

House of Commons
Northern Ireland Affairs
Committee

ANNUAL REPORT 2002

Second Report of Session 2002–03

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Report

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The Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Northern Ireland Office; administration and expenditure of the Crown Solicitor's Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

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The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No. 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/commons/selcom/niahome.htm. A list of Reports of the Committee in the present Parliament is at the back of this volume.

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SECOND REPORT

The Northern Ireland Affairs Committee has agreed to the following Report:

ANNUAL REPORT 2002

Conclusions

We welcome the receptiveness of the Northern Ireland Office and Home Office to our suggestions for improvements to the Proceeds of Crime Bill. Nonetheless, we remain concerned that the operation of the Assets Recovery Agency in, and in connection with, Northern Ireland will not have sufficient resources to be fully effective (paragraph 3).

We urge the Government to provide for more rigorous parliamentary scrutiny of the legislation initiated in the Northern Ireland Assembly before suspension in as many cases as possible (paragraph 11).

The practice of publishing legislation in draft when it is plainly too late for the shape of the final Bill to be modified before introduction is pointless and frustrating. It also runs the risk of making the NIO appear only superficially interested in the concerns of those it is meant to serve. We call on the NIO to re-assess its priorities in preparing legislation, and to prepare its draft legislation in an organised manner which consistently allows for proper consultation (paragraph 13).

We expect the NIO to take more care over the preparation of its Annual Report next year (paragraph 14).

Introduction

1. This report concerns the work of the Committee since our last Annual Report in 2001. Our progress is discussed under headings reflecting the core tasks for select committees issued by the Liaison Committee, following the House's approval of the Modernisation Committee's recommendation on core tasks, on 14th May 2002.¹ Clearly the most important event to have occurred in relation to our work, and the work of the Northern Ireland Office, was the suspension of devolved powers on 14th October 2002. We shall discuss the implications of the suspension for the legislative process in paragraphs 5-11 below.

IDENTIFICATION OF INQUIRIES

2. In the past twelve months we have announced five inquiries of which we have completed two, and nearly finished a third. These inquiries might be classified as follows:

- *The Financing of Terrorism in Northern Ireland and The illegal drugs trade and drug culture in Northern Ireland*: implementation of legislation and major policy initiatives;
- *The impact in Northern Ireland of cross-border road fuel price differentials: 3 years on* : an area seen by us as requiring further examination;
- *The control of firearms in Northern Ireland and the draft Firearms (Northern Ireland) Order 2002* : pre-legislative scrutiny; and

Forensic Science Northern Ireland: scrutiny of associated public bodies.

3. Our main inquiry this year was on the financing of terrorism in Northern Ireland. All of the evidence we took in relation to this inquiry was, owing to the sensitivity of the subject matter, taken in private. We were pleased that we were subsequently able to report the vast majority of the evidence to the House. We found that there was increasingly a link between current and former paramilitaries in Northern Ireland, and the operation there of serious and organised criminal networks. It became apparent that the Government's proposed Assets Recovery Agency could play a significant role in tackling this deep-rooted problem. Following discussions with staff of the equivalent agency in Dublin (the Criminal Assets Bureau), we sought some measures to protect staff of the Agency here, by tabling amendments to the Proceeds of Crime Bill. We were very pleased that the Government responded favourably to our suggestion, bringing forward their own amendments to give effect to our recommendations before the Bill concluded its passage. **We welcome the receptiveness of the Northern Ireland Office and Home Office to our suggestions for improvements to the Proceeds of Crime Bill. Nonetheless, we remain concerned that the operation of the Assets Recovery Agency in, and in connection with, Northern Ireland will not have sufficient resources to be fully effective.** We will continue to monitor the progress of the Agency in its first years of operation.

4. Following our inquiry into the *Introduction of the aggregates levy in Northern Ireland* (referred to in last year's annual report) our recent Report on the road fuel price differentials confirmed that UK-wide fiscal policy can have adverse local effects in Northern Ireland. This is because Northern Ireland is the only part of the United Kingdom not only to be physically separated from the other parts, but also to have a land border with another state. Our findings in both reports on tax matters suggest that the effect of the land border on the local operation of fiscal policy is repeatedly underestimated by the Government, as is the extent to which the presence of the land border can work against the

¹ *Select Committees*, Committee on Modernisation of the House of Commons, First Report 2001-02, HC224, paragraph 34

environmental objectives these taxes were designed to meet. We have now asked the Government to carry out a proper cost-benefit analysis of the impact of road fuel taxes on the Northern Ireland economy, which it has admitted had not been done previously. The response to this request is due at the end of January.

Pre-legislative scrutiny, and the implications of the suspension of the Northern Ireland Assembly

5. We are currently undertaking pre-legislative scrutiny of a proposal for a draft Firearms (Northern Ireland) Order 2002. This was published for consultation, under s85 of the NI Act 1998, at the end of July. We believe that this exercise has demonstrated the merit of such scrutiny, where there is time to carry it out. Although we have not yet reported, we have already received a series of undertakings from officials to address minor drafting and technical errors in the proposal, which of course we welcome.

6. The positive outcome of this inquiry, however, throws into relief the problems which can accompany the legislative process where time is not provided for proper scrutiny either in committee or on the floor of the House.

7. Following the suspension of the Northern Ireland Assembly on 14th October 2002, the Government made a commitment that the bills which were before the Assembly at the point of suspension would be put to Parliament, as a sign of good faith with the peace process. While the commitment is laudable it has been pursued in a way which does not allow any of us, as Members of the House, to keep faith with our counterparts in the Assembly by giving these proposals anything approaching the degree of scrutiny they would have received at Stormont.

8. Under the Northern Ireland Act 2000 bills of the devolved Assembly may, during a suspension, be put to Parliament as draft Orders in Council. They are not subject to a formal consultation period as are draft Orders on reserved matters—such as the draft Firearms (Northern Ireland) Order 2002—under s85 of the 1998 Act. Instead, they are treated like ordinary statutory instruments and referred to a standing committee on delegated legislation for a single debate lasting up to 2½ hours, followed by a vote, if required, on the floor of the House. There is no opportunity for amendments to be tabled for debate, nor does the speed of the process allow for pre-legislative scrutiny by this or any other Committee. Nine of the Assembly’s twenty-two bills were introduced as draft Orders in Council between 15th November and 1st December: of these, seven were put to the House for a final decision within two weeks.

9. We wrote on 27th November to the Secretary of State to express our concerns about the procedure set down in the 2000 Act, and the lack of information available to the House about the Assembly’s work on these bills. The Secretary of State’s response, on 19th December, acknowledged the unsatisfactory nature of the 2000 Act procedure although it also stressed the case for making “energetic progress” with the Executive’s legislative programme. We were told that if it becomes necessary to introduce further draft Orders in Council, which were not part of the Executive’s programme, a prior consultation period would be provided “wherever possible”, and the possibility of referring further draft Orders to the Northern Ireland Grand Committee for pre-legislative scrutiny would be explored. The Explanatory Memoranda for the draft Orders would be updated to incorporate details of the Assembly’s scrutiny and the results of any previous public consultation.²

10. While we welcome the conciliatory nature of the Secretary of State’s remarks, and particularly the firm commitment to provide more information on the previous consideration of these legislative proposals, we are disappointed that no firm commitment

² Appendix C

has been made to allow more detailed consideration of the remaining Executive bills. The procedures set down under the Northern Ireland Act 2000 do not lend themselves to a level of scrutiny appropriate to what are (effectively) pieces of primary legislation.

