary Questions, Assembly Questions, debates, committees and other issues. DWP and DfC will handle replies to correspondence in accordance with the provisions of paragraph 13 of the MoU and any procedures agreed between the administrations on common working arrangements. If a letter or other enquiry is received where both DWP and DfC have an interest they will agree on a case-by-case basis on how the reply should be handled. If appropriate, DWP and DfC will agree additional guidance on handling specific issues.
26. DWP and DfC will answer questions and enquiries in accordance with the provisions in the MoU and any agreements between the administrations on common working arrangements. In particular, DWP and DfC will aim to treat enquiries and requests for information from the other with the same priority as a request from within their own legislative body.
27. The Northern Ireland Public Services Ombudsman investigates maladministration complaints for Northern Ireland cases in relation to DfC. The Parliamentary Ombudsman investigates complaints about casework carried out by DfC for the Great Britain Child Maintenance Group under the provisions of a Service Agreement. In addition, the Independent Case Examiner investigates complaints about poor administration. The operation of these functions is outside the scope of this Concordat.

Making announcements

28. In each case where announcements are to be made which involve both Great Britain and Northern Ireland systems of social security, child support and pensions, DWP and DfC will consult with each other on the co-ordination of the

arrangements. This will include the relevant press offices working to ensure proper co-ordination.

Confidentiality

29. Paragraph 12 of the MoU sets out the principles, which govern the duty of confidence between the UK Government and the devolved administrations. In line with those principles, DWP and DfC will respect the confidentiality of information received from each other, and will indicate the status of, and any restrictions on the use of, information which they provide.

Exchange of statistical and research data

30. The supply of statistical and research data by DWP to DfC and vice versa is set out in Service Level Agreements (Annex 1).

Exchange of information and personal data

31. Information received or held about individual claimants is always sensitive and confidential; such data will be maintained and shared in accordance with statutory and other powers and duties set out in legislation, including the Data Protection Act 1998 and its successor legislation, section 122C of the Social Security Administration Act 1992 and section 116C of the Social Security Administration (Northern Ireland) Act 1992. As far as data protection and other legislation allow, DWP and DfC will share information as necessary to maintain and improve the security and accuracy of their social security, child support and pensions systems.
32. When a claimant transfers from Great Britain to Northern Ireland or vice versa relevant details will be passed on to the new administration as quickly as possible.

Exchange of administrative data

33. Information about suppliers and supply arrangements will be shared where it is mutually advantageous to do so, subject to legal and contractual limitations.

Liaison on EU and international matters

34. Under paragraph 3 of Schedule 2 to the Northern Ireland Act 1998, international relations and relations with the EU remain the responsibility of the UK Government and the UK Parliament. The MoU and the Agreements on International Relations and on the Co-ordination of European Policy Issues outline the procedures that will be followed. Liaison arrangements will be taken forward by officials in DWP and DfC who will develop specific procedures where necessary. On general points, or where there is no established link, the

initial contact points will be the International Unit in DWP and Social Security, Policy and Legislation Division in DfC.

35. DWP will continue to provide the opportunity for DfC to consider any proposals made by, or to, the EU on social security, child support and pensions or other relevant social protection matters affecting both Departments.
36. DWP and DfC will share information concerning their bilateral meetings with the Department of Employment Affairs and Social Protection in the Republic of Ireland.
37. DWP will continue to provide an opportunity for DfC to consider any proposed new bilateral social security agreements with countries outside the UK, or any changes to existing agreements.

Other external relations

38. HMRC is responsible for policy and operations in respect of National Insurance contributions, including the management of the Great Britain and Northern Ireland National Insurance Funds and the supporting computer system. HMRC also has operational responsibility for Tax Credits, Statutory Sick Pay and Statutory Maternity, Paternity and Adoption Pay and leave. There are numerous essential interactions between these systems and the social security, child support and pensions systems. Relations between DWP and HMRC are regulated by a MoU and a Concordat; separate though similar documents regulate the relationship between DfC and HMRC.
39. DWP and DfC are responsible for managing their own requirements in respect of business links with HMRC. Whilst in many cases the interests of the two Departments will be identical, agreement or requirements on the part of DWP shall not be taken as agreements or requirements on the part of DfC and vice-versa. DWP will notify DfC where changes in DWP requirements are likely to have an impact on the requirements of Northern Ireland and vice-versa.
40. Both Departments have a variety of links with other public authorities, importantly in respect of housing, health, education, employment and social services. The regimes for these differ between Great Britain and Northern Ireland, leading in some cases to variations in the details of the social security provisions, which interact with them. Each Department will inform the other at the earliest possible stage where a proposal is put forward for legislation in any area which would have a direct or indirect impact on the co-ordination of the two social security, child support and pensions systems, and in particular on those services which DWP provides to DfC.

