

Bill to Law Transcript

KEY:

BK: Dame Brenda King, Attorney General
PB: Paula Bradshaw, MLA (Alliance)
AG: Alec Gordon, First Legislative Counsel

BK: Good morning, everyone. It's really lovely to see you all today. And lovely to see so many young faces in particular. I've been dealing with legislation for 33 years now, I think it is. In various countries of the world, and I am really passionate about it.

Really welcome this course that you're having today. I'm pleased that you want to know about the journey, about how acts of the Assembly are made, really the journey from bill to law, which is quite interesting. You normally only see one part of that, so this will show you the whole progress.

But before doing that, Anne-Marie has asked me to tell you a little bit about what the Attorney General for Northern Ireland does, and maybe a little bit about my background, if that's of interest to you when you're, I know, at a crucial point in choosing your careers and what you might like to do.

So it would be a very good question to ask, indeed, what does an Attorney General do? Because many people, including many lawyers, aren't even aware of the full range of functions. You tend to be interested in the area that affects you. If you're interested in charities, you'll be very interested in the Attorney General's role in that respect. You will be interested if you are interested in troubles inquests or other inquests in the Attorney's role there. There are a multitude of functions that I have.

Every country in the commonwealth world or the common law world has an Attorney General, and they are generally politicians. But Northern Ireland is different because the Attorney General for Northern Ireland is not a politician. The Attorney General for Northern Ireland from 1920 up until 1972 was a politician, but with the devolution of policing and justice, that role was made apolitical. But it is a political appointment.

I didn't think I would be Attorney General. I didn't wake up one day planning a career path that way. It is purely within the personal appointment role of the First minister and the deputy First minister. But I did obviously study law, and I didn't go into law even thinking, well, I really want to be a lawyer. I was actually interested in journalism. I thought it would be the most useful degree I could do to help me with that. But when I got into the law and I studied at Queens, I saw that there were so many things that you could do with it.

In my second year, I volunteered in an advice centre, and I found that really transformational because what I could see was if you know what the rules are, you can do an awful lot with that. In that case, that was really, in many cases, dealing with people's benefits and what they were entitled to and giving them advice on that. By becoming an expert in the rules there, you're able to do an awful lot.

Again, I'm quite a people person and like mixing with people. I like being in the office every day, meeting all kinds of different people. I went in to a solicitor's office just for, well, it was meant to be two weeks. It turned out to be, let me say, two months, and I lost about two stone while I was there. I worked so hard but really enjoyed it because you could see that that's a business and you meet lots of people every day in that. I suppose my only ambition when I was your age was really to meet as many interesting people as possible, and I've certainly done that. But it's not a career path to being an Attorney General. There isn't a career path, as I've said.

I studied law, went to Queens, and then I qualified as a solicitor, which I thought gave me more flexibility in moving around careers in that role. Then I did further study in the world of public international law. I was really interested in an area that I thought I'd never be able to use, which is the division of territories and treaties and disputed territory, so across the world, and I specialised in the Arctic. But that was to come in quite useful later on, as I found out after the Good Friday Agreement, but there's another story about that there. Then I came back, did further studies, and then I went into the world of legislative drafting. I will leave that to Alec Gordon to tell all about that particular world, but that covers every area of the law, and it does bring you into a lot of contact with politicians.

As I've said, my role as Attorney General, my independence is enshrined in statute, and that's a very particular provision of the Justice Act, Northern Ireland, 2002. My principal role is to advise the Executive and all for Executive Ministers. With all of their different ideas coming from different parties and trying to give them very straight, rigorous legal advice on the most complex issues that face them. It's a very demanding role.

But on top of that, I have these other functions, and they are on my website, if you would like to have a look at that. But they include things you might not have thought of - mental capacity and mental health. We have people who are detained and do not have the mental capacity to ask for their detention to be reviewed. I have a power to refer those detentions to be reviewed by the review tribunal.

I have a role, as I've mentioned, in relation to inquests, and you tend to think of troubles, inquests. My power there will come to an end at the end of April this year, but I have a role in relation to all sorts of inquests, medical cases, and everything else. I have quite a role in relation to charities, and interestingly, in relation to parentage cases, which are becoming more complex now than they ever were before. But my principal role is a Chief Legal Advisor to the Executive.

We'll move on to legislation now, and I'll talk to you about my particular role in that. I'm putting the cart before the horse because Alec will go through the process with you. But I'm sure he'll say the same thing that as Bismarck said, laws are like sausages. I'm sure you've heard this before. It's better not to see them being made. It takes years sometimes to see a piece of legislation through from beginning to end. The longest I've ever experienced has been about 13 years.

They take great effort to get right and they affect every one of us in Northern Ireland, so that is extremely important. You all have an interest in making sure that the laws that affect you are right. I feel very grateful to the politicians we have here in Northern Ireland, the MLAs, who put so much effort into doing that. A lot of you won't see what goes on behind the scenes in the Assembly in doing that.

Talking about the process of turning a bill into law, we will start, first of all, with my role in relation to what we call legislative competence and the specific role that the Attorney General has there.

I talk quite a lot about the Assembly. If you're really a constitutional nerd, you can look at part 4 of the Northern Ireland Act 1998, or indeed, come back for a longer visit. The Northern Ireland Act, as you will know, provides all the detail on elections, appointments, committees, and all the other details of the Assembly, which is the lawmaking body for Northern Ireland.