11. It appears that the House will still not have a proper opportunity to discuss and perhaps amend the current Executive bills, although the Secretary of State describes them as “important legislation”.³ This lack of scrutiny inevitably increases the likelihood that the laws passed will be flawed in some part. While the political imperative to pursue the intent of the Assembly and Executive is understood, it is not so urgent that the normal, detailed, process of scrutiny of what is really primary legislation in Westminster should be discounted in these cases. All the Government would have to do to enable better scrutiny of the few remaining bills--as they have indicated they hope to do in future cases--is to publish and/or lay before the House proposals for draft Orders, as they do under the 1998 Act, and leave a reasonable interval before tabling the formal draft. **We urge the Government to provide for more rigorous parliamentary scrutiny of the legislation initiated in the Northern Ireland Assembly before suspension in as many cases as possible.**

The Police (Northern Ireland) Bill

12. Recently we have also been concerned to note a further example of the Northern Ireland Office providing inadequate time for consultation on significant legislative proposals. On 25th November 2002, the NIO published on the Internet a set of draft clauses for a Policing Bill, and a text for consideration, consisting of suggestions for further legislation at a later date. The draft clauses were not accompanied by any formal request for public submissions, but were accompanied by a statement that the Government intended to introduce the Bill to Parliament before Christmas. Upon inquiry, we discovered that it was planned to introduce the Police (Northern Ireland) Bill in the Lords on 9th December, a mere 14 days (10 working days) after publication of the clauses in draft form.

13. As with the Assembly bills, a political imperative to complete this legislative process quickly is understandable. On the other hand, the situation bears similarities to the handling by the NIO of the 2001-02 Justice (Northern Ireland) Bill, which was introduced to Parliament before the consultation period on the draft Justice Bill had ended. In that case – which we commented on in our previous annual report – there was no such obvious need for urgency. **The practice of publishing legislation in draft when it is plainly too late for the shape of the final Bill to be modified before introduction is pointless and frustrating. It also runs the risk of making the NIO appear only superficially interested in the concerns of those it is meant to serve. We call on the NIO to re-assess its priorities in preparing legislation, and to prepare its draft legislation in an organised manner which consistently allows for proper consultation.**

Expenditure

14. This year we pursued our scrutiny of the Departmental Annual Report and Estimates by written correspondence. Our primary comment upon the Annual Report is that it contained a number of typographical errors, the worst of which made a series of financial summaries in the Report largely unintelligible. The exchange of correspondence is reprinted at Appendix A. **We expect the NIO to take more care over the preparation of its Annual Report next year.**

³ Appendix C

Other matters

Public service agreement

15. The Committee has not this year looked specifically at the NIO Public Service Agreement.

Review of past recommendations

16. We also sought from the NIO an update on their action to address earlier recommendations by this and the last Committee. On the whole, progress in implementation was satisfactory. The correspondence is reprinted at Appendix B.

Meetings with Ministers, and others

17. In the last year we have met all of the NIO's Ministers either formally or informally. We have also seen the then Financial Secretary to the Treasury (whom we recalled in respect of the Government's response to the Report on the Aggregates Levy), and the Economic Secretary to the Treasury. We have met the new Chief Constable of the PSNI, Mr. Hugh Orde, both informally and formally since he took up his post in September. We are very grateful to the Ministers and to Mr. Orde for their willingness to discuss pressing issues with us fully, frankly and quickly.

Communications with NIO

18. We are pleased that, following comments in our last Annual Report on a failure to provide a timely Government Response to a Report, the performance in this respect has recently improved—although it should be noted that one of the Government responses in the past year has come from HM Treasury, and one from the Home Office. While some directorates have been assiduous in notifying us of developments relevant to our work, we have received a number of requests from others for extensions on deadlines in respect of memoranda. We have also been disappointed by the occasional failures of the NIO to provide us with timely copies of important documents such as the Quigley Review of the Parades Commission.

Formal structure

19. In view of the Liaison Committee's core tasks and the obligations these place upon us and upon Government Departments, we have recently initiated a system for the Department to formally update the Committee on its activity at regular intervals. We shall report on its success, or otherwise, in our next Annual Report.

APPENDICES TO THE REPORT

APPENDIX A

NIAC QUERIES ON NIO 2002 DEPARTMENTAL REPORT

QUERIES

Public Service Agreement

Query: 1. The Report mentions, paragraphs 1.1.4 and 4.1.2, that an updated Public Service Agreement is expected to be published and made available on the Internet in July 2002. As of today (3 September) the update does not appear to be available on the Northern Ireland Office's website. What has occasioned the delay and when is the PSA now expected to be issued?

Response: A draft PSA was agreed with the Treasury in mid-July 2002, and this was published in the Treasury White Paper dealing with the 2002 Spending Review at that time. Unfortunately, due to all the activity which followed the announcement of the SR outcome the publishing of the PSA on our website was overlooked. However urgent action has been taken and the PSA is now available on the NIO website.

Value for money

Query: 2(i). On page 21 of the DR, an on-going target to secure yearly efficiency savings of 3% in administration costs is noted to have been met. Subhead A of the table on page 344 of the Estimates notes that the total net resource for central administration for 2001–02 rose by over £13 million, compared to the previous year. Can you explain what this substantial increase in provision was for, and how the 3% efficiency target was achieved?

Response: The resource consumption figure of £13 million is not a valid one for comparison here, as it is comparing the *outturn* from 2000–01 with the *budget* for 2001–02. In addition, this comparison is looking at the total resources for central administration, and the efficiency target is only concerned with administration costs. The 3% efficiency target was agreed by HMT and was achieved by living within an agreed administration cost baseline for the Core Department, after workload increases were taken into consideration.

Query: 2(ii). Can you also explain why, in the same Estimates table, central administration is twice referred to as expenditure under Request for Resources 4, when the NIO has only two Requests for Resources?

Response: This is a printing error, relating back to the Estimates template for 2001–02, when the NIO had a total of five RFRs.

Query: 3. Target 9 on page 21 of the Report notes that the Prison Service will deliver further reduction in the difference in cost per prisoner place in Northern Ireland compared to England and Wales, of 11.3% by March 2003. Yet Table 10.2 on page 66 of the Report notes that the average cost of a prisoner place in Northern Ireland is expected to rise by £3,800 in the coming financial year. How can these statement be reconciled?

Response: Cost Per Prisoner Place (CPPP)

- (i) The target reduction of 11.3% by March 2003 is a cumulative position based upon the differential with England and Wales in the baseline year (2000–01). It is not a further reduction of 11.3% during 2002–03 as seems to have been inferred in the question.
- (ii) The cumulative target (17%) provides for an even reduction in CPPP over each of the three years. In reality, greater opportunities for reducing CPPP occur in 2001–02. This scenario allows for an increase in CPPP between 2001–02 and 2002–03 provided that the cumulative target at the end of the two year period (11.3%) is still met. This is illustrated in the table below.
- (iii) The CPPP for 2001–02 in the Departmental Report was based on provisional outturn at the time of publication and the number of prisoner places (1,370) did not include any adjustment for prisoner places closed due to refurbishment. The actual CPPP figure of £71,475 for 2001–02 as published in the NIPS Annual Report was based on the actual outturn for the year and 1,224 prisoner places (excluding places not available due to refurbishment).

COMPARISON OF ESTIMATED CPPP WITH TARGET CPPP
(SOURCE = NIO DEPARTMENTAL REPORT)

	<i>2000-01</i> £'000 <i>(base position)</i>	<i>2001-02</i> £'000	<i>2002-03</i> £'000	<i>Notes</i>
CPPP Target	74.6	71.8 (5.7%)	69.2 (11.3%)	1
Estimate per Dept Report		63.8 (23.8%)	67.6 (15%)	2
Actual Out-turn		71.5 (6.5%)		

Table Notes

1. The percentages in brackets show the target cumulative % reduction in the differential between NIPS and England and Wales CPPP figures as at 31 March 2001.

2. The percentages in brackets show the cumulative % reduction in the differential between NIPS and England and Wales CPPP figures as at 31 March 2001 based on the estimated CPPP figures stated in the Departmental Report.

Delivering Services

Query: 4. Paragraph 4.1.32 of the Report sets out Targets for average sick absence in the years 2001-02 to 2003-04. However performance against the target for 2001-02 is not apparently reported. Was the target met, and if not, what factors influenced the NIO's performance in this year?