Arrangements for appeals, litigation and compensation

41. DWP and DfC will discuss the provision of legal advice on cases of mutual interest and exchange information on significant forthcoming cases and supply material in support of litigation where possible. They will inform each other of judicial review decisions and the provision of legal advice on judicial review challenges of mutual interest. They will also inform each other of compensation issues of mutual interest.

Financial arrangements

Funding for mutual support services

42. Where the Northern Ireland social security benefit system is delivered via DWP infrastructure, DfC will meet the cost of its usage share of the DWP infrastructure and system providing the service. Where changes in service are required for Northern Ireland and these are equally applicable nationally, the normal practice has been to provide the changes free of charge. Where Northern Ireland has different requirements, which impose any additional cost to DWP and which would not be incurred in delivering service to Great Britain alone, the normal practice is that the extra cost will be met by DfC. These will continue to be the principles of the financial relationship when any alternative arrangements may be agreed.

Power to incur expenditure in anticipation of legislative change

43. It is the responsibility of both DWP and DfC to ensure that appropriate legislative cover exists for expenditure on any work incurred on DfC's behalf by DWP and for work undertaken by DfC on behalf of DWP.

Provision of managed service agreements

44. The underlying managed service arrangements for DWP for the Belfast Benefit Delivery Centre, Child Maintenance, Universal Credit and Personal Independence Payment are outlined within the relevant Provision of Service Agreements.

Reaching agreement

45. Both parties recognise that the vast majority of matters will be handled routinely between DWP and DfC in accordance with liaison arrangements set out in the MoU and in this Concordat. Where matters cannot be resolved through normal day-to-day contact, the dispute will be considered by senior officials, and if necessary, by Ministers. If agreement still cannot be reached, the Secretary of

State for Northern Ireland should be called upon to assist in any significant case of disagreement.

46. Where agreement cannot be reached bilaterally, the issue may be referred to the Joint Ministerial Council (JMC) in accordance with the guidance and procedures in the MoU and the associated Agreement on the JMC. DWP and DfC will inform the other beforehand of any proposal to involve the JMC.

Review

47. This Concordat may be amended at any time if both parties agree in writing to the changes.

Queries and further information

48. Queries about this Concordat should be addressed to:

The Devolution Team
Department for Work and Pensions
1st Floor
Caxton House
Tothill Street
London
SW1H 9HA

Or to

Social Security Policy and Legislation Division
Department for Communities
8th Floor
Causeway Exchange
1 – 7 Bedford Street
Belfast
BT2 7EG

Annex 1 – List of main areas covered by service and working level agreements between DWP and DfC

- The work of policy officials supporting the DfC Minister and DWP Secretary of State in seeking to maintain parity, where appropriate, between the Northern Ireland and Great Britain systems of social security, child support and pensions, including:
 - Policy development, including in relation to employability;
 - Drafting new legislation;
 - Regulatory appraisals;
 - Assessment of compliance with the Human Rights Act.
- Information and communications technology and funding arrangements.
- Commercial agreements including frameworks and joint procurement activity.
- Services provided by DfC to support the work of DWP (paragraph 22).
- Services provided by DWP to support the work of DfC (paragraph 21).
- Exchange of statistical and research data.
- Exchange of administrative data.
- Liaison on EU and international matters.
- Liaison on appointments to public bodies.

Annex 2 – Working arrangements for the Social Security, Child Support and Pensions Joint Authority (the Authority)

Decisions of the Authority

- 2.1. Decisions of the Authority shall be unanimous.

Financial arrangements

- 2.2. The Authority shall ensure that financial adjustments are made between the National Insurance Funds of Great Britain and Northern Ireland in order to maintain contributions and benefits at equivalent levels, and shall make other financial adjustments as agreed in arrangements made under section 87 of the Northern Ireland Act 1998.
- 2.3. In determining the criteria on which adjustments are made, the Authority shall have regard where appropriate to advice from the Government Actuary. The Authority shall review the criteria from time to time.
- 2.4. The Secretary to the Authority shall direct HMRC to make transfers as required between the Funds, on the basis approved by the Authority.

