

Northern Ireland (Executive Formation) Bill HL Bill 190 of session 2017–19

Summary

- In January 2017, the Northern Ireland Executive collapsed. Since then, several talks between the UK Government and the five main parties in Northern Ireland to restore power-sharing have failed.
- The [Northern Ireland \(Executive Formation\) Bill](#) is a government bill that would amend section 1 of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 to extend the period for forming an executive until 21 October 2019. It would also grant powers to the Secretary of State to extend the period to form an executive to 13 January 2020, through regulations subject to the made affirmative procedure.
- The bill would also impose a duty on the Secretary of State to report to Parliament on the progress made towards the formation of an executive in Northern Ireland.
- The bill was introduced in the House of Commons on 4 July 2019. It had its second reading in the Commons on 8 July 2019 and all remaining stages were taken on 9 July 2019.
- The Commons Speaker called a number of amendments, including those concerning equal marriage, abortion, historical institutional abuse in Northern Ireland and amendments requiring progress reports to be debated. A number of amendments were agreed in the House of Commons. These are outlined in a table in this briefing.
- First reading was taken in the Lords on 9 July 2019, with second reading of the bill taking place on 10 July 2019.

House of Commons: Second Reading

At second reading, the Secretary of State for Northern Ireland, Karen Bradley, stated that the UK Government had introduced the bill to extend the period for devolved government to be restored by two months, with provisions that allow for a further extension of the bill, before existing provisions “expire”.¹ She argued that the legislation was “only, and can only ever be, a contingency plan”. She said she was bringing the legislation forward with the “utmost reluctance” to ensure “continuity of good governance arrangements” in Northern Ireland.²

Responding, the Shadow Secretary of State for Northern Ireland, Tony Lloyd, argued that the bill was not about “good governance” and that it was a “very partial way of ticking things over”.³ Mr Lloyd also contended it “protect[ed]” the Secretary of State from being “subject to judicial review” for being in “breach of the duty to call an election” if there was no legislative change or no Stormont Assembly in Northern Ireland.⁴ However, he said that Labour would support the bill because “it will be necessary to get us through the summer and to give the new Prime Minister, and possibly a new Northern Ireland Secretary, the chance to resolve the way forward”.⁵ Mr Lloyd said Labour could support it until October but said that going “beyond October would be very dangerous”.⁶

The leader of the Democratic Unionist Party (DUP) in Westminster, Nigel Dodds, said that the DUP would be supporting the bill, but that “very, very soon the Government will have to recognise that they cannot go on with this current position”. This, he said, had been described as “kicking the can down the road”.⁷ Mr Dodds also said that the DUP did not believe it was right to “introduce amendments that interfere with the devolved space”.⁸ The Shadow Scottish National Party (SNP) Spokesperson on Northern Ireland, Gavin Newlands, thought that the bill was “necessary”, amid the “ongoing legislative vacuum” in Northern Ireland.⁹ However, Mr Newlands contended that it was “important” that the bill should not be seen as a sign that ongoing talks to restore an executive in Northern Ireland could be delayed until the autumn.¹⁰

John Penrose, Minister of State for the Northern Ireland Office, closed the debate. He said that the Secretary of State would “be delighted if this Bill never needed Royal Assent because it was unnecessary, because the talks had succeeded and because devolved Government had been reinstated in Northern Ireland”.¹¹

The bill passed second reading without division.

Prior to a committee of the whole House on 9 July 2019, the House of Commons Speaker, John Bercow, selected several amendments including, but not limited to, amendments related to abortion, same-sex marriage and historical institutional abuse in Northern Ireland, and amendments requiring progress reports to be debated.

Amendments Made at Committee Stage in the House of Commons

The bill completed its remaining stages in the House of Commons on 9 July 2019. A number of amendments were made at committee, and are outlined in the table below. The table lists the name and party of the first Member’s name listed on the amendment paper. Some amendments may have had signatories from more than one party. Members’ explanatory statements were taken from the following document: House of Commons, [Committee of the Whole House Amendments as at 9 July 2019](#), 9 July 2019. New clause 10 did not have a Member’s explanatory statement. In this case text was taken from the amendment itself.

Number	Fate	Tabled By	Member’s Explanatory Statement
NC1	Agreed on division (383 votes to 73)	Conor McGinn (Labour)	This new clause would require UK secondary legislation to extend same-sex marriage to Northern Ireland unless a Northern Ireland Executive is formed by 21 October 2019
NC2	Agreed without division	Jeremy Corbyn (Labour)	This new clause is linked to amendment 1 on a report on progress made towards preparing legislation to implementing a pension for seriously injured victims and survivors of Troubles-related incidents, and provides for the report to be debated in Parliament
NC6	Agreed without division	Jeremy Corbyn (Labour)	This new clause is linked to amendment 3 on a report on progress towards implementing the recommendations made by the Hart Report of the Inquiry into Historical Institutional Abuse in Northern Ireland between 1922 and 1995, and provides for the report to be debated in Parliament