Response: The most recent figures we have available are for the year 2000. These were produced by the Cabinet Office and only cover the calendar year whilst our figures are measured over the financial year. We are currently looking at the possibility of producing figures internally. Currently the NICS produce monthly statistics and we would like to do the same for the HCS. With these we would be able to report performance for the exact period required and soon after the end of that period, providing fuller responses for future Departmental Reports.

Query: 5(i). Paragraph 4.1.36 of the Report refers to an e-business strategy which has been developed. Is this strategy publicly available?

Response: A draft strategy has been produced. The final version is intended to be made available by early next year.

Query: 5(ii.) Has the NIO met the Prime Minister's target (referred to in the same paragraph), that 25% of its dealings with the public should be capable of being done electronically by 2002?

Response: The PM's target has been met in relation to electronic dealing with the public. Further work is ongoing to meet longer term e-government targets.

Query: 6(i). On pages 30-31 of the Report, various targets are set out for the NIO's performance in administration. The NIO's performance in the past year against the targets for answering letters from the general public and from MPs was significantly less, in both cases, than that of its Executive Agencies. Why was this?

Response: Delays in responding to correspondence within the NIO core can in part be explained by the need to seek input or comment from external organisations. In contrast, agencies answer directly about themselves. We have however noted the low performance with regard to responding to MP queries and we conducted an internal exercise and changed procedures with the aim of improving performance. The results are being closely monitored.

Query: 6(ii). The Report fails to answer directly for the NIO's performance against the service standards relating to direct contact with the public and answering telephone calls (also on page 30). What was the NIO's performance in each case?

Response: Contacts with the public are limited. A sample survey conducted on the main delivery outlets (eg NI Prison Service, Compensation Agency, Victim Liaison Unit and Information Services) as part of monitoring the Six Service Standards for 2001-02 revealed that 97% of calls were answered within the 20 second target.

Bloody Sunday

Query: 7(i). Provision in the Central Supply Estimates for the Bloody Sunday inquiry has reduced from £19 million in the past financial year to only £5 million in the present financial year. Please can you explain the factors influencing this reduction in provision?

Response: The baselines for BSI of £19 million in 2001–02 and £5 million in 2002–03 were forecast during the SR2002 process. At that time it was anticipated that BSI would be finishing in the first half of 2002–03 hence the bid for only £5 million.

Security

Query: 8. The paragraphs on the Independent International Commission on decommissioning carry no reference to the Commission's statement of 8 April 2002, although the Report was not published until June. Might it not have been helpful to include a reference to this statement, although, strictly, it fell just outside the financial year?

Response: We take the point the Committee make. It is always difficult in the production of documents which appear annually to know where to draw the line and in this case, we decided to impose a cut off point of the end of the financial year, which the Committee themselves recognise was technically correct.

Criminal Justice

Query: 9. Sub-head G of the table on page 344 of Estimates (HC 795) notes also that Criminal Justice is being provided with significantly greater resources, both DEL and AME, in the coming financial year. Why is this?

Response: The increased funding for Criminal Justice in 2002–03 relates to funding for the Criminal Justice Review, which received £13.5 million in 2002–03 compared to £5 million in 2001–02.

Compensation Agency

Query: 10. Charts 11.1–11.3 on pages 69–70 of the Report appear to be lacking a key to the various degrees of shading on the charts. Can you confirm what the charts mean?

Response: The key to shading on the charts was omitted in error. Charts referenced 11.2 and 11.3 have been incorrectly printed and corrected versions of all three and the key will be forwarded directly to the Committee.

Query: 11. Sub-head H of the table on page 344 of the Estimates (HC 795) notes that following a reduction in resource provision in the previous financial year, the Compensation Agency is being provided with an increase in provision of £20 million in the coming financial year. What are the factors behind this change?

Response: The increase in funding for the Compensation Agency is due to the addition of new provision for the introduction for the Criminal Injuries Tariff Scheme, which comes into effect in 2002–03. This new scheme will be running concurrently with the old scheme, until all the claims under the old schemes have been processed.

Police

Query: 12. Sub-head L of the table on page 344 of the Estimates (HC 795) notes that £592 million is being provided to the police in the coming year. This figure is far closer to the resource outturn of 2000–01 (£590 million) than it is to the provision in the immediate past year (£625 million). Can you explain the reasons for this variation?

Response: The apparent drop in Police Service funding relates to the Patten redundancy programme which the Police is running. Net savings which arise from the reduced staffing levels are transferred into the Patten Redundancy line (M2 of the Estimates) to pay for the actual redundancy costs of leavers and as a consequence the baseline provision for the Police is reduced.

The Probation Board

Query 13. Table 17.2 on page 86 of the Report sets out the targets for the Probation Board for March 2002, but does not indicate whether the Board has met, or failed these targets. What has the Board's performance been in the past year?

RESPONSE:

PBNI KEY TARGETS 2001–02

<i>Key Performance Indicator</i>	<i>March 2002 Target</i>	<i>Actual</i>
The proportion of induction interviews arranged within five working days of sentence	97%	97%
Achievement of agreed standards regarding minimum levels of contact–appointments offered	92%	90%
The proportion of supervision plans (sample 224) written to agreed standards	80%	84%
Where breach proceedings are appropriate, the proportion commenced within 10 working days of the incident occurring (sample 224)	85%	85%
The proportion of offenders subject to an active Community Service Order that work an average of five hours or more per week (sample 224)	85%	84%
The proportion of offenders subject to Community Service Orders that complete their sentence within 12 months (sample 224)	95%	97%
The proportion of offenders whose risk assessment is reviewed at least every four months	85%	82%
The proportion of pre-sentence reports or explanatory letter delivered to the courts to the date specified by the Court	98%	99%

The Table indicates that PBNI achieved or exceeded five of the eight targets set and marginally failed to meet the remaining three.

Drafting and technical

Query: 14. Can you confirm whether Tables 1.1–1.4 of the Report show spending in thousands of pounds, as indicated, or millions of pounds?

Response: This is a printing error. The figures in these tables refer to expenditure in millions of pounds.

Query: 15. The tables which head Chapters 5–19 of the Report appear to show resource expenditure plans for each directorate or agency, together with the resource outturn for 2000–01, but figures for the immediate past year (2001–02). Can you confirm that, in each case, column 9 represents resource provision for 2001–02, and not 2002–03, as printed?

Response: This is a printing error. In the tables referred to above, column 9 should actually represent resource provision for 2001–02.

Query: 16. In the Central Supply Estimates 2002–03 (HC 795) a note is appended to the Analysis of Appropriations in Aid (p 348) that the amount includes “receipts arising from arms decommissioning.” Please could you explain this?

Response: This line is intended to cover the recovery of any running costs associated with the Decommissioning body, from the Irish Government, with whom costs for decommissioning are shared.

Query: 17. Why, on the back cover of the Report, is copyright credited to the Northern Ireland Assembly Commission?

Response: This accreditation was of course an error and should not have been printed.