As we said before, and as you know, the Assembly was established after the Belfast Good Friday Agreement 1998. Of course, that was a long time before any of you were born. But as a very junior lawyer coming into the office, I was thrust into the aftermath of the Good Friday Agreement.

At that time, I was with the Foreign Office for a very enjoyable stint in Gibraltar, though it was politically very complex, sometimes more complex than it is here politically. That was a very interesting time being involved in the setting up of the Assembly, right from the very, very important things like the standing orders, how the Assembly operates, right down to what colour of boxes should ministers carry. Not red, not green. We decided on blue. Blue is the Assembly colour today. I have a whole range of outfits in Assembly blue, which I can use for appropriate events, but I thought it just appeared usual court dress, very boring, black.

The Assembly consists of 90 members, the MLAs. They have to take their Pledge of Office. I also make a pledge to serve the people of Northern Ireland, but I do that in court before the Chief Justice after my appointment. The MLAs sit together in party groups in the Assembly or individually if they are independent members as well. We have an Official Opposition. It'd be interesting. We have the first opposition day coming up next Tuesday is it Anne-Marie? Nine statutory committees and seven standing committees.

The conduct of business in the Assembly is overseen by the Presiding Officer, commonly known as the Speaker, but technically and legally the Presiding Officer. That's a really unique and important role, as you can see with the events in Westminster, of last week. We hope our new speaker, Mr Edwin Poots, isn't involved in any such complex debates for a while anyway. The Speaker has a very important role in making sure that the Assembly has the authority to make the laws it wants to make, i.e. that the Assembly bills are within legislative competence.

As I've said before, most Acts will have been on a long and complex journey. Some are very short and can be drafted and introduced within days. Some have a very long gestation, most particularly, maybe criminal justice bills, and there's a lot of consultation. Again, Alec will talk a bit more about that, and indeed Paula.

The work involves many skills, research, policy development, evidence gathering, screening, impact assessments, costing, legal advice, the technical drafting of the bill, which Alec will cover, and that's even before all the debate and scrutiny which takes place.

A bill can be introduced into the Assembly by, obviously, a Minister or an Assembly Committee or by an individual MLA. These are called Private Members Bills. I must be really sad. Sometimes I wake up thinking of brilliant ideas for Private Members Bills, but not being a member myself I never have a chance to introduce them. But I keep my own list, keeps me sane anyway.

We've had quite a few important bills in Northern Ireland of this type, including the bills which became the Autism Act of 2011 and 2022, the Children Services Co-operation Act 2015, Functioning of Government, Miscellaneous Provisions Act, 2021, and the Integrated Education Act, 2022. There was also the Period Products Free Provision Act of 2022, all before the Assembly came down. Of course, there was the interesting Climate Change Act enacted, and that was a Private Members Bill, and there was an Executive bill at the same time, so that was quite unique.

It's also worth looking at the Assembly's short video on making laws on the website. I'm going to have to look at that myself, Anne-Marie, and see what's that. That will really bring it to life.

There's a lot of process behind the making of an Act, and this is really important because it supports the rule of law that every single part of the process is closely adhered to. I keep my eye on that, as do the lawyers in the Assembly, and indeed the Departmental lawyers. It's really important because of the use of power in making an Act, because these regulate all of our individual behaviours and group behaviours, and they raise and allocate money and resources, confer powers and impose duties.

The lawmaking process tries to balance this exercise of power, building in a maximum number of opportunities to comment, ask questions and challenge. That's why it takes so long. That is important because once a law is made, it cannot, except in very limited, circumstances be modified by a court.

It's also important to ensure that law is well written and that we can all access and read it as easily as possible. Sometimes they're very complicated laws which may be directed, for example, in relation to tax, and those may be necessarily complex or others which we would expect other people to be able to read fairly easily. The drafting experts of the Office of the Legislative Council will attempt to make that as easy as possible.

Since 2000, when the Assembly first sat, it has passed 219 Acts, which is pretty incredible. I remember comparing the tables of bills produced by various legislatures in the world, and we compared very favourably with that.

The most recent bill enacted is the Budget Bill, well, it hasn't been quite It's been enacted by the Assembly, but we still have to wait for Royal Assent from the King to make that law, which is operative. That's a good example of a very fast track law, but really important because it enables the departments to actually spend the money they have on public services, hospitals, roads, and importantly, schools.

The powers of the Assembly to make acts are contained in part two of the Northern Ireland Act 1998. Of course, Westminster retains its powers to make acts of its own accord because the power in the Northern Ireland Act flows directly from the Crown to that legislature. The Assembly can only legislate within those powers that are devolved to it under the Northern Ireland Act, and those can expand. We haven't perhaps been as pushy about that as other devolved governments have been in Wales and in Scotland. Who seem to push at the boundaries a lot. The areas in which the Assembly can pass Acts are called transferred matters, and they include areas such as education, health, environment, transport, justice, and, oddly clock time. We have that power unlike Scotland and Wales. We could change the law in relation to time setting. Wouldn't make a lot of sense, but it's there anyway.

