



Reports Pursuant to Section 3(5) of the Northern Ireland (Executive Formation etc) Act 2019 Debate on 28 October 2019

On 28 October 2019, the House of Lords is due to debate a motion moved by Lord Duncan of Springbank (Conservative) that “this House takes note of the report pursuant to section 3(5) of the Northern Ireland (Executive Formation etc) Act 2019, which was laid before this House on 23 October”.

Summary

Section 3(5) of the Northern Ireland (Executive Formation etc) Act 2019 requires the UK Government to lay reports before Parliament at regular intervals. The Act stipulates that these reports must include information on:

- progress made towards forming an Executive in Northern Ireland;
- progress made towards preparing legislation to provide for transparency of political donations and loans from 1 January 2014;
- the improvement of higher education provision in Northern Ireland and the establishment of a university, the principal campus of which is in Derry/Londonderry;
- 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;
- progress made towards developing new prosecution guidance for legacy cases of Troubles-related incidents, to take into account the lawfulness or otherwise of how the person who allegedly committed an offence was supplied with a deadly weapon; and
- 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.

As mandated by the Act, a first report on these topics was published on 4 September 2019, a second report was published on 9 October 2019, and the most recent report was published on 23 October 2019. Further reports on these topics must be published every 14 days until 18 December 2019 or until an Executive is formed, whichever is sooner. The Act also requires that each House be given the opportunity to debate the reports within five days of their publication.

Section 3(17–20) of the Northern Ireland (Executive Formation etc) Act required the Government to also publish reports on 21 October 2019 if an Executive had not been formed by that time. These reports were to include information on:

- progress on the establishment of a Renewable Heat Incentive Hardship Unit in the Department for the Economy;

- progress on libel legislation in Northern Ireland and any plans to align Northern Irish legislation with libel legislation in the rest of the United Kingdom;
- progress of the implementation of the Protect Life 2—Strategy for Suicide Prevention in Northern Ireland; and
- an assessment of how much demand there is for elective care services and how this is exceeding health service capacity for both new and existing patients across Northern Ireland, and detailing each of the current measures being taken to reduce health and social care waiting times, as well as those that are planned, and the impact of NHS waiting times on children.

These reports were published on 21 October 2019.

Measures Taking Effect on 22 October 2019

Because an Executive had not been formed by 21 October 2019, sections 8–10 of the Northern Ireland (Executive Formation etc) Act 2019 came into effect. These sections contain provisions obliging the UK Government to introduce secondary legislation to change the law in Northern Ireland in the following ways:

- to extend same sex marriage and opposite sex civil partnerships to Northern Ireland by 13 January 2020;
- to give effect to recommendations set out in the United Nations Committee on the Elimination of all Forms of Discrimination Against Women report in respect of lawful access to abortion services by 31 March 2020; and
- to introduce a system of victims payments in Northern Ireland, to be in force by the end of May 2020, for people who have sustained an injury as a result of a Troubles-related incident.

In addition, certain sections of law relating to abortion were repealed, so that criminal charges cannot be brought against women and girls who have an abortion or against those who provide and assist in the abortion (subject to certain conditions). There is now also a moratorium on criminal prosecutions in respect of an offence under those provisions.

On 21 October 2019, some Northern Ireland Assembly Members returned to Stormont. Their aim was to form an Executive so that these provisions would not take effect. However, Members from Sinn Féin and several other parties did not attend the sitting, which meant a new Speaker could not be elected. The sitting was abandoned and no Executive was formed.

Key Documents

- Northern Ireland Office, [Report Pursuant to Section 3\(5\) of the Northern Ireland \(Executive Formation etc\) Act 2019](#), 23 October 2019; and [Report Pursuant to Section 3\(5\) of the Northern Ireland \(Executive Formation etc\) Act 2019](#), 9 October 2019; and [Report Pursuant to Section 3\(1\), 3\(6\), 3\(7\), 3\(8\), 3\(9\) and 3\(10\) of the Northern Ireland Executive Formation etc\) Act 2019](#), 4 September 2019

Reports mandated by the Northern Ireland (Executive Formation etc) Act 2019 on progress made towards forming a Northern Ireland Executive, and other matters.

- Northern Ireland Office, [Report Pursuant to Section 3\(17-20\) of the Northern Ireland \(Executive Formation etc\) Act 2019](#), 21 October 2019

Report on various Northern Ireland related topics, as mandated by the Northern Ireland (Executive Formation etc) Act 2019.

Parliamentary Debate, Statements and Questions

- [Debate on 'Northern Ireland \(Executive Formation etc\) Act 2019: Section 3\(5\)'](#), HL Hansard, 17 October 2019, col 259–78
- Debate on ['Northern Ireland \(Executive Formation etc\) Act 2019 Section 3\(5\)'](#), HC Hansard, 16 October 2019, cols 393– 419
- House of Commons, ['Written Statement: Executive Formation: Extension Period'](#), 21 October 2019, HCWS26

Further Information

- United Nations Committee on the Elimination of Discrimination against Women, [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](#), 23 February 2018
- House of Commons Library, [Marriage of Same Sex Couples: Northern Ireland](#), 15 August 2019
- House of Lords Library, [Northern Ireland \(Executive Formation\) Bill: Briefing for Lords Stages](#), 10 July 2019

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