Chart 11.1

Average award of compensation

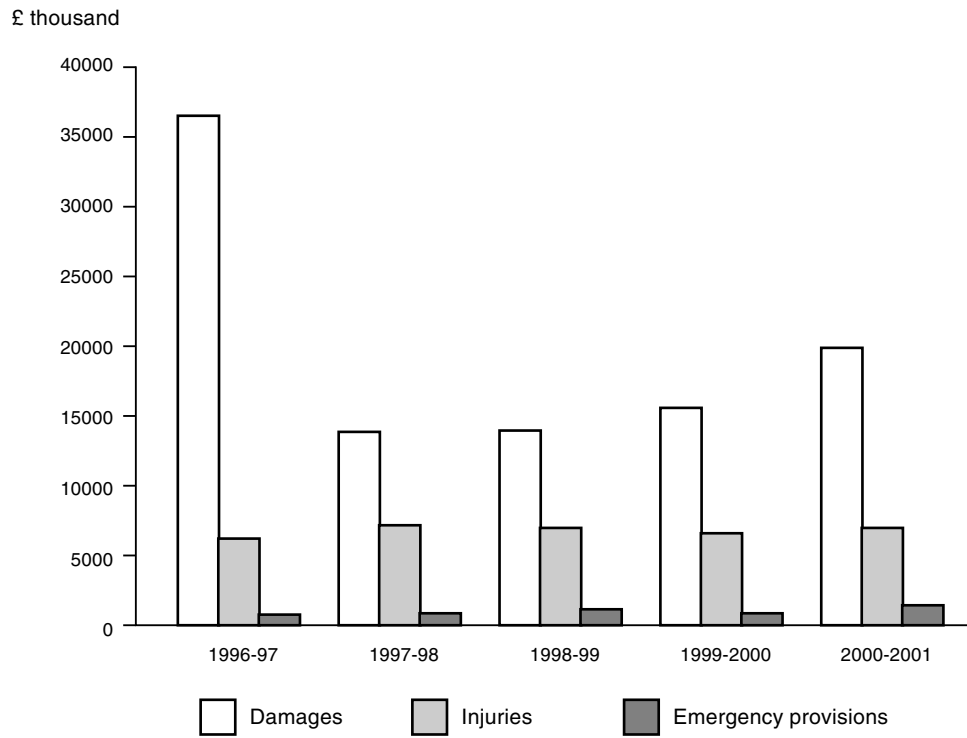


Chart 11.2

Payments under the compensation schemes

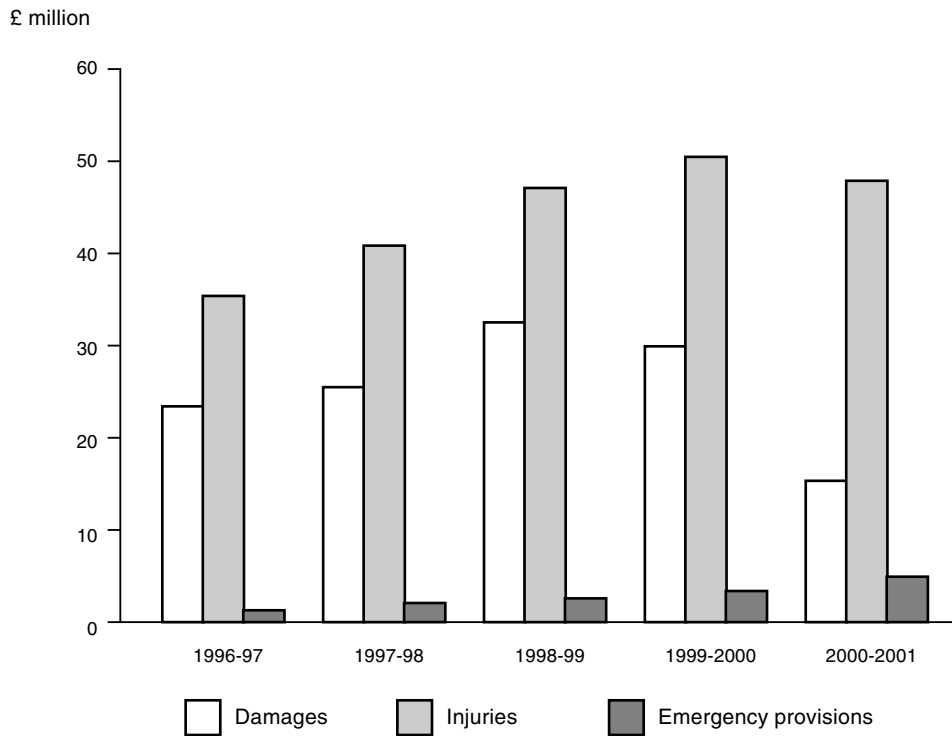
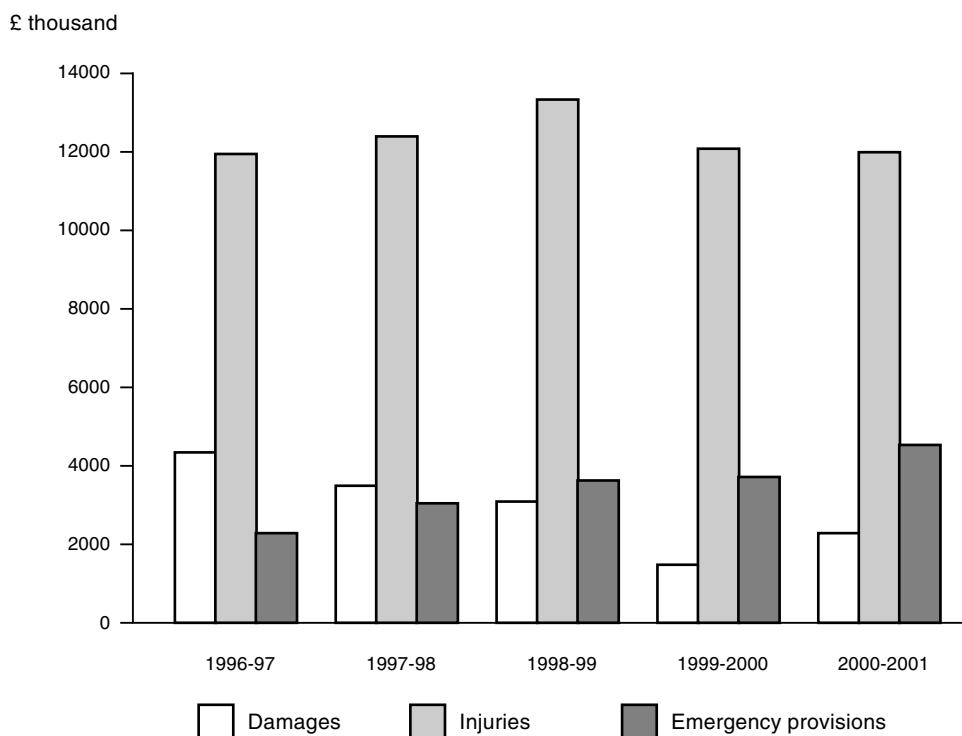


Chart 11.3

Number of new claims received



SECOND REPORT 1997-98: ELECTORAL MALPRACTICE IN NORTHERN IRELAND

APPENDIX B

Paragraph/ recommendation no:	Recommendation	Action required	Action taken
19	On notification by the Registrar . . . of a person's death, the CEO should have the power to remove their name from the Electoral Register immediately.	Confirmation as to whether or not this power has been provided (and if not, the Government's reasons)	The Representation of the People Act (RPA) 2000 gives the CEO a statutory right to examine the records of the Registrar of Births, Deaths and Marriages. The CEO is notified of registered deaths on a weekly basis and the Register is then amended accordingly, as part of the monthly Rolling Registration process.
20	Cross-checking with information from the planning service and local authorities is a useful way of combating organised fraud . . . The present arrangements for doing this should be formalised. The registration form could usefully include a	(i) Progress report on arrangements for cross-checking with listed bodies; (ii) Confirmation as to whether or not the listed details are now to be included in the registration form (and if not, the Government's reasons)	The RPA 2000 also gives the CEO a statutory right to examine the records of a district council, the Northern Ireland Housing Executive (NIHE), the Valuation and Land Agency (VLA) and the Rate Collection Agency (RCA) as well as any person providing services to, or authorised to exercise any function of any such authority. Currently the Electoral Office

<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>
	section for the householder to include the details of the number of bedrooms in the property.		<p>receives property data printed form from Councils and the VLA and has the facility to make enquiries as necessary from the NIHE and RAC. It is planned that the newly installed computer system in the Electoral Office will be enhanced in due course to allow automatic cross checking of the type envisaged. There are, however, questions relating to data protection legislation which need to be resolved before widespread cross-checking can take place. In addition, the CEO is a member of the Identity Fraud Forum, an inter-departmental working group, looking at ways of ensuring that cross checking of identity can be as effective as possible.</p> <p>It was decided that it would be too intrusive to ask householders the number of bedrooms in their property. It would also offer no guarantee of the number of voters in a particular household.</p> <p>The Electoral Fraud (NI) Act 2002 necessitates a move to individual (as opposed to household) registration forms. Individuals are now required to provide their name, address, date of birth and national insurance number (if they have one) on application for registration. They are also required to confirm residency in Northern Ireland for the requisite three month period before the date of application and give details of any other address in the UK at which they are or have applied to be registered.</p>
29	The medical card . . . should no longer be included in the list of accepted identifiers for polling purposes.	Confirmation as to whether or not this action has been taken (and if not, the Government's reasons)	<p>Concern about the medical card and the ease with which it can be forged has been recognised. For this reason it is the Government's intention to remove all forms of non-photographic ID (including the medical card) from the list of specified documents 1 May 2003.</p> <p>The Electoral Fraud (NI) Act 2002 provides for a photographic electoral identity</p>

