

# **Northern Ireland (Interim Arrangements) Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Northern Ireland Office, have been ordered to be published as HL Bill 137—EN.

## EUROPEAN CONVENTION ON HUMAN RIGHTS

Lord Caine has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Northern Ireland (Interim Arrangements) Bill are compatible with the Convention rights.



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[AS BROUGHT FROM THE COMMONS]

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[AS BROUGHT FROM THE COMMONS]

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# B I L L

TO

Extend the period during which departmental functions may be exercised in the absence of Ministers to cover the whole of the current period in which there is no Executive; to give the Secretary of State power, during that period, to commission advice and information for the purpose of developing options for raising more public revenue in Northern Ireland or otherwise improving the sustainability of public finances in Northern Ireland; and to require certain accounts and related documents to be laid before the House of Commons in periods in which the Northern Ireland Assembly is not functioning.

**B**E IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## *Departmental functions*

### **1 Period during which functions may be exercised in absence of Ministers**

In section 3 of the Northern Ireland (Executive Formation etc) Act 2022 (exercise of departmental functions in absence of ministers)—

- (a) in subsection (1), for “the period mentioned in subsection (2)” substitute “the current period in which there is no Executive”; 5
- (b) for subsection (2) substitute—

“(2) In this section “the current period in which there is no Executive” means the period—

- (a) beginning with 6 December 2022 (the day on which this Act was passed), and 10
- (b) ending when an Executive is next formed.”

*Advice and information***2 Advice and information on options for raising public revenue**

After section 5 of the Northern Ireland (Executive Formation etc) Act 2022 insert—

*“Advice and information*

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**5A Advice and information on options for raising public revenue**

- (1) The Secretary of State may use the powers conferred by this section only—
- (a) during the current period in which there is no Executive, and
  - (b) for the purpose of developing options for raising more public revenue in Northern Ireland or otherwise improving the sustainability of public finances in Northern Ireland. 10
- (2) The Secretary of State may direct a Northern Ireland department to—
- (a) give the Secretary of State advice or information about such matters as may be specified in the direction; 15
  - (b) carry out such consultation as may be specified in the direction.
- (3) A direction to provide advice or information may include provision about—
- (a) the manner or form in which it is to be provided;
  - (b) when it is to be provided. 20
- (4) A direction to carry out a consultation may include provision about—
- (a) who is to be consulted;
  - (b) how the consultation is to be carried out;
  - (c) the content of the consultation (including provision requiring the department to obtain the approval of the Secretary of State to the content of the consultation before the consultation begins); 25
  - (d) the consultation timetable.
- (5) Where a direction requires a department to give information that is not within its possession, or is not under its control, the department must take reasonable steps to obtain the information for the purpose of complying with the direction. 30
- (6) The power under subsection (2)(a)—
- (a) may be exercised so as to require two or more departments to give joint advice; 35
  - (b) may be exercised so as to require two or more departments jointly to collate information and for one or other of them to give it to the Secretary of State.
- (7) A direction under this section lapses at the end of the current period in which there is no Executive. 40

- (8) In this section “current period in which there is no Executive” means the period –
- (a) beginning when the Northern Ireland (Interim Arrangements) Act 2023 is passed, and
  - (b) ending when an Executive is next formed.

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### **5B Advice and information: data protection**

- (1) A direction under section 5A(2)(a) does not require a disclosure of information if the disclosure would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the duty to comply with a direction under that section).
- (2) In this section “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).”

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### **3 Exception to Assembly power to call for witnesses and documents**

In section 44 of the Northern Ireland Act 1998 (power to call witnesses and documents), in subsection (4) –

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- (a) after “in connection with” insert “–

(a)”;

- (b) at the end insert “, or

(b) the giving of a direction under section 5A of the Northern Ireland (Executive Formation etc) Act 2022 or the exercise of a function in accordance with such a direction.”

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### *Accounts*

### **4 Accounts etc to be laid before House of Commons**

- (1) After section 67 of the Northern Ireland Act 1998 insert –

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#### **“67A Accounts etc to be laid before House of Commons if no functioning Assembly**

- (1) A person must send to the Secretary of State a copy of any minutes, accounts, reports, or other documents, that, during a period in which the Assembly is not functioning, the person lays before the Assembly under a relevant provision.
- (2) The Secretary of State must lay before the House of Commons anything received under subsection (1).
- (3) In this section “relevant provision” means –
- (a) section 10(4), 11(3)(c), 16(4) or 24(2) of the Government Resources and Accounts Act (Northern Ireland) 2001, or
  - (b) Article 8 of the Financial Provisions (Northern Ireland) Order 1993 (S.I. 1993/1252 (N.I. 5)).

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- (4) In this section “period in which the Assembly is not functioning” means a period—
- (a) beginning with the first day after the end of the period in which an Assembly must meet if, at the end of that period, the Presiding Officer and deputies are not in post, and 5
  - (b) ending with the next day on which the Presiding Officer and deputies are in post.
- (5) In subsection (4)—
- (a) a reference to a Presiding Officer or deputy being in post is a reference to their being in post having been elected under section 39(1) after the day of the poll at which the Assembly referred to in subsection (4)(a) is elected, and 10
  - (b) a reference to the period in which an Assembly must meet is a reference to the period referred to in section 31(4).”
- (2) Section 67A of the Northern Ireland Act 1998 applies in relation to the period in which the Northern Ireland Assembly is not functioning that began before this Act is passed as if that period had begun when this Act is passed. 15

### *General*

#### **5 Extent**

- This Act extends to— 20
- (a) England and Wales,
  - (b) Scotland, and
  - (c) Northern Ireland.

#### **6 Commencement**

- This Act comes into force on the day on which it is passed. 25

#### **7 Short title**

- This Act may be cited as the Northern Ireland (Interim Arrangements) Act 2023.





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Extend the period during which departmental functions may be exercised in the absence of Ministers to cover the whole of the current period in which there is no Executive; to give the Secretary of State power, during that period, to commission advice and information for the purpose of developing options for raising more public revenue in Northern Ireland or otherwise improving the sustainability of public finances in Northern Ireland; and to require certain accounts and related documents to be laid before the House of Commons in periods in which the Northern Ireland Assembly is not functioning.

*Brought from the Commons on 11th May 2023*

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