Deputies

- 2.5. Members of the Authority may appoint a deputy as provided for in section 88(5) of the Northern Ireland Act 1998. The appointment shall be notified in writing to the Secretary of the Authority and shall continue until a further appointment is made.
- 2.6. A deputy may be a named person or the holder of a particular post.
- 2.7. A deputy may nominate a substitute.

Working arrangements

- 2.8. The Authority will normally conduct business by correspondence unless one or more members or a deputy requests that a meeting should be held.
- 2.9. The deliberations of the Authority shall be regarded as confidential by the participants, in order to permit the free exchange of views and information. However, where the Authority considers it appropriate, the outcome of its deliberations may be made available.

General

2.10. The Authority shall have regard to any agreements from time to time in force governing the financial and other relationships between Great Britain and Northern Ireland.

2.11. These rules supersede any previous rules of the Authority.

Annex 3 – Social Security Advisory Committee

- 3.1. The Social Security Advisory Committee (SSAC) is an independent statutory body. It has two statutory functions:
 - to provide advice and assistance to the Secretary of State for Work and Pensions and the Department for Communities (DfC) on social security matters generally; and
 - to consider proposals for changes to regulations.
- 3.2. In fulfilling these functions the Committee ensures that it is well informed and takes account of all shades of opinion. Its reports and advice are independent and non-political.
- 3.3. The Social Security Administration (Northern Ireland) Act 1992 places a duty on DfC to consult with SSAC where it proposes to make regulations which do not correspond to regulations made by the Secretary of State or Lord Chancellor in relation to Great Britain.
- 3.4. Paragraph 18 of Schedule 3 to the Northern Ireland Act 1998 reserves the existing requirement for the Northern Ireland Department to refer matters to SSAC where proposed legislation for Northern Ireland would differ from that proposed for Great Britain. The aim is to ensure that SSAC provides a single source of expert advice both to the Secretary of State for Work and Pensions and DfC.
- 3.5. The Secretary of State or DfC may refer matters to SSAC for advice and SSAC may offer advice to both the Secretary of State and DfC without a request or reference.
- 3.6. SSAC will continue its current practice of copying its agendas, meeting papers and minutes to both Departments.
- 3.7. A representative from DfC will attend the SSAC meetings periodically to advise on any questions which may arise regarding Northern Ireland policy and legislation.
- 3.8. If the Minister for Communities proposes to introduce legislation which differs from that proposed for Great Britain, DfC will formally consult SSAC where required to do so by legislation and inform DWP that it is doing so. Where DfC is planning to refer a matter to SSAC for advice, it will inform DWP in advance of such an approach.

Appointment of the Northern Ireland member of the committee

- 3.9. The Social Security Administration Act 1992 provides that one member of SSAC shall be appointed by the Secretary of State for Work and Pensions following consultation with the Head of the Northern Ireland Department, in practice DfC. Where a new member is required, the two Departments will abide by existing practice taking account, as appropriate, of all relevant guidance on the conduct of public appointments.

Annex 4 – Industrial Injuries Advisory Council

- 4.1. The Industrial Injuries Advisory Council (IIAC) is an independent statutory body established by legislation, to advise the Secretary of State for Work and Pensions on matters relating to the industrial injuries scheme, which came into effect in 1948. The Council advises on:
 - the prescription of industrial diseases
 - regulations under the Social Security Administration Act 1992 and the Social Security Contributions and Benefits Act 1992
 - the Industrial Injuries Benefit scheme itself.
- 4.2. Prior to the commencement of the Northern Ireland Act 1998, there had been no separate statutory requirement for DfC to consult or be advised by the IIAC. Section 89 of the Northern Ireland Act 1998 introduced a requirement that DfC should also refer matters to the IIAC and paragraph 18 of Schedule 3 to the Act reserves that requirement. DfC may seek IIAC's advice on general matters relating to industrial injuries and its administration in Northern Ireland so that IIAC can provide a single source of advice and expertise on industrial injury matters to both the Secretary of State and DfC.
- 4.3. If the Minister for Communities proposes to introduce legislation, which differs from that proposed for Great Britain, DfC will formally consult IIAC. DfC will inform DWP in advance of such a referral. Similarly, where DfC is planning to refer a matter to IIAC for advice, it will also inform DWP in advance of such an approach. IIAC also has the ability to initiate a dialogue specifically on Northern Ireland industrial injury issues.
- 4.4. IIAC will continue its current practice of sending copies of all meeting papers, minutes and agendas to both Departments.