We can also legislate on reserve matters such as telecommunications and data protection. But for that, you need the permission of the Secretary of State. That retains a bit of control at Westminster. That is all found in schedules two and three of the Northern Ireland Act, which are reasonably easy to read. But the restrictions and competence are fully set out in section two of the Northern Ireland Act. If a bill that the Assembly is intending to pass contains a provision which breaches any of those provisions set out in section 6(2) It is outside the legislative competence of the Assembly and is not law.

It's really important to know that what you're doing is within legislative competence. I have a particular role in that area. If I consider that there is a question as to whether a provision of a bill is within competence, I can refer that provision to the Supreme Court. I have only done that once, and I'll talk to you very briefly about that. But just to whiz through, and you can read this for yourself, and Anne-Marie has probably told you a bit about this in advance. The provision of an Act would be outside legislative competence if it breaches any of the following six rules.

The first one, if it would form part of the lower country of a territory other than Northern Ireland. Now, that's pretty obvious, but we have to be also careful that we are not legislating for the Republic of Ireland. That's a particular concern here. I dealt with a lot of the North-South bodies and the treaties establishing those. That's quite a complex area of law anyway.

Secondly, if it deals with an excepted matter and it's not ancillary to other provisions. So excepted matters are those which are legislated for by Westminster, and that refers to the matters such as tax, defence, international relations.

I will tell you a funny story about Gibraltar. A lot of common law countries have similar set-ups to that in, Northern Ireland, Gibraltar being one of those. And the Gibraltar Parliament passed an act which dealt with the airport, which was a very contested area between the UK and Spain. I knew it wasn't within the competence of the Parliament to do that, but it caused a lot of controversy if I bounced in and said, can't do that. I just had a quiet word with the governor and advised him not to sign it, and it was never mentioned again. That was quite interesting. It took us all by surprise, but it was quietly sorted out.

There have been quite a few cases, as I said, in Scotland and Wales testing this, but nothing in Northern Ireland yet.

Also, a bill must be compatible with the Convention rights, that's the European Convention on Human Rights, and you will be familiar with that. The Assembly can send a copy of a bill to the Northern Ireland Human Rights Commission, which celebrates how many years, I think, is it 25 in its current form, I think. Just a bit like the Good Friday Agreement, it was established in a different form just then to advise on whether the bill is competent as well, so that's very useful.

A new thing is that we have to check whether the Bill is incompatible with Article 2.1 of what was known as the Protocol, now known as the Windsor framework. This is a relatively new provision which was introduced after Brexit to capture the commitment given by the UK government that there would be no diminution of certain rights set out in the Good Friday Agreement as a result of EU exit. There'll be a lot of developments in that area.

Fifthly, a bill cannot be competent if it discriminates against any person or class of person on the ground of religious belief or political opinion. That has been there since 1920, the Partition of Ireland to protect minority rights.

And sixthly, any bill cannot modify what we call entrenched enactments. Those are things like the Human Rights Act, parts of the Northern Ireland Act itself, and parts of the Justice Act, which guarantee judicial independence.

So as I say, if the provisions of a bill would breach any of these requirements, it would not be within competence of the Assembly, it would not be law.

As Attorney General, I have this power that I referred to, to refer provision of a bill to the Supreme Court. But obviously, that is a very last resort. There is a lot of discussion with me, even before the bill comes in to being about the issues that may be included in the bill, just to make sure that I am content with that and I will raise issues. So the departments get time to sort those out, and that generally goes without any problem at all.

I have four weeks within the passing of a bill to make such a reference, and I've only made reference on one occasion, and that was in relation to, I'm sure you've heard about this, the Abortion Services Safe Access Zones Bill.

So that was a Private Members' Bill, and it came towards the end of the Assembly's term. There wasn't the same time, perhaps for debate behind the scenes on that. There was one area of uncertainty there as to whether it did properly balance the rights of those who needed to be protected in seeking health services and those who wanted to register protest.

It was very likely that there was going to be litigation for many years on this and a lot of test cases. So I referred that bill to the Supreme Court. The reference was heard on the 19th and 20th of July, 2022, and the decision emerged in December of that year. The Supreme Court confirmed that the bill was indeed within competence. So I was very happy with that decision. It meant that we could proceed with a certain basis and that the law was very clear. That's the first time I think we've had a reference like that. The Supreme Court welcomed it because it was an appropriate reference. It's quite a simple process, even though you have to wait quite long time for your decision. That was a useful one. We'll see if that happens again in the future.

But you'll be glad to hear I'm coming to the end of my talk. I would just recommend that you keep an eye on the Assembly website, see what's coming up. There are lots of opportunities to get involved, as I'm sure Paula will tell you about the committees are open and you can go and see what the committees are doing and come here any time. I'm sure you're availing of the excellent catering that the Assembly also provides today.

It's just lovely to see you here and to see your interest in how laws are made in the Assembly because it's in your interest. Laws govern what happens in the future, not the past. And soon you will all be, if you're not already, 18 and able to vote. And I encourage you to do so.

So thank you very much. I'll hand over to Paula now.

PB: Well, good morning, everyone. I also have this sickness that's going round, I think, like whooping cough or something went around the Chamber in the last week or so. So we're all down with my colleague, Kate Nicholl, who many of you know is actually not in work today because of it either.

So I am actually here, not just speaking as the South Belfast MLA, but as the Chief Whip of the Alliance Party. As many of you know, in the last elections there, we more than doubled our

number of MLAs. I'm spending a lot of time with our newbies, as I call them, in terms of getting them up to speed with this legislative role that they have in front of them.