<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>
			<p>card to be issued free of charge to all voters who may not otherwise have an acceptable form of photographic ID (ie British or Irish passport, driving licence or a Senior SmartPass issued under the Northern Ireland concessionary fares scheme).</p> <p>But the Government has to allow a reasonable amount of time for people to be given the opportunity to get a specified form of photographic ID. To fail to do so would risk disenfranchising legitimate voters.</p>
39	Those attesting absent voting applications should be required to declare that they are treating the applicant for the physical incapacity which prevents them from voting or, in cases where there is no continuing treatment, that they are the applicant's medical practitioner.	Confirmation as to whether or not this action has been taken (and if not, the Government's reasons)	<p>This action has not been taken but the Government did note the Select Committee's concerns about the rules for absent voting.</p> <p>The Electoral Fraud (NI) Act 2002 significantly tightens the procedure for absent voting. From 1 December 2002 applications to vote by post or by proxy will be required to be signed and to state an applicant's date of birth and national insurance number (or state that he does not have a number). The signature, date of birth and national insurance number on the application must correspond with the information provided to the CEO on registration.</p> <p>The CEO may refuse to grant an absent vote if he is not satisfied that the information given by the applicant corresponds with his records.</p>
41	Because of the ease of voting fraud, the CEO should examine experience in the next five years and report on whether the problem continues.	Update on progress with ongoing review	<p>A research project was carried out by a Belfast based independent company (Research and Evaluation Services) on behalf of the CEO and NIO following the General Election on 7 June 2001.</p> <p>The purpose of the research was to inform the development of electoral policy in Northern Ireland and to provide feedback on the operation of the poll on 7 June. It also sought to determine the levels of electoral malpractice.</p>

<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>
			<p>The research comprised surveys of the general public, presiding officers and count staff.</p> <p>The findings of the project were placed in the House Library and published as part of the Northern Ireland Office Research & Statistical Series.</p> <p>The CEO and NIO will continue to monitor experience particularly over the next few years as the Electoral Fraud Act is implemented.</p>
58	Applications for postal votes should include a telephone number to allow verification either on a routine basis or as spot checks.	Confirmation as to whether or not this action has been taken (and, if not, the Government's reasons).	A contact telephone number has been sought on applications for all absent votes since early 2001. However, its provision is not compulsory.
59	Where possible, all registration should be carried out by door to door canvassers.	Confirmation as to whether or not this action has been taken (and if not, the Government's reasons)	In Northern Ireland registration is carried out door-to-door except where, for operational reasons, this is impossible. 94% of households are being visited in the Autumn 2002 annual canvass. (This includes households where no electors are registered and covers 98% of the known electorate).
60	The CEO's duty to compile a trustworthy register should require him . . . to ensure that canvassers delivers forms to each household. Where the householder is absent, the canvasser should call again, leaving a card if there is still no one at home which will say when the canvasser will call again. The canvasser should call a third time and if no one is still home, leave a copy of Form A to be returned	Confirmation as to whether or not this action has been taken (and if not, the Government's reasons)	The procedures for the 2002 canvass are the canvassers deliver and collect registration forms on a two-week cycle and a postal reminder to non-responders will be sent out at the beginning of November (the detailed instructions are attached at Annex A). A third visit by canvassers was considered impractical and too expensive and could have delayed publication of the Register (required by law on 1 December). The Electoral Office, however, plans to maximise return of forms by extending the duration of the call centre/helpline (originally established by the Electoral Commission) and by setting up local collection/help centres throughout the Province in mid-November.

<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>
61	It is essential that the CEO be given the technology he needs to collate useful corroborative information for checking details on the Register and applications for absent voting.	Confirmation as to whether or not this action has been taken (and if not, the Government's reasons)	<p>The CEO keeps the issue under constant review.</p> <p>The NIO has ensured that appropriate finance has been made available for a new IT system in the Electoral Office which has been installed over the summer in time for this autumn's annual canvass.</p>
62	The option of setting up a rolling Register in Northern Ireland be considered.	Update on the Government's thinking on this proposal.	Rolling Registration came into effect in Northern Ireland in February 2001 by means of the RPA 2000.
68	In circumstances where a party agent does draw the attention of the presiding officer to a suspected irregularity, there should be no liability resting on the agent for such a challenge—expect in cases where the challenge is proved to be malicious.	Confirmation of policy.	<p>The Select Committee coupled this recommendation with one which said “if greater corroborative data is kept and a more secure system is introduced it should be easier to show reasonable grounds for suspicion”.</p> <p>The new registration provisions and a move to all photographic ID should do this in future.</p> <p>The removal of all forms of non-photographic ID from the list of specified documents will make personation at the polling station virtually impossible.</p> <p>The Electoral Fraud (NI) Act 2002 allows presiding offices to ask a voter (who is not a proxy) an additional statutory question—“what is your date of birth?” at the polling station. He can then check the answer given against the date of birth on the specified document and the information provided by the elector at the time of registration.</p> <p>This question is unlike the two existing statutory questions (“Are you x?” and “Have you already voted in this election?”) in that the presiding officer has documentation available to him on which to base his question and to back up any decision he might make.</p> <p>Any person making an allegation of suspected irregularity must, however, be prepared to substantiate his allegation, otherwise presiding officers could be inundated with vexatious allegations.</p>

TAKEN FROM THE EONI CANVASSER MANUAL

Annex A

F. DELIVERY OF REGISTRATION FORMS

During the period 9 September to 12 October 2002 Canvassers must hand deliver Northern Ireland Register of Electors forms to each residential address in their allocated area. The canvass register issued by the Electoral Office will contain details of all known addresses but Canvassers should be aware that the property database is not definitive and they are required to check for both new properties and those which may have been demolished or had a change of use, etc.

(i) Where you gain access

- (a) Check that the names and addresses on the pre-printed forms are the same as those of the occupants for that household and deliver the relevant forms. If the occupants of the household differ from those on the canvass register, or if you are delivering forms to a new dwelling, leave sufficient blank Registration Forms for completion. Prior to leaving them, please ensure that you annotate the blank forms with the ward number and the first line of the address. Also leave Guidance Notes and one copy of the Electoral Commission's publicity leaflet (A5 size) for EACH form.
- (b) Check if any additional eligible electors now reside at the household eg those who will attain the age of 18 prior to 30 November 2003 or persons who have moved there during the past year, and deliver blank forms to accommodate their registration.
- (c) Check that any person eligible to vote but not currently living in the household eg students living away from home, have been left a form and Freepost envelope and ask the contact person to forward the form and envelope to them for completion. Stress that the form must be signed by the individual elector and that it should be returned as soon as possible to the Area Electoral Office, and certainly no later than 4 November 2002.
- (d) Advise the contact person of the requirements of the registration process, that each elector must complete a separate form, must give all the information requested, and must sign the form personally. Stress that if the information is not complete the elector may not be registered on the Northern Ireland Register of Electors. Refer them to the publicity leaflet covering the new requirements of the Electoral Fraud Act and the edited Register.
- (e) Advise the contact that you will call again within the next 14 days to collect the completed form(s). You may arrange a definite date if you wish, to facilitate collection.
- (f) Ensure you have delivered sufficient forms, Guidance Notes and publicity leaflets for all members of the household, and any necessary Freepost envelopes (eg for those currently away from home or if no one will be at the dwelling at the time of your return visit).
- (g) Record in the "Responded" column of the canvass register, the date, the time (M, A or E as shown above), how many forms were delivered and ask the contact to sign in signature column.
- (h) If you now hold pre-printed forms for former occupants, place a bold diagonal line across the forms and retain them for return to the Area Office on your next visit.