Annex 5 – Protocol for handling legislation

Managing DfC legislation which maintains parity with Great Britain provisions

5.1. Introduction

- 5.1.1. This Annex describes the procedure, which Bills and secondary legislation must follow in the Northern Ireland Assembly ("the Assembly"), and the consultation and other liaison arrangements required to deliver single coherent systems of social security, child support and pensions.
- 5.1.2. As a general principle, it is expected that the Assembly will continue to maintain parity with Great Britain. In order to achieve this, the Minister for Communities will introduce Bills into the Assembly that will be substantially the same as those Bills put before Westminster. It will be important for DfC to maintain close liaison with DWP during the Westminster consideration of Great Britain Bills and to bring to the attention of DWP any proposals (including Opposition amendments) which might have a different or disproportionate effect in Northern Ireland. DWP will keep DfC fully informed at each stage of the legislative process and take account, as far as possible, of timing difficulties faced by DfC in meeting the requirements of Assembly procedures and ensuring, where possible, parity of timing of the legislation.
- 5.1.3. Where possible, operative dates will be agreed to allow both the Great Britain Statutory Instrument and the Northern Ireland Statutory Rule to comply with the 21-day rule.
- 5.1.4. There may be occasions when Westminster will need to legislate for certain transferred provisions on a UK-wide basis. Where such provisions are identified by DWP or DfC, they will work together to ensure that any differential impacts are taken into account and the necessary Legislative Consent Motion is passed by the Assembly.
- 5.1.5. DfC will not normally seek to introduce a Bill into the Assembly until the Great Britain legislative process has been completed. This will ensure the Northern Ireland Bill fully corresponds with the Great Britain Bill.

5.2. Issues that require the consent of the Secretary of State for Northern Ireland

- 5.2.1. Section 8 of the Northern Ireland Act 1998 requires the consent of the Secretary of State for Northern Ireland to be sought in certain cases

before a Bill can proceed¹. As this may have implications for the Bill's timetable DfC will:

- identify any provisions which they consider should be referred to the Secretary of State for Northern Ireland for consent
- before seeking such consent, consult DWP to confirm that both Departments agree on the interpretation of the reservation or exception in question and inform DWP of the estimated additional time which must be taken into account before the Bill could be expected to be submitted for Royal Assent.

5.3. Assembly procedures

5.3.1. Assembly Standing Orders ensure that a Bill is not introduced into the Assembly if the Presiding Officer decides that any provision of it would not be within the legislative competence of the Assembly. Whether or not the consent of the Secretary of State for Northern Ireland has been obtained for any provision in the Bill, the Bill must be submitted to the Presiding Officer at least one week before introduction for consideration in accordance with section 10 of the Northern Ireland Act 1998.

5.3.2. The normal arrangements for taking legislation through the Assembly are as follows:

- 1st Stage - introduction to Assembly
- 2nd Stage - a general debate on the Bill, with an opportunity for Members to vote on its general principles
- Committee stage - detailed investigation, including amendments by a Committee followed by report to the Assembly (30 days minimum from the date of referral)
- Consideration stage - consideration in plenary session, and an opportunity for Members to vote on, the details of the Bill, including amendments proposed to the Bill
- Further Consideration stage - consideration of any further amendments made to the Bill
- Final Stage - the Assembly passes or rejects the Bill, without further amendment.

5.3.3. There will be a minimum interval of five working days between each stage of a Bill except in the case of Bills that are granted an accelerated passage.

¹ These are excepted matters, which are ancillary on other provisions dealing with a reserved or transferred matter, or reserved matters.

5.4. Accelerated passage procedure

- 5.4.1. There are two major differences from the normal procedure: the Committee Stage is omitted, and there is no minimum time, which must elapse between the Bill's stages. However, the Bill cannot complete its Assembly stages in less than 10 days.
- 5.4.2. A Minister may ask the Assembly for permission to use the accelerated passage procedure. It is expected that DfC will where necessary seek the agreement of the Assembly to use the accelerated passage procedure for taking the Bill forward in order to allow the maximum flexibility for UK-wide implementation. Should DfC not wish to seek to use this route, DfC will immediately inform DWP, and provide an explanation of their reasons for not doing so. Similarly, DfC will inform DWP where the Assembly refuses a request to use the accelerated passage procedure, to allow DWP to consider the implications for implementation.
- 5.4.3. The first opportunity to request the accelerated passage procedure will be before Second Stage. The Minister must explain to the Assembly the reasons for the request, the consequences of not proceeding quickly and any steps taken to minimise or avoid the future use of the accelerated passage procedure. A motion for accelerated passage requires cross-community support in the Assembly.