I am going to open up very quickly and see if anybody has a particular law that they would like to introduce, and I can speak to that in terms of how we develop a law. I have a couple of suggestions on my own, so I don't want to people on the spot, but if there's any particular piece of legislation people would like to see.

No?

Okay. I'm going to speak. I chair the All-Party Group on Cancer here in the Assembly and have done for many years. One of the areas that we campaign for was banning smoking in cars with children present. I'm going to talk to you through the legislative programme, but also reference it to bring it alive a little bit. Hopefully, that gives you our starting point.

What would usually happen? There's many ways that laws can be introduced, but I'm just going to speak to quite a simple way. For example, on Mondays and Tuesdays that are sitting days, we would have what are called motions. A motion would come forward, for example, an individual party would have a pick and they'd say that this Assembly believes that children should be protected at all costs and they would go through all the different parts of it, banning smoking in cars. That would be voted on and hopefully, it would be unanimously passed.

The Minister would respond to that bill and say, Yes, I actually think I agree with this Assembly chamber. I think that we should ban smoking in cars with children present. Let me go and speak to my Departmental Officials and we will work something up.

What they would generally do is set up what's called a co-design group or a consultative group to actually look at...Sorry. That group would be made up with, for example, children's charities, human rights charities, cancer charities, long health charities, etc. They would come together and say, Look, here's the real benefits from this. Sorry, you would also probably have motoring representative groups, for example, or people who are supportive of liberalisation around smoking. Bring people together to look at how you would shape such a piece of legislation.

That group would come up with recommendations. Those recommendations would then go out to consultation, and that would be an opportunity for you as individuals to respond to that. Charities, and say organisations, even tobacco companies, for example, to respond to that. Usually that would be around eight weeks. Sometimes if it starts in June because of the summer period, they may do it for 12 weeks, but generally it will be for eight weeks.

The Ministers and Departmental officials will then look at that and say, actually, some people have raised some really interesting points that the co-design group didn't think of, so they will incorporate that into the proposal. Because the Minister will be part of an Executive. There is a central legislative programme, so a minister can't go off on their own and just decide that they're going to introduce a piece of legislation.

It is an Executive, it is the government of this country, so there has to be a collective agreement around that. They would usually take this proposal to the Executive and they would agree to that. Then that would allow them, and I think Brenda spoke to this, then that would allow them to bring in the Office of Legislative Council to come in and help to draught the bill. Obviously, they are the experts in this and how the wording needs to be brought together in a properly, proper legislative format.

I'm not sure, I haven't been on the Executive before, but I would imagine that once it's been drafted, it will go back for a final sign off by them. But basically, the text of the bill would then go to the Speaker of the Assembly for approval.

I've got a couple of examples here from the last term, although there's one even from this term. Sorry. So blue paper, and then inside there's what's called an EFM, which is an Explanatory and Financial Memorandum. So that provides some background information that allows people to better understand what goes on. But it also includes a part there to say whether or not it needs an equality impact assessment or whether it's legislatively competent.

I think as I say, the previous speaker spoke to that. If it passes those tests in the Speaker's Office, excuse me, and demonstrated its human rights compliant, for example, it will go on the Order Paper. What actually happens in the Chamber would be, for example, today, as Chief Whip, all the whips will meet at one o'clock and say, right, we can agree that these things will go on the Order Paper. So they'll decide what happens. So they will say, yes, okay, that can come forward to Monday's time.

So the first time that the bill will be introduced will be what's called the first reading. So basically, they're just reading the long title Banning Smoking in Cars with Under-18s Present, for example. That then allows the Bill's Office to go to print.

Now, I've raised the issue before about the fact that you go in three different stages. The bill will be amended, that you're wasting a lot of paper because There's so many bills go through here in a lot of it, and sometimes you can go down in the pigeon holes are a rammed full of bills that MLAs maybe haven't picked up, but that's because it's not their portfolio.

But anyway, they said, look, it's the law, and we have to go through the different processes. Two weeks after that, as I say, we'll have our second reading, and what will happen is that the MLAs will discuss what are called the general principles of a bill. They'll say, Yes, actually, we think that this is a good idea. It's a good idea to ban smoking in cars. It will then get referred to the relevant committee. Obviously, that would be the Health Committee.

The Health Committee then would say, actually, we will do our own consultation. We will ask for our own submission of evidence, and they will out again for probably 8-12 weeks to get that information back. Now, they then can say, well, actually, we particularly want to hear from, and they will invite certain organisations to come and provide what's called oral evidence. These would usually be the main organisations in that space. During that oral evidence, but also in the written evidence, they might say, actually, we don't think that goes far enough. What the minister was recommending in this case, for example, is banning smoking in cars with under 16s, we think it should be 18 or we think it should be 15.

So the committee can think, actually, we don't think that that goes far enough or we think that it could be improved with a certain amendment. So the Bill's Office in the Assembly would work with the committee on, again, drafting amendments that would actually be legally competent and are in the right text and the right phrasing.

But not all parties, especially the smaller parties, sit on, for example, the Health Committee. They individually may want to bring forward their own amendments, or they may want to bring forward very controversial amendments that they know that other parties would probably not support at the committee. But because it's their own party policy, their own conviction, then

they would still want to bring it forward to be voted on. Those recommendations will be brought forward and they will be voted on at what's called the consideration stage.