Number	Fate	Tabled By	Member's Explanatory Statement
14	Agreed without division	Dominic Grieve (Conservative)	This amendment would bring forward the date for a progress report to 4 September 2019 [from 21 October 2019]
6	Agreed on division (308 votes to 228)	Julian Lewis (Conservative)	The subsection would include placing a duty on the Secretary of State to report on the options available to ensure that veterans of the Troubles would be able to assist in a truth recovery process, for the benefit of bereaved families, without fear of prosecution
7	Agreed without division	Sir Michael Fallon (Conservative)	The subsection would place a duty on the Secretary to State to report on progress made towards a new prosecution guidance taking into account whether or not the person who allegedly committed an offence had been lawfully armed
9	Agreed without division	Diana Johnson (Labour)	The subsection would include placing a duty on the Secretary to State to report on the 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
10	Agreed without division	Jeremy Corbyn (Labour)	The subsection would include placing a duty on the Secretary of State to report on the implementation of a pension for seriously injured victims and survivors of Troubles-related incidents
12	Agreed without division	Jeremy Corbyn (Labour)	The subsection calls for a report on implementing the Report of the Inquiry into Historical Institutional Abuse in Northern Ireland between 1922 and 1995, published in January 2017, which was chaired by Sir Anthony Hart
15	Agreed on division (294 votes to 293)	Dominic Grieve (Conservative)	This amendment would require fortnightly reports [on progress towards the formation of an Executive] to be made after the conference recess until an Executive was formed, or until the December recess
18	Agreed without division	Nigel Dodds (DUP)	The subsection would include placing a duty on the Secretary of State to report on the preparation of legislation confirming the application of the Armed Forces Covenant in Northern Ireland
19	Agreed without division	Nigel Dodds (DUP)	The subsection would include placing a duty on the Secretary of State to report on the definition of "victim" in the Victims and Survivors (Northern Ireland) Order 2006
21	Agreed without division	Fiona Bruce (Conservative)	The subsection would include placing a duty on the Secretary of State to report on various matters related to the law on gambling in Northern Ireland and support for those experiencing problem gambling

Number	Fate	Tabled By	Member's Explanatory Statement
22	Agreed without division	Fiona Bruce (Conservative)	The subsection would include placing a duty on the Secretary of State to report on the assistance and support offered to victims of human trafficking in Northern Ireland from receiving a conclusive grounds decision
NC10	Agreed on division (332 votes to 99)	Stella Creasy (Labour)	Amongst its provisions NC10(1) stated that in accordance with section 26 of the Northern Ireland Act 1998: "the Secretary of State must make regulations by statutory instrument to give effect to the recommendations of the Report of the 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". This would be subject to NC10(4): "If a Northern Ireland Executive is formed before 21 October 2019, any extant obligations arising under subsection (1) shall cease to have effect".
NC20	Agreed without division	Fiona Bruce (Conservative)	This new clause is linked to the amendment 21 on a report on progress made on the law on gambling in Northern Ireland and support for problem gambling, and provides for the report to be debated in Parliament
NC21	Agreed without division	Fiona Bruce (Conservative)	This new clause is linked to the amendment 22 on a report on progress made on the law on gambling in Northern Ireland and support for problem gambling, and provides for the report to be debated in Parliament

Amendments Defeated on Division

Two amendments (16 and 17) tabled by Dominic Grieve (Conservative) were defeated on division. Introducing the amendments, Mr Grieve stated that although he "welcomed" the provisions in the bill for a report to be made to the House on the progress being made on setting up an executive in Northern Ireland, the measure did "not go far enough".¹² Mr Grieve's explanatory statement for amendment 17 explained that it would have required progress reports to be debated. Amendment 16 was a consequential amendment. Amendment 16 was negatived on division (289 votes to 292).¹³ Amendment 17 was negatived on division (289 votes to 293).¹⁴

Further Information

- House of Commons Library, [Northern Ireland \(Executive Formation\) Bill 2017–19](#), 4 July 2019
- UK Parliament website, [Selection of Amendments: Committee of the Whole House](#), 9 July 2019
- UK Parliament website, [Committee of the Whole House Amendments as at 9 July 2019](#), 9 July 2019; and [Corrected Committee of the Whole House Amendment as at 9 July 2019](#), 9 July 2019
- Northern Ireland Office, '[Secretary of State Acts to Extend Period of Northern Ireland EFEF Act 2018 to Ensure Good Governance](#)', 4 July 2019
- [Statement by the Secretary of State for Northern Ireland, Karen Bradley, on the 'Political Process in Northern Ireland'](#), HC Hansard, 4 June 2019, cols 68–77

- [Oral Question on ‘Northern Ireland: Inter-party Talks’](#), HL *Hansard*, 20 June 2019, cols 836–8
- [Second Reading of the Northern Ireland \(Executive Formation\) Bill](#), HC *Hansard*, 8 July 2019, cols 60–124
- House of Lords Delegated Powers and Regulatory Reform Committee, [Northern Ireland Office Memorandum for the Delegated Powers and Regulatory Reform Committee: The Northern Ireland \(Executive Formation\) Bill](#), 3 July 2019
- UK Government, [Guidance on Decision-making for Northern Ireland Departments During the Period for Northern Ireland Executive Formation](#), November 2018, Cm 9725
- House of Lords Constitution Committee, [Northern Ireland \(Executive Formation\) Bill](#), 10 July 2019, HL Paper 404 of session 2017–19

¹ [HC Hansard, 8 July 2019, col 59.](#)

² *ibid*, col 60.

³ *ibid*, col 62.

⁴ *ibid*.

⁵ *ibid*, cols 65–6.

⁶ *ibid*, col 66.

⁷ *ibid*, col 84.

⁸ *ibid*.

⁹ *ibid*, col 72.

¹⁰ *ibid*.

¹¹ *ibid*, col 123.

¹² [HC Hansard, 9 July 2019, col 240.](#)

¹³ *ibid*, cols 272–6.

¹⁴ *ibid*, cols 277–80.

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