(ii) Where No Access is Gained:

- (a) Deliver the individual elector forms for the address, copies of the Guidance Notes, publicity leaflets and an ER/1 note advising the electors that a call has been made and that you will call again. You may if you wish put a date and time for the next visit on the card.
- (b) Enter **on the canvass register** the date and time of the visit and the number of forms delivered, as outlined in E(ii).

G. COLLECTION OF THE REGISTRATION FORMS

From 12 September 2002 to Saturday 19 October 2002 you must make a return visit to each residential unit in your area to collect the Registration Forms. This **MUST** be within 14 days from the date of the delivery of the forms.

(i) Where Access is Gained:

- (a) Collect whatever completed Forms are available. Check at the doorstep that the full details have been entered in each section and that the form(s) have been dated and signed by the elector personally. If a form is incomplete, the form should not be collected. You should tell the contact person that all sections must be completed and that if the required information is not received the elector will not be included from the Electoral Register. A Freepost envelope (or envelopes) should be left at the household to allow the elector(s) to make a return to the Electoral Office (you should leave one envelope for each form but some families may be content to return all the forms from one house in the same envelope). Ensure that the contact is aware that the forms must be received before 4 November 2002.

The form is an individual form and you should not accept information from another person. Under no circumstances can you accept a person signing on another person's behalf unless the person to whom the form is addressed is unable to sign because of an incapacity or because they are unable to read. In this case the person who is signing on their behalf should complete the Declaration at Section 10, stating the reason why the applicant is unable to sign, and giving their own name and address in the attestor section.

- (b) A proportion of the forms will not be completed ready for collection, will not be available or will have been mislaid. In such circumstances to avoid delay leave a Freepost envelope(s) with the contact and, if necessary, additional blank forms and Guidance Notes. **Please ensure that you enter the ward number and the first line of the address on all such forms.**
- (c) The form is only valid if all relevant sections have been completed and the form is signed and dated by the elector. If a person refuses to complete or sign the form you should explain that the details cannot be used to register those involved—they will not be included on the revised Register to be published before 1 December 2002. Enter "R" against the name of the person on your canvass register and alert the Area Office on your next visit (complete a DH form code 8 and attach the relevant pre-printed forms).
- (d) Record on the canvass register in the "Collection" column the number of forms that have been collected. This will alert the Electoral Office to the number of outstanding forms from that household.

(ii) Where no Access is Gained:

- (a) If no access is gained on the collection visit, please leave the relevant number of the Freepost envelopes (one per form left on first visit) and one FR card which will make the household aware of the unsuccessful attempt to access and explain to the elector(s) the necessity of returning the form(s) to the Electoral Office before 4 November 2002.
- (b) Enter on your Canvass Register the date and time of the call as explained previously and "NIL".

OPERATION OF THE FAIR EMPLOYMENT (NI) ACT 1989: TEN YEARS ON

<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>
64	We recommend an urgent review of the manpower and physical resources devoted to Fair Employment Tribunals in order that the backlog of cases can be cleared and future cases decided much more speedily, in the interests of complainants and respondents alike.	Update on progress in (I) clearing the backlog of cases (II) reducing delays in deciding cases.	Additional human and physical resources have now been allocated.
105	We recommend that Government Departments and public bodies review the position they have taken with regard to public procurement in the context of the preparation of their equality schemes under section 75 of the Northern Ireland Act 1998.	Update on progress in respect of the central equality impact assessment cited in original Response (Fifth Special Report 1998–99 HC 837)	The Executive had agreed a revised public procurement policy, which was subject to an equality impact assessment as required under section 75. The new policy will not directly or indirectly discriminatory and the proposals are in line with the former Executive's policy on targeting disadvantage and social need.
117	The new Order implements an appropriate approach to affirmative action	Indication of proposed timetable for formal review.	The Northern Ireland Executive is committed to the introduction of a single Equality Bill which will harmonise, as far as

<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>
	for the time being and . . . the new provisions should be given time to prove whether or not they are adequate to the task . . . a formal assessment should be made after the new Order has been in effect for five years, just as the 1989 Act was reviewed after five years operation.		possible, existing anti-discrimination legislation to take account of EU requirements and consider development in GB and the Republic of Ireland.
118	We have noted that the continuing under-representation of Roman Catholics in the Senior Civil Service. We understand from the Secretary of State that the Government is considering what might be done to improve the situation.	Confirmation of progress and outcome of review referred to in original Response (see above)	An independent Review of Appointment and Promotion Procedures within the Senior Civil Service was concluded earlier this year. The Report which was considered by the Executive is now the subject of public consultation.
130	We note that the next review of employment equality, which the Government has said will be launched by 2005 at the latest . . . should occur five years after the coming into effect of the Fair Employment and Treatment Order 1999.	Indication of proposed timetable for Review.	The Executive is committed to the introduction of a single Equality Bill which will harmonise, as far as practicable, existing anti-discrimination legislation to take account of EU requirements and consider developments in Great Britain and the Republic of Ireland.

FOURTH REPORT 1997–98: PRISON SERVICE IN NORTHERN IRELAND, AND FIRST REPORT 2000–01: THE NORTHERN IRELAND PRISON SERVICE

<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>
Fourth Report paragraph 43,	Proper structures need to be put in place to create accountability for days taken off sick. Consistent standards must be applied which follow a coherent set of principles.	Update on action taken, and consequent results.	Robust sick absence management policies and procedures are in place and these have been independently assessed as best practice. The current policies/procedures have been reviewed and revised in line with guidance from the Cabinet Office on reducing absenteeism and in consultation with the Trade Unions. The revised procedures will be implemented in the Autumn following implementation of a training programme. Sick absence is managed

<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>
Fourth Report, paragraph 51	There should be an increased use of placements of officers from outside Northern Ireland in Northern Ireland prisons, and the provision of placements for Northern Ireland Prison Service offices in other prison locations.	Report on progress and success of initiative.	<p>substantially at local level and compliance with procedures is monitored through a regular and rigorous audit process. During the period 1998–99 to 2001–02 sick absence in NIPS reduced by 41%.</p> <p>Since the Select Committee Report there have been a small number of interchanges between NIPS and other organisations. For example, in the past year two of our senior Governors have had periods of secondment in outside organisations and at present we have one Governor from England and Wales working on a special project.</p> <p>The NIPS will continue to avail interchange opportunities with other prison services in particular but also other organisations where appropriate. This is being taken forward as part of our Senior Management Development Programme.</p>
Fourth Report, paragraph 71	. . . the Secretary of State should consider how best to improve links between the Northern Ireland Prison Service and the Northern Ireland Probation Service.	Report on progress.	<p>In keeping with the recommendations of the Criminal Justice Review, close and positive working relationships have been established with the Probation Service. This is exemplified not only in the day-to-day business of dealing with offenders but is also evidenced at a strategic and policy level. Amongst the examples of close working are:</p> <p>Twice yearly formal meetings between the senior management of the two services;</p> <p>Staff changes in relation to issues such as risk assessment and the development of resettlement policies and practices;</p> <p>Joint development of approval and accreditation arrangements for prisoner programmes;</p> <p>Joint training for behavioural programme facilitators.</p>