Some bills, like the Climate Change Act or the Integrated Education Bill, Climate Change Bill or the Integrated Education Bill, there were a lot of amendments and some of them were competing. It was a very, very long process to get through. But most bills will go through with relatively small numbers of amendments.

Once they're agreed, the bill will be amended. But the minister might, and his or her Departmental Officials, might actually panic at some of the things that the Assembly have actually agreed with because they may be very costly, they may not actually be able to be delivered in law, and there's other things that other members might think, actually, this still doesn't sit right with me.

There's a further consideration stage and then things will get voted on in that regard. Then it will go to final stage and it will be signed off and that goes for Royal Assent.

But that isn't the end of the process. The bill itself is more just the principles of the bill, really just the outline of it. It doesn't provide what's called what would be the finer details, the operational elements of a bill.

After it receives Royal Assent, the department would have to go away and look at the regulation regulations. How will this work in law? Who's responsible? How do we enforce this? What would the penalties be, et cetera?

There is a part of another stage of the process. Usually at the final stage, they'll say that we would like the regulations in relation to this law to be laid within 12 months or two years, which gives the Departmental Officials time to work up the regulations. For example, with the hospital car parking charges bill for example, which is around free parking, it gave the hospitals, the Trusts, the Health and Social Care Trusts, the time to actually put the infrastructure in place. Sometimes it would require capital investment. As Brenda was indicating there, with the safe access zones, the abortion safe access zones. Also then there had to be signage and stuff put up. Sometimes it's not just about who's responsible, it's also what needs to be put in place.

Once the regulations have been developed, they will come back to the Health Committee again, but it wouldn't go through the same huge level of consultation. It would really be a process that the Departmental Officials will speak to them. They'll kick the tyres a bit as we talk about, they'll interrogate the different parts of it. But generally, it will be voted on unless the committee are very opposed to what's being proposed. Again, that will be through a simple vote in the Assembly, through a resolution. Depending on the size of the bill, this process could be quite quick. Some pieces of legislation are very quick.

My colleague Chris Lyttle brought through a bill, I think within about two or three days at the end of the last mandate for other things like the Adoption Children's Bill, which was absolutely huge. Took months and months. It really depends on what is brought forward.

AG: When I was at your stage at school, which seems a long time ago now, although it seems just like yesterday in some other ways, I didn't have these opportunities in Scotland where I grew up to go to the Scottish Parliament because there wasn't one. There wasn't a local devolved Assembly at the time.

Now, of course, as young citizens, you're getting to come along. Then you, of course, will be participating in the democracy you belong to. I think it's not just it's nice to be here. I think it's really important that I show my face, partly because I'm a bit of the organisation you don't always see. Not like the Wizard of Oz. He was just a wee man behind a curtain pulling levers, if you remember. But I suppose a lot about my job might seem slightly back room, but I'll try to give you some insight into it.

That's my name and that's my job title, which seems awfully grand. It just means I'm the head of what is called the Office of the Legislative Council, which itself sounds grand, but that is the office within government here in Northern Ireland, it drafts bills with a view to them becoming Acts of the Assembly. I've been drafting bills in Scotland for about 20 years and I've been here for about five, and I settled over here in Belfast.

I'm going to talk about bills. When I talk about bills, I mean bills promoted by Northern Ireland ministers here and backed by the Executive to become Executive bills that are introduced into the Assembly with a view to them becoming Acts of the Assembly. There are other types of bill, but I'll focus on what we might call government bills.

But maybe just a little word about who OLC, who are we?

We are a small office of lawyers within government. We're in the Executive office, one of the Northern Ireland departments. We're a small office of lawyers and our specialism, because lawyers do all sorts of things, but our specialism isn't drafting bills to become Acts. It is literally the writing of the words on the page to create legislation in the form of a bill and an Act to give effect to what the minister says the minister wants.

Paula Bradshaw has just mentioned that bills get introduced into the Assembly. Yes, that's the real bit of the job working on bills, getting them ready, getting the words on the page, getting the provisions on the page so that they're introduced into the Assembly.

Paula Bradshaw also mentioned that bills are often amended. They might be amended by the minister, the minister themselves, in response to what a committee has said or what stakeholders or people out there have been saying about the bill, to refine detail or change some detail. So me and my colleagues have to work on amendments to our own bills as well, as well as giving advice to the Department and to ministers about amendments that come from other people doing things that maybe the minister doesn't want to do or do things the way the minister doesn't want to do it.

I think I'm touching on this, but as well as the actual drafting, because it's what I do, this is my daily job. We are the people who've got maybe the know-how to give all sorts of legal and procedural and handling advice around bills just to help the bill run smoothly through its passage in the Assembly to become an Act. And that's supporting the department, but more importantly, supporting the minister, because ultimately, it's the minister who is in charge of the bill.

I've mentioned just there in one of the banners, a variety across policy areas. We're a small office, we don't specialise in different areas. I don't have a team of drafters who work in agriculture law and a team of drafters work in transport, or a team of drafters work in criminal justice. I am, and my colleagues are expected to turn their hand to any bill because the specialism is in the writing of the legislation. I have what a former boss used to describe as a

criminal background. No, a criminal law background, which is slightly different, but I don't specialise in criminal law, although I do still quite enjoy working in that area.

