

Report pursuant to section 3(5) of the Northern Ireland (Executive Formation etc) Act 2019

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3(1): Executive Formation

This section of the report is based on information provided by the Northern Ireland Office.

Section 3 of the Northern Ireland (Executive Formation etc) Act 2019 requires the Secretary of State to publish and lay before both Houses of Parliament a report on progress made towards forming an Executive and other matters.

This section of the report is made in accordance with s.3(1) of that Act which states:

The Secretary of State must, on or before 4 September 2019, publish a report explaining what progress has been made towards the formation of an Executive in Northern Ireland (unless an Executive has already been formed).

Further to this, s.3(5) of that Act states :

The Secretary of State shall make a further report under subsection (1) on or before 9 October 2019 and at least every fourteen calendar days thereafter until either an Executive is formed or until 18 December 2019, whichever is the sooner.

Talks to restore the institutions of the Belfast (Good Friday) Agreement resumed on Monday 16 December, with the Secretary of State meeting each of the five main party leaders individually to discuss the upcoming process. The talks are being held in accordance with the well-established three-stranded principle.

The Secretary of State welcomed the positive attitude that each party leader has demonstrated in seeking early progress to restore the devolved institutions at Stormont. This is the overriding priority for both the UK Government and the Irish Government.

The time available to reach an accommodation is short and set by legislation. Agreement to form a government must be achieved by 13 January. If it is not, the Secretary of State comes under a renewed statutory duty to call an Assembly election.

Recent weeks have shown that Northern Ireland's public services are struggling in the absence of local leadership, accountability and decision-making that a functioning Executive would bring. The solution to these issues is in the hands of the political parties.

The Secretary of State is resolutely focused on ensuring the parties make the most of this limited period and get Stormont back up and running before 13 January 2020.

3(6) Transparency of political donations

This section of the report is based on information provided by the Northern Ireland Office.

Section 3(1) of the Northern Ireland (Executive Formation etc) Act 2019 requires the Secretary of State to publish and lay before both Houses of Parliament a report on progress made towards forming an Executive and other matters.

This section of the report is made in accordance with s.3(6) of that Act which states:

The report under subsection (1) must include a report on progress made towards preparing legislation to provide for transparency of political donations and loans from 1 January 2014.

There has been full transparency of donations to Northern Ireland parties from July 2017. The Electoral Commission publish details of Northern Ireland donations and continues to regulate compliance with the permissibility rules relating to donations and loans to political parties.

We are guided by two key principles in considering changes to the current regime - mitigating risks to donors and seeking political consensus.

The legislative framework provides that greater transparency may be introduced in respect of donations or loans made after 1 January 2014, however, in considering the merits of doing so the Secretary of State for Northern Ireland would wish to be satisfied that it creates no risk of intimidation.

The current legislative arrangements are based on broad consensus among the Northern Ireland parties and moves towards changing the law on donations before July 2017 will require a similar level of Northern Ireland consensus. There is a broader longstanding convention that changes to legislation directly affecting political parties are not made without wider discussion and consultation between parties and the Government.

3(7): Higher education and a Derry/Londonderry university

This is a devolved matter. This section of the report is based primarily on information provided by the Northern Ireland Department for the Economy (DfE).

Section 3(1) of the Northern Ireland (Executive Formation etc) Act 2019 requires the Secretary of State to publish and lay before both Houses of Parliament a report on progress made towards forming an Executive and other matters.

This section of the report is made in accordance with s.3(7) of that Act which states:

The report under subsection (1) must include a report on the improvement of higher education provision in Northern Ireland and the establishment of a university whose principal campus is in Derry/Londonderry.

Since the last report¹, there has not been any update with regard to the position on Higher Education or the Derry/Londonderry University.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/850438/EF_Act_Report_December_4.pdf

3(8): Presumption of non-prosecution

This report is based on information primarily provided by the Northern Ireland Office.