<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>															
First Report, paragraph 13	We would encourage the Prison Service to seek to ensure that through its training programme and suitable secondments where appropriate it develops the skills of its staff to the extent that it can produce good internal candidates for the highest posts in the Service.	Update on progress of the Senior Management Development Programme and the secondment scheme cited in the original Response (Second Special Report 2000–01 HC443).	<p>Module 1 of the Senior Management Development Programme (Leadership) took place during April and May 2002. This was developed and facilitated by PricewaterhouseCoopers and 49 of our senior managers have attended to date.</p> <p>Modules 2 (Managing Organisational Change) and 3 (Maximising Resources) will take place September to December 2002.</p> <p>There have been three attachments of senior governors to other services and organisations. One, of around one month, to HMP to study emergency responses and contingency planning; one, of three months, a working senior management role in Belmarsh prison; and one, of three months, to BT (NI) to observe management practices and techniques.</p>															
First Report, paragraph 14	We welcome the admittedly modest progress that has been made in improving both the religious and gender balances of the Prison Service. We would nonetheless encourage the Service to continue to give a high priority to seeking to reduce the current imbalances significantly further.	Report on progress.	<p>Natural wastage of staff (normal retirement, etc) is unlikely to give an opportunity for recruitment on a scale, which would quickly and significantly change staff, composition. Violence and threats of violence against prison staff, their homes and property may deter Roman Catholics from participating in the limited recruitment opportunities available. Against this background there has been a further modest increase in the number of *Roman Catholic and female staff in the Service:</p> <table border="1"> <thead> <tr> <th><i>Year</i></th> <th><i>Roman Catholic</i></th> <th><i>Female</i></th> </tr> </thead> <tbody> <tr> <td>1999</td> <td>8%</td> <td>9%</td> </tr> <tr> <td>2000</td> <td>9%</td> <td>12%</td> </tr> <tr> <td>2001</td> <td>10%</td> <td>16%</td> </tr> <tr> <td>2002</td> <td>10%</td> <td>16%</td> </tr> </tbody> </table> <p>* of those for whom a determination was known. The Service has continued to expand and build on contacts with the community by a variety of initiatives and ventures some of which attracted welcome media attention. Though not specifically intended to directly encourage job applicants from</p>	<i>Year</i>	<i>Roman Catholic</i>	<i>Female</i>	1999	8%	9%	2000	9%	12%	2001	10%	16%	2002	10%	16%
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<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>
First Report, paragraph 16	We welcome the greater attention which is clearly being given to both the quantity of training and its relevance to the needs of the staff . . . we have no doubt that the Prison Service will give due weight to ensuring that officers receive appropriate Control and Restraint training.	Confirmation as to whether this action has been taken (and if not, the reasons).	women and from Roman Catholics it is hoped that coming together of prison staff and a variety of people and groups in worthwhile activities will lead to greater understanding and interest in the Service. Contract and Restraint training—basic and advanced—has been highlighted as one of our Corporate Training Priorities. This year progress on delivery is monitored on a monthly basis to enable areas of concern to be addressed at an early stage.
First Report, paragraph 18	We . . . look forward to learning how the Prison Service proposes to meet its target of a 17% reduction [in costs per prisoner] by March 2004.	Report on progress.	The target set for NIPS in respect of cost per prisoner place (CPPP) was to reduce the difference in the cost per prisoner place between Northern Ireland and England and Wales by 17% by the year 2003–04. In order to assess progress, interim targets of 5.7% and 11.3% were set for years 2001–02 and 2002–03 respectively. This was equivalent to a target of £71,873 in 2001–02. This target compares with an actual out-turn of £71,475 and equates to a reduction of just over 6.5% thereby lightly surpassing the target set. In order to maintain the good progress to date, and achieve the target in subsequent years, a number of initiatives have been actioned by NIPS. These include: (a) the establishment of an efficiency unit working to a board level committee and designed to identify and pursue potential major areas of cost saving, (b) the strengthening of the budgetary control process, (c) the imposition of Service-wide budget reductions in all aspects of administration and

<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>
			<p>(d) the commencement of a benchmarking exercise.</p> <p>This latter initiative is being taken forward on two levels. At the upper level we are comparing and investigating the differences in CPPP between Northern Ireland and England and Wales at total service level while at the lower level we are comparing the cost structure of the three separate establishments in Northern Ireland with equivalent establishments in England and Wales.</p>
First Report, paragraph 26	The Prison Service plans to extend the video link . . . we welcome this and recommend an early evaluation of the benefits and costs of extending this facility.	Report on progress in implementation following Treasury award of funding in 2001.	<p>Following the success of the pilot links between prisons and the Belfast courts, video links have been extended to Magistrates Courts at Antrim, Ballymena, Coleraine, Craigavon, Downpatrick, Enniskillen, Lisburn, Londonderry, Newry, Newtownards and Omagh. Plans are advanced to complete the project by extending links to Armagh, Dungannon and Magherafelt Magistrates Courts and to the prison at Magilligan. Aside from the main project video links have been provided a Lisnevin Juvenile Justice Centre which link to all the above courts which have video link facilities.</p>
First Report, paragraph 33	We welcome the active steps being taken by the Prison Service to seek to minimise the level of drug abuse in its establishments. Although the current level of drug abuse appears to be relatively low, we would encourage the Prison Service to maintain levels of vigilance to ensure that this remains the case.	Report on progress.	<p>A database has been introduced to monitor, on a monthly basis the level and nature of drugs misuse and as a UK first all drugs finds are published on the NIPS and Health Promotion Agency websites.</p> <p>Our Service hosted its first major drugs conference in October 2001, which was attended by the Minister for prisons and speakers included members from the enforcement and treatment sector.</p> <p>Voluntary drug testing was rolled out to all our establishments and evaluation is underway to select the optimum system and standardise it across the Service.</p>

<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>
			<p>To help those prisoners struggling with their addiction the Prison Service has formed partnerships with voluntary drug agencies in each prison and their primary purpose is education, counselling and aftercare.</p> <p>Passive drug dogs have been deployed across the Services and are making a very significant contribution to reducing drug trafficking. Any visitors who receive a positive indication are offered the facility of a closed visit. The vast majority of visitors accept closed visits and the public and media are very supportive of our determination to eradicate drugs misuse in our prisons.</p> <p>Police Scientific Development Branch (PSDB): An SLA was signed with PSDB in August 2001, committing our Service to joint drugs detection research, along with HM C&E, MOD, ACPO, SPS, HMPS, DSTL.</p> <p>Police Service Northern Ireland (PSNI): A closer system of working has been established between each security office and the Drug Intelligence Unit (DIU). A quarterly meeting now occurs between both Services at HQ level and it is hoped that this partnership will reduce drug supplies in our prisons and the wider community.</p> <p>A review is underway of the NIPS Drug Strategy and a new document will be published towards the end of this year.</p> <p>NIPS has been successful in its application for almost £1 million of external funding towards implementation of this new strategy.</p>
First Report, paragraph 40	We hope that the Government will make an early announcement on its preferred option for the structure of prison inspection arrangements for Northern Ireland.	Update, following original response (see above—the Chief Inspector of Prisons asked to continue to provide inspection services until at least July 2002).	The arrangement continues whereby HMCIP visits by invitation. In practice this means Northern Ireland's prisons are inspected with the same frequency as those in England and Wales. Magilligan was inspected in March 2001 and the report has been published. The reports on Maghaberry, inspected on 13 May 2002 and Hydebank

<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>
			Wood, inspected on 4 February 2002, have not yet been published. A final decision about an inspection for the Northern Ireland Criminal Justice system has not yet been taken.
First Report, paragraph 42	We welcome both the review of prisons legislation applicable in Northern Ireland and the acceptance of the proposal to create a Prison Ombudsman.	Update on timetable for the introduction of the necessary legislation.	The bid for a legislative slot in the 2002–03 session was not successful but preparatory work on the review has been commenced. When the bid is renewed will depend on a number of factors, including the timetable for devolution of the criminal justice function.
Paragraph 83	We view with some concern the Chairman’s view that the Commission’s procedures in relation to decisions on parades may be open to challenge on the grounds of natural justice. We recommend that the Government and the Commission consider urgently whether the procedures need to be improved by greater transparency and, if so, to put the necessary steps in hand.	Update on the Government’s thinking following the outcome of legal action referred to in original Response (Third Special Report 2001–02 HC 401).	The legal action referred to has yet to come to court. At present, the judiciary is considering an application for legal aid by the party concerned. Whether or not the application is granted may determined whether or not the substantive point at issue ever comes to court.
Paragraph 98	The Commission . . . Has . . . concluded that it would be helpful if it had a power enabling it to make general policy statements in relation to individual contentious areas only. We recommend that the Government examines this proposal carefully.	Update on whether specific proposals have been made by the Commission to the Government (see original response), and response has been made.	As stated in the Government’s original response to the Committee on this recommendation, the Commission has yet to bring forward specific proposals. However, it returned to the point in its submission to the Quigley review, seeking “a clearer power . . . to make much earlier outline determinations about all traditional parading at specific locations and routes, thus allowing a clearer indication of the Commission’s views regarding the cumulative effect of parading, without any sense of the “loss” of a parading route”.