I've also just mentioned in the final banner, I'm talking about bills as Assembly bills to become Assembly Acts. But this part of the world has another parliament which is capable of governing it and passing legislation, and that's Westminster. And some Westminster law extends to Northern Ireland. I would expect my office to see that as it does, just to make sure that the statute of the Northern Ireland works wherever it comes from, even though I would say my core job is in Assembly bills.

Anyway, on to maybe the more interesting bit that you're actually wanting to hear about. That's certainly enough about me.

But I keep saying I'm taking a step back. I'm going to take another step back. What is law? But what is law for?

A lot of things that governments want to do, anywhere in the world, anywhere in these islands, anywhere in this part of the world, it doesn't always need new law. It might just be how you spend money. It might just be doing what you can with powers you've got, making the best of the tools you already had.

Then again, there needs to be a budget bill every year because when government spends money, that's a very important thing. And there needs to be a bill which is through the Assembly explaining how that is planned.

And of course, governments can only act within their powers. Departments can only act within their powers. So if they need more powers, then they might come looking for a bill. But there is a context to just how the world works, and the law fits into that as well as the law informing how people go about their daily lives.

But what is law?

This sounds a bit theoretical. I suppose it's a collection of rules that governs all of us in society, the societies we share. You're at school, there'll be school rules. They tell you what do and don't do at school. But the law, of course, governs absolutely everyone in their lives. This is something I'm going to come on to.

What is legislation?

Well, legislation, as I best know it is bills. There's other types of legislation. Bills as draught acts become Acts of the Assembly, written law and Acts of the Assembly make law at the highest level. And it's already been touched on the law affects all of us.

It's not just this other thing. It's not just a thing for ministers and governments. It's all of us as citizens, including you and your families. It's ordinary people in their ordinary lives. Think of something like the smoking ban. You see signs absolutely everywhere. That's telling someone what they can or can't do. That's the law that affects people here as they go about their daily lives. That's law in action.

Think about the COVID restrictions. Now, a lot that was done in what we call subordinate legislation, but underpinned by primary legislation in an Act. Whether you could leave the

house or how long you could leave the house for was governed by law. So you here in this room were regulated by what the law allowed you to do or stopped you from doing.

I think this is where I'd maybe come on to. I'm asking what is the law for? I suppose if I was going to summarise it slightly cheekily to myself. It either makes you do something you don't want to do or it makes you do something you don't want to do. Paying taxes is a good one about making people do something they don't want to do because it's their money otherwise.

But think about you going to school. You think, Well, that's just what I do. I got up in the morning, have my breakfast, go to school. You could do that if you wanted to. I assume as young, engaged citizens, you're dead keen to get to school every day and you can't wait. But it's the law that requires you to go to school. It's the law that tells you what starting age there is when you're five or five and a half or six. It's the law that tells government and local authorities that there'll be a school there when you arrive in the premises.

None of this just happens by magic. It's the law that makes you go to school, and it's the law that makes there be a school for you to go to. There's also law around things like meals and uniforms at certain schools. Teachers, as a profession, are regulated, and that's under law as well. I'm just trying to bring it down to your own lives.

It seems that the law is away over there and it's nothing to do with me. It's just that guy, Alec, that came in and spoke to us. But it is about you, and it's about you and your family as just people in this part of the world.

Also, it's been touched upon about what the Assembly can do. You name it. A lot across all areas of life, education, health, farming, roads, police, blah, blah, blah. It gets everywhere, and everywhere we go, we find the law.

Anyway, onto my chart How is law made? It looks obviously like a straight line as if you start at the start, you keep going like a train down the track, you come to the end. That's true in terms of process. I think how we work together, me, with departments and legal and policy development with the minister, I think it's more like a triangle where we're all pushing into the same thing because we want the same outcome of a bill that makes good law as an Act.

But the policy belongs to the department, or more accurately, belongs to the minister is supported by officials in the department. Work out what is wanted. So say an example of the smoking ban, I want to ban smoking in public places. That is a policy decision because the choice otherwise is to not ban smoking in public places. So that's a choice. Me as the writer, the drafter, I don't own the policy. That is for the minister of the department. But then I have to take adopted ownership of it as if it's mine because I've got the job of implementing it. I have a role. I've got to understand it. I've got to be able to implement it. It belongs to me, too, even though it really belongs to someone else.

But as you go along this track, well, the Departmental Officials who've worked up policy with the minister has to tell me what is wanted. I don't make up the policy. I don't know what is wanted unless someone tells me. I work across all areas. If it's something to do with farming or policing or education, I don't even necessarily know what the existing law is. They do because they know their policy area. Tell me what it is you want to do. Tell me what the starting point is, where you want to get to. I'll draught legislation that builds the bridge between the two, the start point and the end point.

Also in policy, what is a policy? Moving on to the third one there. It's about the details of it. I can only draught a bill if I understand the details of what's wanted. Policy is a headline. You could say something like, Let's abolish child poverty. Now, that's an exceptional aspiration. But what does that mean? How do you do it? I can't draught a bill that says child poverty is hereby abolished. I've got to understand exactly what the policy is in the details of what is to be done on the ground to deliver that outcome. I can't just make statements. I might as well just say it'll be good weather for my summer holidays, just as a statement and hope for the best.

