



Reports Pursuant to Section 3(5) of the Northern Ireland (Executive Formation etc) Act 2019 Debate on 7 January 2020

On 7 January 2020, the House of Lords is due to debate a motion moved by Lord Duncan of Springbank, Parliamentary Under Secretary of State for Northern Ireland, 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 Thursday 19 December 2019”.

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 on 9 October 2019, and further reports every two weeks until 18 December 2019. The reports of 6, 20, and 29 November 2019, and of 4 December 2019, were not debated because Parliament was dissolved.

Emily Haves | 3 January 2020

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Executive Formation

New talks to restore the Northern Ireland Assembly and Executive began on 16 December 2019 and restarted on 2 January 2020 after pausing for the Christmas break. The Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 (as amended) stipulates that if power-sharing is not restored by 13 January 2020 a Northern Ireland assembly election must be called. The Government report states that its priority is to “get Stormont back up and running before 13 January 2020”.

Abortion Law

Under the provisions of the Northern Ireland (Executive Formation) Act 2019, because no Executive was in place on 22 October 2019 certain sections of law relating to abortion were repealed. This means that no criminal charges can be brought against women and girls who have an abortion or against those who provide or assist with the abortion, subject to certain provisions. People can also not be prosecuted in respect of an offence under those provisions.

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. The Government report states that it is considering responses to a consultation that “will inform the final framework that will be delivered in the regulations that will come into force from 31 March 2020”.

Key Documents

- Northern Ireland Office, [Report Pursuant to Section 3\(5\) of the Northern Ireland \(Executive Formation etc\) Act 2019](#), 18 December 2019

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

Parliamentary Debate, Statements and Questions

- [Debate on ‘Northern Ireland \(Executive Formation etc\) Act 2019’](#), HC Hansard, 28 October 2019, cols 144–68
- [Debate on ‘Northern Ireland \(Executive Formation etc\) Act 2019: Section 3\(5\)’](#), HL Hansard, 28 October 2019, cols 818–36

Further Information

- House of Commons Library, [Investigation of Former Armed Forces Personnel Who Served in Northern Ireland](#), 8 October 2019
- Marie-Louise Connolly, [‘Northern Ireland Abortion Law Changes: What Do They Mean?’](#), BBC News, 22 October 2019
- Rebecca Black and David Young, [‘Agreement to Resurrect Stormont must be Sustainable—DUP’](#), *Belfast Telegraph*, 2 January 2019