

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

4 December 2019

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3(1): Executive Formation

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

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

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

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

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

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

During the pre-election period the Secretary of State has continued his engagement with the political parties in Northern Ireland, including meeting representatives of smaller parties who are not eligible for ministerial posts in the current Assembly.

The Secretary of State has also continued preparation, including with the Irish Government in accordance with the three-stranded approach, to ensure that best use can be made of the short window of opportunity between the general election and the 13 January 2020 deadline for Executive formation.

If the 13 January 2020 deadline passes without an Executive being formed, the Secretary of State will fall under a legal obligation to call an Assembly election.

The Secretary of State underlines the imperative for all parties to engage intensively in the period from 16 December, whatever the election outcome, in order to get Stormont back up and running.

3(6) Transparency of political donations

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

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

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

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

There have been no substantive developments since the last report.

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.

The Government will consult the Northern Ireland parties about any future changes to the donations and loans legislation.

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

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

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

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

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

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

The recent report under s.3(8) of the Act published by the Secretary of State for Northern Ireland on 20 November 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.

Since the last report, the Northern Ireland Office have been carefully considering responses to a public consultation regarding a legal framework for a Troubles-related incident Victims Payments Scheme. All responses received are being considered and will inform final decisions about the shape of the scheme, which will be established by regulations made before the end of January 2020.

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

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

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

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

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

The recent report under s.3(9) of the Act published by the Secretary of State for Northern Ireland on 20 November 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. Since then there have been no significant updates on which to report.

Since the last report, the Northern Ireland Office have been carefully considering responses to a public consultation regarding a legal framework for a Troubles-related incident Victims Payments Scheme. All responses received are being considered and will inform final decisions about the shape of the scheme, which will be established by regulations made before the end of January 2020.

3(10): Abortion law review

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

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

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

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

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

Section 9(1) Act requires this legal framework to implement the recommendations in paragraphs 85 and 86 of the United Nations Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) Report: *Inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women* (UN CEDAW report) in respect of Northern Ireland.

On 4 November 2019 the Government launched a consultation on a new regulatory framework for lawful access to abortion services in Northern Ireland, consistent with the UN CEDAW report recommendations. The six-week consultation period provides the appropriate opportunity for people in Northern Ireland and relevant organisations to properly provide input and views on the proposed policy changes set out in the consultation document, which focuses on how the recommendations in the UN CEDAW Report can be implemented in Northern Ireland.

There has been a high level of engagement and interest in the consultation to date. We appreciate the contribution of those who have responded to the consultation to date, and welcome further views ahead of the consultation closing at 11.45pm on Monday 16 December 2019.

Once the consultation period has closed, the Government will publish a report reflecting on the responses. Findings from the consultation will inform the final framework that will be provided for in the regulations, in line with the recommendations of the UN CEDAW Report and the obligations under section 9 of the 2019 Act.

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