

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

**6 November 2019**

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

### **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.

The most recent report under s.3(5) of the Act was laid before Parliament by the Secretary of State for Northern Ireland on 23 October 2019.

The Secretary of State was disappointed to see the 21 October deadline pass without the Northern Ireland political parties being able to reach an accommodation to restore the Executive.

The consequences of Stormont not getting back up and running in the long-term would clearly be profound. The people of Northern Ireland depend on their politicians to make decisions about health, education, policing and the whole range of public policies that make a difference to people's lives. The Secretary of State will continue his work with the Irish Government, in accordance with the well-established three-stranded approach, to get these crucial institutions up and running again.

The Secretary of State will keep in contact with the parties over the election period. The 13 January EF deadline should provide a fresh imperative for the parties to come together.

### **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 s3(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 have been no substantive developments since the last report<sup>1</sup>. As such, the Government will continue to weigh the case for publishing details of historic donations and loans against the possible risks to donors and underline that the Electoral Commission continues to regulate compliance with the permissibility rules relating to donations and loans to political parties.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/841607/FINAL\\_EF\\_Act\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841607/FINAL_EF_Act_Report.pdf)

The Government will consult with the Northern Ireland parties in due course about any future changes to the donations and loans legislation, but at this time we continue to focus on restoring devolved government for the people of Northern Ireland.

### **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.

#### **Improvement of Higher Education Provision**

The most recent report under s.3(7) of the Act was laid before Parliament by the Secretary of State for Northern Ireland on 23 October 2019, setting out progress on the improvement of higher education provision in Northern Ireland.

UK Government's Inclusive Future Fund (IFF) is available to improve socio-economic deprivation in the north-west. Whilst there is potential for this investment to contribute towards the capital costs of a new graduate entry medical school, the UK Government cannot proceed without receipt of formal proposals from Derry City and Strabane District Council as to which projects it would like considered under this fund. Since the last report, there has been no update to this position - we still await proposals. Should the medical school be proposed and eligibility from this fund be confirmed, it would be up to the Ulster University to then consider if it wished to make its Magee Campus the principal location for the University.

### **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.

## **Steps being taken to reform the current system**

The recent report under s.3(8) of the Act laid before Parliament by the Secretary of State for Northern Ireland on 23 October 2019 set out the current position on investigations of Troubles-related deaths and steps being taken to develop an improved system for dealing with the legacy of the Troubles<sup>2</sup>.

Last week, the Government launched a public consultation<sup>3</sup> on a scheme for regular payments to (or in respect of) individuals living with serious disablement caused by injury in a Troubles-related incident through no fault of their own. That consultation will run until 26 November and will inform final decisions about the shape of the scheme which will be legislated for by the end of January 2020. The Government would welcome input from anyone with an interest in or view on the scheme. The key purpose of the scheme is to provide acknowledgement, which is a key facet of the Stormont House Agreement institutions. This Government remains committed to delivering better outcomes for all those affected by the Troubles and to continuing to play our part in promoting peace and reconciliation in Northern Ireland.

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<sup>2</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/841607/FINAL\\_EF\\_Act\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841607/FINAL_EF_Act_Report.pdf)

<sup>3</sup> <https://www.gov.uk/government/consultations/legal-framework-troubles-related-incident-victims-payment-scheme>

### **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.

## **Steps being taken to reform the current system**

The recent report under s.3(8) of the Act laid before Parliament by the Secretary of State for Northern Ireland on 23 October 2019 set out the current position on investigations of Troubles-related deaths and steps being taken to develop an improved system for dealing with the legacy of the Troubles<sup>4</sup>.

Last week, the Government launched a public consultation<sup>5</sup> on a scheme for regular payments to (or in respect of) individuals living with serious disablement caused by injury in a Troubles-related incident through no fault of their own. That consultation will run until 26 November and will inform final decisions about the shape of the scheme (which will be legislated for by the end of January 2020). The Government would welcome input from anyone with an interest in or view on the scheme. The key purpose of the scheme is to provide acknowledgement which is a key facet of the Stormont House Agreement institutions. This Government remains committed to delivering better outcomes for all those affected by the Troubles and to continuing to play our part in promoting peace and reconciliation in Northern Ireland.

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<sup>5</sup> <https://www.gov.uk/government/consultations/legal-framework-troubles-related-incident-victims-payment-scheme>

### **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 etc) Act 2019 has come into effect, and placed a duty on the Government to change the law in Northern Ireland, with regulations to be in force by 31 March 2020.

Immediate changes to the law on 22 October 2019 were the repeal of sections 58 and 59 of the Offences Against the Person Act 1861 (attempts to procure an abortion); and a moratorium on all prosecutions and investigations that were underway under those sections, regardless of when any offence was committed.

The Government is continuing to work to put in place a new legal framework to provide lawful access to abortion services in Northern Ireland by 31 March 2020 in line with the recommendations of the 2018 United Nations' Committee on the Elimination of Discrimination against Women (CEDAW) inquiry report on abortion in Northern Ireland.<sup>6</sup>

The health and safety of women and girls, and clarity and certainty for the medical profession, continue to be at the forefront of the Government's consideration in complying with this legal duty.

On Monday 4 November 2019 we launched a consultation on this new proposed framework to be in place in Northern Ireland by 31 March 2020. The consultation will be open for six weeks - and we are particularly interested in the views of those directly impacted by the current law and any proposed changes, including healthcare professionals, Health and Social Care (HSC) Trusts in Northern Ireland and commissioners, independent sector abortion providers, and Royal Medical Colleges.

We will be continuing to engage with Northern Ireland healthcare professionals, the Northern Ireland political parties, and other stakeholders during this consultation period.

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<sup>6</sup> 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.

We will also be working on a range of operational and service delivery questions over the coming weeks and months with the health profession, health commissioners and trusts, and the Department of Health in Northern Ireland. It is important that we get the legal framework right and are confident that service provision can meet the needs of women and girls in Northern Ireland.

Women who are seeking access to services in England in the meantime can do so free of charge, with all costs of the procedure, including travel and, where needed, accommodation, being paid for by the Government. Arrangements can be made through contacting the Central Booking Service - and we have made this number and the services provided known through social media and information on gov.uk.