5.5. Royal Assent

- 5.5.1. It is for the Secretary of State for Northern Ireland to submit the Bill for Royal Assent.
- 5.5.2. However, where his consent has been required for a provision which deals with an excepted or reserved matter (except a provision which is ancillary to other provisions dealing with transferred matters), the Bill must be laid before both Houses of Parliament for a period of 20 days unless the Secretary of State for Northern Ireland considers that by reason of urgency the Bill should be submitted for Royal Assent without first being laid before Parliament.

5.6. Liaison between DWP and DfC after the Bill has been introduced

- 5.6.1. At all stages of the Bill, and irrespective of whether the normal or accelerated passage procedures are followed, DfC will ensure that any briefing and advice to Assembly Ministers is consistent with statements or commitments made by UK Ministers at Westminster.

5.7. Dealing with amendments

- 5.7.1. DfC will receive notice of amendments from the Assembly Business Office. Amendments to Bills under consideration will be deposited with the Clerk in time for inclusion on a Notice Paper circulated on a day

before the day appointed for the Consideration Stage. Amendments to Bills that are intended to closely mirror Great Britain legislation will need careful consideration by both DWP and DfC; DWP will need time to consider the implications of any amendment on Great Britain social security, child support and pensions systems. However, DWP acknowledges that DfC will be working to tight time scales and will respond to DfC drafts or queries as quickly as necessary to comply with the Assembly timetables.

5.8. Human rights

- 5.8.1. Any member of the Assembly may put down a motion requiring that the Northern Ireland Human Rights Commission be asked to advise whether the Bill is compatible with human rights any time after the Bill's introduction. In the case of a draft Bill or proposal for legislation, notice of such a motion may be given at any time after the draft Bill or proposal for legislation is published for public consultation. DfC will inform DWP immediately if such a motion is received.

5.9. Equality issues

- 5.9.1. For the purpose of obtaining advice as to whether a Bill, draft Bill or proposal for legislation is compatible with equality requirements, any member of the Executive Committee or the Chairman of the appropriate Statutory Committee may raise a motion that the Bill, draft Bill or proposal for legislation, should be referred to an Ad Hoc Committee on Conformity with Equality Requirements.
- 5.9.2. In the case of a draft Bill or proposal for legislation, notice of such a motion may be given at any time after the draft Bill or proposal for legislation is published for public consultation. If the motion is agreed to, the Ad Hoc Committee shall report its opinion to the Assembly within the period of thirty days after the motion is agreed to or at a time agreed by the Assembly. DfC undertake to inform DWP immediately if such a motion is received.
- 5.9.3. In the case of a Bill, notice of such a motion may be given at any time after the Bill's introduction. An Ad Hoc Committee will report back to the Assembly within thirty days after the motion is agreed to or at a time agreed by the Assembly. However if the motion is received after the conclusion of the Second Reading then the Bill can be referred to the Ad Hoc Committee instead of the appropriate Statutory Committee. A decision by the Assembly to agree to a report by the Ad Hoc Committee will require cross-community support within the meaning of the Northern Ireland Act 1998. DfC will inform DWP immediately if any motion is received and provide an assessment of the impact it will have on any legislation.

5.10. Legislation introduced by other Northern Ireland departments

5.10.1. Where another Northern Ireland Department introduces legislation, which affects social security matters, DfC will:

- inform DWP
- draw to the attention of the other Northern Ireland Department the implications for the coherence of Northern Ireland and Great Britain systems of social security, child support and pensions
- work with DWP and the other Department to ensure that matters of timing etc. can be resolved.

5.10.2. Where DWP becomes aware of any proposals by the other Devolved Administrations which impact on social security, child support or pensions matters in Great Britain, DWP will work with DfC to maintain the co-ordination of arrangements, in accordance with the provisions of section 87 of the Northern Ireland Act 1998.

5.11. Handling Rules (Statutory Instruments)

5.11.1. Every Statutory Rule laid before the Assembly, if within the competence of the Assembly, will be referred to the appropriate Statutory Committee, which may deal with the matter itself or delegate it to the Examiner of Statutory Rules.

5.11.2. If the Rule is subject to negative resolution then the Committee undertakes to consider and report within 21 days. If the Rule is subject to the confirmatory procedure the Committee undertake to report before the Rule is laid before the Assembly for approval by resolution.

5.11.3. DfC undertakes to inform DWP of any rules, which affect the coherence of Northern Ireland and Great Britain systems of social security, child support and pensions.