When we draught the bill, yes, of course, we're using our professional craft, as all professional people do, lawyers and otherwise, to deliver what is wanted and to do it in the best way possible. But you know yourselves, you're doing something at school and it's all up here and you understand it. But as soon as you start trying to write it, it becomes It's quite a difficult job. Sometimes there are more questions than answers. I'll quite often ask questions of the department just to bottom out what the exact detail is.

I can think of a couple of examples fairly recently where fairly simple propositions with what's wanted on a headline basis gave rise to, I think about 30 pages of comments and queries and clarifications. Another one, I think of it, it's almost 60 different points. Not point scoring, but you've said this, but there's two ways of looking at it. What do we really mean? Where are we really going?

That's the working together that I've talked about. When I come to the writing, I need to understand what I'm writing and why. I need the product that I give to my policy colleague to be what does deliver what they say they wanted. I need them to take co-ownership of me, of the provisions, just as I've taken co-ownership with them of the policy.

Then the bill is introduced into the Assembly process. That sounds a bit like the end of something. I suppose it is. It's the culmination of a lot of work within government. But it's also then just the beginning of another process as the bill gets through its journey to become an act, where it goes from being just the minister's Bill or just the Department's Bill to becoming the Assembly's Bill because it'll become an act of the Assembly. Of course, MLAs of whatever colour or persuasion are entitled to table amendments to change details of bills. But I think the Assembly process and how you go through that sausage machine is maybe a big story for another day.

But if we're thinking then about drafting, it's a funny title, Drafting Mode. I actually couldn't think of anything better to put, so I picked Mode as just a heading. So what is drafting? What is writing? Well, think about anything you write. It's just about good writing and getting across what it is you mean to say. So what is it? Think what you need to say and then say it. That's what we all do when we write anything. Even if you're writing a thank you letter to your granny for a Christmas present, you're thinking what you want to say and then you go ahead and say it.

But a bill is a formal document and there's nothing I can do about that because it is law and it will be used in the courts. It has to have a form and a structure and a being in its own way. But I think with any writing, and this is for me and you, where we have something in common, you're telling a story. You're telling the story one bit at a time so as people can understand the different bits of the story.

Well, how do you do that? Well, you can break it into different chunks, into parts or into individual clauses. You can use tabulation, you can use numbering. Maybe try to think about

shorter sentences, full stop return might help you in an essay rather than just one piece of flowing piece of narrative. In my job, where there is a lot of detail in the law, because the law is sometimes very complicated, no matter how straightforward I try to present it, just different elements, like the main bit you need to say going first, and then if there's an exception, maybe breaking that off just to tell one bit of a story at the time.

I don't want to give a silly example, and I'm risking doing it, but remember back to your primary school days. You should come back after the summer holidays and write an essay about what you did over the holidays. It was something like, Oh, yes, we were on holiday. We went this trip to Donaghadee, and my granny was there, and we had ice cream and went to swings, and it was great, and it was nice. It's a story that a child would tell. It's one narrative, but it's all garbled together. I think I can't do that. I've got to break it into the different elements, and this is what you do now at the stage you're at. What are the things you've got to tell? What's the who, where, what, why, and all the rest of it? The first proposition is, I was on my holidays. We went on a trip. I was with my grandparents. We had an ice cream. It's a different proposition one at a time.

So this is what I'm saying. Legislation is a thing of itself, but it's just the way you write anything in a way. It's the same principles. Just tell one bit of story at a time and hoping other people can understand it by what you're doing. Meaning of words.

I've got a few things here. I'll just run around Very quickly, words mean what they mean. If you're not sure, look up the dictionary. In "Alice Through the Looking Glass", Humpty Dumpty said, Words mean what I choose them to mean, but I'm stuck with what they do mean. And my dictionary is well-thumbed. And I quite often find myself looking up words that I already know the meaning of, but I just want to double-check because language is always nuance and levels and layers and even expressions we use all the time. So the dictionary is, in my job, a very good friend.

I'm thinking about a couple of things. One I've dealt with fairly recently and one that I've seen in the media. Recently, I was thinking about what does the word distress mean, to be upset? I was thinking, was that the really lowest level. It was quite an important reason that I was looking it up. Actually, when I looked at my dictionary, I thought, well, isn't actually that real trivial meaning? It actually means extreme anxiety or something of that nature. So though I thought I knew what it meant, what it actually meant was just slightly different. Of course, what matters is what it actually means once it's in a bill. So I've got to remind myself about the words I'm using, and I get them right.

Something that's in the media just now is dangerous dogs, XL bullies. If someone can tell me what an XL bully is, I'd welcome that very much in case I've ever got to write legislation about it, because I don't know. Someone might have to tell me, but I don't know if it's a breed, I don't know if it's a sub-breed, I don't know if it's just this horrible big thing with teeth. No idea. But if you're to use any expression like that in a piece of legislation, we have to know what it means or we have to state exactly what it means or we're doomed. So accuracy of meaning is very important.

Context in detail, well, one bit of the law plugs into all the rest of the law, so I have know what bit the jigsaw I'm working on, how it meshes in. I've got a couple of examples I could give you in that that I'll just leave aside because of time. But moving further around, if you're on going clockwise, accessible to the end user. It sounds like one of those lofty aspirations for people to meet ourselves in the back just to make ourselves feel better. It's not, though. It's really

important that in terms of how I structure bills, how I work them, that they are as accessible to end users as possible. And by that, I mean people who use the law. So that's down to you. That's citizens as well as the courts and judges and all the rest of it. Because I have to ask myself, whose law is it?