Section 3(1) of the Northern Ireland (Executive Formation etc) Act 2019 requires the Secretary of State to publish and lay before both Houses of Parliament a report on progress made towards forming an Executive and other matters.

This section of the report is made in accordance with s.3(8) of that Act which states:

The report under subsection (1) must include a report on progress made towards protecting veterans of the Armed Forces and other security personnel from repeated investigation for Troubles-related incidents by introducing a presumption of non-prosecution, in the absence of compelling new evidence, whether in the form of a Qualified Statute of Limitations or by some other legal mechanism.

Reforming the legacy system in Northern Ireland remains a priority for the UK Government. In line with 2019 manifesto commitments, the UK Government will continue to seek better ways of dealing with legacy issues that provide better outcomes for victims and survivors and do more to give veterans the protections they deserve.

During the pre-election period, Government officials have continued to explore a range of options which would respond to the legacy consultation feedback, adhere to our legal obligations and be capable of commanding consensus.

The UK Government remains committed to working with all the Northern Ireland political parties and the Irish Government to this end.

The Government has also run a public consultation on a scheme for regular payments to (or in respect of) individuals living with serious disablement caused by injury in a Troubles-related incident. All responses are being carefully considered and will inform final decisions on the detailed regulations to govern the scheme, which the Government will bring forward by end-January 2020. The scheme will then open for applications once practical arrangements have been made (not later than the end of May 2020).

3(9): New prosecution guidance for Troubles-related incidents

This report is based on information primarily provided by the Northern Ireland Office.

Section 3(1) of the Northern Ireland (Executive Formation etc) Act 2019 requires the Secretary of State to publish and lay before both Houses of Parliament a report on progress made towards forming an Executive and other matters.

This section of the report is made in accordance with s.3(9) of that Act which states:

The report under subsection (1) must include a report on progress made towards developing new prosecution guidance for legacy cases of Troubles related incidents by the Attorney General for Northern Ireland to take into account whether or not the person who allegedly committed an offence had the means to do so because that person had been lawfully supplied with a deadly weapon, with a presumption in favour of prosecuting in cases where a person who has allegedly committed an offence had the means to do so because that person had been unlawfully supplied with a deadly weapon.

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3(10): Abortion law review

This report is based on information provided by the Northern Ireland Office.

Section 3(1) of the Northern Ireland (Executive Formation etc) Act 2019 requires the Secretary of State to publish and lay before both Houses of Parliament a report on progress made towards forming an Executive and other matters.

This section of the report is made in accordance with section 3(10) of that Act which states:

The report under subsection (1) must include a review of the current legal framework on abortion in Northern Ireland with an analysis of how that framework could be amended by Parliament during the period when there is no Executive, subject to a sunset clause to respect devolution, in order to comply with the human rights obligations of the United Kingdom.

Section 9 of the Northern Ireland (Executive Formation) Act 2019 requires the Government to bring forward regulations to introduce a new legal framework for abortion in Northern Ireland by 31 March 2020.

Section 9(1) Act requires this legal framework to implement the recommendations in paragraphs 85 and 86 of the United Nations Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) Report in 2018: *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* (UN CEDAW report) in respect of Northern Ireland.

The six week public consultation closed on Monday 16 December 2019. There has been a high level of engagement and interest in the consultation and we appreciate the contribution of those who have engaged with the consultation and provided submissions.

We are carefully considering and analysing the submissions, and a report reflecting on the responses will be published by the Government in the coming weeks. Findings from the consultation will inform the final framework that will be delivered in the regulations that will come into force from 31 March 2020. The legal framework, and relevant supporting work, will implement the recommendations of the UN CEDAW Report and fulfil the Government's obligations under section 9 of the 2019 Act.

The Government will also continue to take forward operational matters with the Department of Health in Northern Ireland, and relevant medical stakeholders, to ensure that service provision can be available by 31 March 2020, to align with the new legal framework coming into effect.

The health and safety of women and girls, and clarity and certainty for the medical profession, continues to be at the forefront of the Government's consideration in progressing this work.