 THIRD REPORT 2000–01: RELOCATION FOLLOWING PARAMILITARY INTIMIDATION

<i>Paragraph/ recommendation no:</i>	<i>Recommendation</i>	<i>Action required</i>	<i>Action taken</i>
Paragraph 22	There needs to be a significantly more accurate definition of the extent of the problem, and the pattern of relocation . . . there is at present no reliable overall information on this, although organisations providing assistance may have a good insight into these matters within their own sphere of activity. What needs to be done, though, is to bring these two together and consolidate them. There is also a need to seek to fill the gaps in the information pattern, given the general agreement that there is under-reporting in the official statistics.	Response required as to work of NIO (in conjunction with others as appropriate) in ensuring information is consolidated, gaps filled, and an accurate definition of the intimidation problem created.	The NIO has, in recent months, been liaising with representatives of the Maranatha Community in an attempt to establish the nature/ extent of the exiles problem— including the number of known cases over a given period—and practical options for easing it. Maranatha estimates that it deals on average with one person per week. This is broadly consistent with figures published by NIACRO's Base 2: in its most recent annual report covering the calendar year 2000, it records 346 of its clients leaving home, 45 of whom left Northern Ireland.
Paragraph 39	There is a case for a more formal system of co-ordination in Great Britain of assistance to those forced to move there from Northern Ireland.	Report on progress in ensuring better co-ordination of assistance.	Flowing from the joint initiative with the Maranatha Community mentioned above, the NIO has produced a policy options paper, currently with Ministers for consideration, which looks specifically at the provisions of assistance to those relocating to GB.
Paragraph 40	We recommend that the Government . . . take steps to ensure that information on the support services available to those forced from their homes is made widely available to bodies likely to come into contact with such people, and that these bodies are encouraged to be pro-active in passing it on.	Report on progress in discussions, referred to in original response, with NACAB about provision of assistance in Great Britain (see Fourth Special Report 2001–02 HC 461).	Development of the NACAB proposal is one of the options covered in the policy paper mentioned above, currently with Ministers for consideration.

APPENDIX C

Consideration in Parliament of draft Orders in Council laid under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000.

Your letter raised two concerns regarding the draft Orders being presented to the House under the Northern Ireland Act 2000. On the question of your first concern (i.e. the speed with which they have come forward), I should like to stress at the outset that I acknowledge that the Order in Council procedure under the Northern Ireland Act 2000 is not as satisfactory as scrutiny by the Assembly, which we must bend all efforts to reviving. I also recognise that the first tranche of Orders put to the House under this Act have had to be considered more speedily than under normal circumstances given my determination to make energetic progress with important legislation which was with the Assembly.

There were 22 Executive Bills pending when the Assembly was suspended. It had aimed to take these through by early February, with Royal Assent following before the Assembly was dissolved on 21 March. Given my desire to deliver the bulk of the legislative programme set in motion by the Executive **in a timeframe as close as possible to that envisaged by the Executive**, I fully appreciate the Committee's concerns over the speed at which these Orders have been put to the House.

But I should like to emphasise that, assuming suspension continues, Parliament will, of course, be afforded a greater opportunity to scrutinise such legislation in future. Des Browne, during the debate on the Suspension Order on 29 October, set out ways in which Parliament will be able to exercise legislative scrutiny once the current tranche has completed its passage. This will include:

- Wherever possible a resumption of the previous practice under Direct Rule of a prior consultation or "proposal" stage for all Orders, generally allowing 12 weeks consultation on them.
- More frequent meetings of the Northern Ireland Grand Committee (including greater use of Question Times at NIGC meetings) to hold Ministers to account.

So far as making greater use of the Northern Ireland Grand Committee for pre-legislative scrutiny of the current tranche of Orders in the immediate pipeline is concerned, taking into account the time constraints, there are obvious difficulties. However, it might be possible to take the Appropriation Order in the NIGC in late January/early February; I propose to explore this possibility through the "usual channels" and will, of course, keep you up to speed with developments.

Finally, on the question of the extra information the Committee is seeking in Explanatory Memoranda, I hope that it will be possible to meet the Committee's points. I will arrange for future Explanatory Memoranda to incorporate or carry as an Annex the details looked for of Assembly proceedings, prior consultation papers etc, together with internal addresses for further information. As to the Orders going through at the moment, I have asked for such updated Explanatory Memoranda for the Audit and Accountability Order, and the Commissioner for Children Order.

I hope that the Committee will find this helpful. We will do all we can within the less than ideal constraints that suspension imposes, to help Parliament carry out its proper work of holding us to account for proposed Northern Ireland legislation.

Rt Hon Paul Murphy Esq, MP
 Secretary of State,
 Northern Ireland Office
 19 December 2002

PROCEEDINGS OF THE COMMITTEE RELATING TO THE REPORT

THURSDAY 9TH JANUARY 2003

Members present:

Mr Michael Mates, in the Chair

Mr Harry Barnes
Mr Roy Beggs
Mr Stephen McCabe

Rev Martin Smyth
Mr Mark Tami
Mr Bill Tynan

* * *

Draft Report (Annual Report 2002), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 19 read and agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the provisions of Standing Order No. 134 (Select Committees (reports)) be applied to the Report.—(*The Chairman.*)

Several papers were ordered to be appended to the Report.

Ordered, That the Appendices to the Report be reported to the House.—(*The Chairman.*)

[Adjourned till Wednesday 15 January at a quarter past Four o'clock.]

**NORTHERN IRELAND AFFAIRS COMMITTEE
REPORTS IN THE PRESENT PARLIAMENT**

Session 2001–2002

First Report: HC 333

Introduction of the Aggregates Levy in Northern Ireland

Second Report: HC 628

The Financing of Terrorism in Northern Ireland: Interim Report on the Proceeds of Crime Bill

Third Report: HC 978-I

Introduction of the Aggregates Levy in Northern Ireland: The Government's Response

Fourth Report: HC 978-I

The Financing of Terrorism in Northern Ireland. Volume II of this Report (HC 987-II) includes the Government Response to the Second Report, Session 2001–02, The Financing of Terrorism in Northern Ireland: Interim Report on the Proceeds of Crime Bill, HC 628.

First Special Report: HC 332

Government Response to the Committee's Fifth Report, Miscellaneous Financial Matters, Session 2000–01, and the Government Response to the Committee's Third Report, The Northern Ireland Office 2000 Departmental Report, Session 1999–2000

Second Special Report: HC 400

Government Response to the Committee's Fourth Report, Legal Aid In Northern Ireland, Session 2000–01

Third Special Report: HC 401

Government Response to the Committee's Second Report, The Parades Commission, Session 2000–01

Fourth Special Report: HC 461

Government Response to the Committee's Third Report, Relocation Following Paramilitary Intimidation, Session 2000–01

Fifth Special Report: HC 1118

Government Response to the Committee's Third Report, The Introduction of the Aggregates Levy in Northern Ireland, Session 2001–02

Sixth Special Report: HC 1347

Government Response to the Committee's Fourth Report, The Financing of Terrorism in Northern Ireland, Session 2001–02

Session 2002–2003

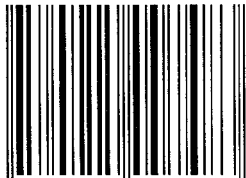
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