So I've talked about the bill where it starts off as a Minister's bill in the policy side, the Department's bill on the policy side. And then it's mine as a clever clogs drafter. And then it becomes the Assembly's bill because it'll become an Act of the Assembly. Now, that's all true. That's all true for the bill and the passing of a bill.

But the Act of the Assembly is law, and the law is yours. It regulates society and the people in it. So if I'm asking myself who does the law belong to, I think it belongs to us all. And think about COVID regulations affecting you or the smoking ban. I think people, so far as possible, should be trying to understand what the law is for themselves. Or think of the poor farmer trying to import animal feeds or plant seeds. There's all sorts of regulations, and farmers can't always go to a lawyer every time they enter a transaction.

It's just trying to make the law accessible to the people who actually use it, and that's very important. I suppose it's just a little aside there. You won't see much legalese in modern legislation now, like 'aforesaid' and 'hereinafter' and all these really old-fashioned Victorian expressions that men in top hats used to use. No one speaks like that. Well, I certainly don't. You haven't heard me use any of those words, except I'm quoting them just now. I don't suppose you speak like that. Why write like that? I think that's just a wee tip for you.

Then drafting accuracy, get it right. It has to be right in technical terms. It has to work as intended. I play golf. I'm going to try this one out. Let's see what it looks like. I play golf, but I fear golf. I fear gaps, oversights, loopholes and flaws, G-O-L-F. It's just getting it right so that what the minister did intend at the start is what's delivered through the bill that's become the Act. So the job done is truly a job done. So there's just a piece of drafting for you.

I'm saying what I do has got a lot in common with anything else you write. Well, there's something else that's written. That's the door just around the corner from me. Is that well written? Because it's telling you something. I think the first bit, there, cleaning store is quite good drafting because it is the cleaning store. So that's highly accurate and highly informative. That's good. That's good drafting.

But the next bit then, you've got a bit by order, so it's also very important. Under no circumstances, never. Okay. Should any equipment be removed from this store? Is that good drafting? Does that think that gives the right meaning? Well, I'd ask the question, not even the cleaner taken out a broom? Under those circumstances, should any equipment ever be taken out? Well, that's, so you know what it's meant to mean, but it doesn't really say what it should say to be right.

And this brings you on to just all the little traps in writing anything. It's just always reread it. So I've got it down and I'm doing my best. I think I've got it. But read it again. Try to do it with a fresh mind. Because it's what you mean to say, you sometimes read it that way.

Okay, so the example has got slightly silly. I was on a driving holiday in France once, and so far as I can translate French, there was a sign that said, All routes, and a big arrow up to the left. Then it was another sign that said, Other routes. I don't think there were any left after all

routes, but all routes and other routes. I found that quite hard to follow, and that's why I kept getting lost in the Ring Road, around Toulouse.

You can probably tell by my accent, I'm Scottish. I lived in Edinburgh for some years at Waverly Rail Station, the big rail station in Edinburgh. You can go in the back door and there's a big iron flight of stairs down. There's a wee sign at the top says, A dog must be carried down these stairs. I didn't have a dog, so I had to stand there for some time.

And in the canteen here or even at the back, there might be a wee sign saying, This is a self-clearing table. Let me tell you, you could wait all day and it wouldn't clear itself.

So with these sillyish examples, I'm just trying to give you just a wee bit of the idea of what language in writing is about. I would say that is very clear language. It's only a sign, but the words there are no smoking and visually it's impressive. What is it to smoke, though? So obviously, the legislation goes into these details, and I'm just going to finish up with this.

Are you smoking if you're not actually in the act of smoking, if you're just holding a cigarette or it's in the ashtray in front of you, those could be loopholes because you're smoking, but you're not actually smoking. Or the politician's defence, American politicians, not in this jurisdiction, obviously. I wasn't inhaling it, if you heard that, or it there wasn't in it what you said was in it. So the legislation clears all that up with quite a lot of detail to tell what it means to smoke, even though you think, I know what it means to smoke. I don't have to be told. But the detail is there to make sure it's got right.

When we were in Scotland, we debated it as we do in the job I do, should get out slightly more, is whether these signs should be displayed prominently or conspicuously. And I'll just leave that one with you because is there a difference? Is there a nuance in meaning? Well, the one for you to think about. But we went for one and not the other.

Then finally, it's not a very nice topic, but if you Google "coercive control Northern Ireland", you'll find a link to this on a website called legislation.gov It stores up to date versions of all legislation throughout the United Kingdom and for Northern Ireland. That's what the Contents page of a Bill looks like. If nothing else, just look down and see that the Contents page itself tells a bit of a story. You can see how it's broken down into different elements just to help you navigate through it. Even the Contents page gives you quite a lot of information without even getting into the detail.

I think I'll just stop there. I'm sure that's my time if I'm not over it. I'm happy to take questions as well, and I'll hang about for a cup of tea or juice or whatever's on offer next. If you want to come up and ask me anything. Thanks so much. As I said, delighted to come and actually quite enjoyed that.

Thank you.