

House of Commons
Northern Ireland Affairs
Committee

**GOVERNMENT RESPONSE TO
THE COMMITTEE'S SECOND
REPORT : ANNUAL REPORT 2002**

Third Special Report
of Session 2002–03

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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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THIRD SPECIAL REPORT

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

Government Response to the Committee's Second Report: Annual Report 2002, HC 271, Session 2002-2003

The Committee published its Second Report of Session 2002-2003 on 21 January 2003. The response from the Rt Honourable Paul Murphy MP, the Secretary of State for Northern Ireland was received in the form of a letter on 12 March 2003, and is published as an Appendix to this Report.

APPENDIX

Operation of the Assets Recovery Agency (para 3)

On the date of the launch of the Agency, 24 February 2003, there were 7 staff in post in Northern Ireland, supported by a further 62 staff at the Agency's headquarters in London. Over the first year of the Agency's operations this is expected to grow to 21 and 96 respectively. The Director of ARA, Jane Earl, and her Assistant Director for Northern Ireland, Alan McQuillan, are liaising closely in relation to the needs of the Northern Ireland branch of the Agency, and as the relative needs of the operations in Great Britain and in Northern Ireland develop, the resourcing of the Northern Ireland Branch will be reviewed and adjusted if necessary. The Northern Ireland Branch is an integral part of the national Agency and it is important not to look at the Branch's staffing in isolation: the Agency's staff in London will undertake some Northern Ireland casework, and the Director also expects to locate some central functions in Belfast. Furthermore, criminal confiscation work in Northern Ireland will continue to be handled by the Director of Public Prosecutions' Office, leaving ARA to concentrate on civil recovery and taxation of the proceeds of crime.

I look forward to seeing the Agency take a full part in the Government's drive to reduce crime by removing unlawfully-held assets from those with no entitlement to hold them, and I wish the Director and her staff every success in their important task.

More Rigorous Parliamentary Scrutiny of Legislation initiated in the Assembly before Suspension in as many cases as possible (para 11)

I fully understand and sympathise with the Committee's argument for more rigorous parliamentary scrutiny of the legislation initiated in the Northern Ireland Assembly before suspension in as many cases as possible.

So far as the specific point made in your Report is concerned (about enabling better scrutiny of the few remaining Orders deriving from Assembly Bills, by publishing or laying before the House proposals for draft Orders, both the Strategic Investment and Regeneration of Sites (Northern Ireland) Order and the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order were given periods of one month's consultation of this draft before coming before Parliament for a formal vote.

In other cases I am afraid we were unable to do so for time-tabling reasons. We believed it was vital to maintain the Executive's legislative timetable, so that none of its good work was lost and, if devolution resumes in the near future as we hope it will, the devolved institutions can move on without loss of momentum.

We have also been willing to arrange Northern Ireland Grand Committee debates — on the Strategic Investment and Regeneration of Sites (Northern Ireland) Order and another on the Budget (Northern Ireland) Order to provide for fuller opportunities for Parliamentary scrutiny.

All the remaining Executive Bills before the Assembly at the time of suspension have now been laid as Orders in Council barring the Family Law (Divorce, etc) Order. If, contrary to our hopes, devolution is not restored soon, we shall certainly aim to build in full consultation on proposals for draft Orders in future, as we have made clear.

Inadequate Time for Consultation on Significant Legislation eg the Policing and Justice (Northern Ireland) Bills (para 13)

Turning to the Committee's specific points first, I acknowledge the Committee's criticism of the speed with which the Police (Northern Ireland) Bill was introduced to Parliament. The publication — by Ministerial statement in the House of Commons, on the Internet and by press release — on 25th November 2002 of a set of draft clauses and some provisional text for consideration was not intended as publication for consultation.

As the Committee notes, the Government was under pressure to introduce the Bill as soon as possible, in order to give an opportunity of achieving Royal Assent before the start of the campaign for the Assembly elections, which at that point were scheduled to be held on May 1. With this in mind, we concluded that it would not be possible to publish the Bill for consultation. The publication on 25th November was, as the accompanying material explained, intended to be helpful in providing a limited opportunity for discussion in advance of the Bill being introduced to Parliament. In the event, Ministers held a series of meetings with interested parties to discuss the documents.

As far as the handling of the Justice Bill in 2001-02 is concerned, the Government made it clear at the time that the Criminal Justice Review had already been subject to extensive consultation, both before and after publication, and that it intended to implement its conclusions more or less in full. We provided for a short, focussed period of consultation to allow for comments on the workability of our proposals for implementing the Review and were able to take a number of helpful suggestions on board. We were anxious that the Bill should receive Royal Assent during the 2001-02 session so as to facilitate the implementation process.

But on the Committee's general point about the need to prepare draft legislation in an organised manner which allows for proper consultation, again I have much sympathy. The Government is committed to producing more of its Bills in draft form in the session before they are formally introduced in Parliament. In many cases this will also provide an opportunity for pre-legislative scrutiny of NIO bills by your Committee. Where this occurs the form and timing of the Committee's inquiry will, of course, need to be discussed at an early stage between the NIO's liaison officer and the Committee Clerk. Our six-weekly returns to your "Core Tasks" exercise together with the ongoing, regular contact between our Liaison Officer and your Committee Clerk should ensure that you are kept fully up to speed with any NIO Bills in the pipeline.

Preparation of NIO Annual Report (para 14)

Finally, turning to your Committee's point relating to better preparation of our Annual Report this year, I can assure you that new procedures have been instituted, and hope we shall improve accuracy in future.

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