



## **Northern Ireland Assembly Legislation, 2017 - 2022**

### **Volume of Legislation**

In total, 56 bills were introduced to the Assembly from January 2020 to March 2022. Thirty-six of these were Executive Bills, one was an Assembly Commission Bill and 19 were Private Members' Bills.

Forty-six pieces of legislation completed all of their stages in this Assembly mandate and went on to become law.

### **Bills Becoming Acts by Type of Bill**

Executive - 36 Acts passed.

Non-Executive - 10 Acts passed. A further 10 were introduced but did not complete their passage.

### **The Impact of a Shortened Mandate**

The Assembly was operating under significant time compression, with a little over two years remaining of a five-year mandate, when the New Decade, New Approach Deal was agreed in January 2020. Given the reduced time available and the conditions of the Covid-19 pandemic, there was considerable pressure on the Assembly to deal with a high volume of legislation. Many Bills were passed in the final months of the mandate.

In February 2022, the Speaker wrote to Members regarding arrangements to ensure that legislation going through the Assembly would be completed before the end of the mandate in March, whilst also ensuring that the Assembly could properly scrutinise that legislation. He said that "*No-one should underestimate the significant difficulties which arise from processing such a large volume of legislation in a short time.*" A number of Private Members' Bills simply did not have the required time to proceed any further.

The Assembly's Business Committee (Speaker and party whips, who agree the Order Paper for plenary meetings) agreed a number of measures to "make the maximum use" of the time remaining before dissolution, including scheduling extra sittings to allow for conclude for conclusion of this significant volume of business. Committees also scheduled extra meetings to deal with the workload and used innovative methods to consult as many stakeholders as possible.

### **Assembly Law-making**

An overview of some of the legislation which the Assembly passed in the 2017-2022 mandate is set out below, covering a range of policy areas. This includes Executive legislation and Private Members' Bills.

A short summary of some of the key elements of the laws made are provided. This is not intended to be exhaustive, but to provide suggestions for further exploration. A full list of the Acts from the 2017-2022 mandate and supporting materials can be found here ([2017 - 2022 Mandate Acts \(niassembly.gov.uk\)](https://niassembly.gov.uk/2017-2022-Mandate-Acts)).

## Executive Legislation

[Private Tenancies \(Coronavirus Modifications\) Act \(Northern Ireland\) 2020](#) – introduced as a result of the Covid-19 pandemic in recognition that a high number of people would struggle to pay rent to private landlords. The Act was designed to protect all tenants from eviction for a reasonable period of time during the ‘emergency period’ irrespective of the duration of the tenancy (12 weeks).

[Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#) – to implement parts of the Strategy ‘Stopping Domestic and Sexual Violence and Abuse in Northern Ireland’. A key element of this is a new domestic abuse offence, capturing patterns of controlling and coercive behaviour in intimate relationships.

[Climate Change Act \(Northern Ireland\) 2022](#) – sets targets for the years 2050, 2040 and 2030 for the reduction of greenhouse gas emissions and implements a range of other requirements in respect of climate change. This was part of the *New Decade, New Approach* commitment that the Executive would ‘introduce legislation and targets for reducing carbon emissions in line with the Paris Climate Change Accord’.

A novel situation arose where a Private Member’s Bill was introduced by Clare Bailey MLA and both Bills were proceeding through the Assembly at the same time. The Member ultimately withdrew her Bill before Consideration Stage and the Assembly focused on scrutinising and amending the Minister’s Bill.

[Animal Welfare \(Service Animals\) Act \(Northern Ireland\) 2022](#) – to increase protection for service animals in Northern Ireland, e.g. police dogs. The Act provides that, as is the case in other parts of the UK, whether someone causing harm to a service dog was for the purpose of protecting a person, property or another animal is not a relevant factor when considering whether or not the harm was unnecessary.

[Organ and Tissue Donation \(Deemed Consent\) Act \(Northern Ireland\) 2022](#)– to increase the consent rate in situations where a potential organ donor (adult) has been identified by moving from an ‘opt in’ or ‘opt-out’ system of organ donation, to one where consent is deemed to have been given unless certain circumstances apply, including where the potential donor expressly stated before their death that they did not want to be a donor.

[Adoption and Children Act \(Northern Ireland\) 2022](#) – to implement proposals in the ‘Adopting the Future Strategy’ and update the Children (Northern Ireland) Order 1995 to improve outcomes for looked after children and young people, and those who have left care.

[Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#) – to enhance public safety by implementing certain recommendations from the Gillen review into sexual offence cases and a review of the law on child sexual exploitation and sexual offences against children; and to improve services for victims of trafficking and exploitation. This law created the new offences of ‘upskirting’ and ‘downblousing’ (taking personal photographs of people without their consent) and ‘cyber-flashing’, as well as dealing with a range of other issues relating to sexual offences, including the anonymity provisions for victims and suspects.

[Protection from Stalking Act \(Northern Ireland\) 2022](#)- This Act creates a specific offence of stalking that aims to recognise the experience of victims and the particular behaviour associated with stalking. The Act recognises in law that stalking is often a course of behaviour which causes fear, alarm or substantial distress to the victim and includes conduct

on two or more occasions. The Act also includes the offence of threatening or abusive behaviour that can be made out after a single incident or a course of conduct and provides for Stalking Protection Orders.

[School Age Act \(Northern Ireland\) 2022](#) – The Act allows for parents of children born within a specified date range to delay the compulsory school starting age of their children – from 4 to 5. This was designed to address issues for parents with concerns about their child’s social skills, emotional readiness etc for school.

[Betting, Gaming, Lotteries and Amusements Act \(Northern Ireland\) 2022](#) – to update existing Northern Ireland law in respect of gambling in a range of areas with a view to increasing regulatory controls and protecting young people from gambling harm. Amended areas include the opening days of licensed bookmakers and bingo clubs; the definition of ‘cheating’, rules on society lotteries and prize competitions and the enforceability of gambling contracts.

[Welfare Supplementary Payments \(Amendment\) Act \(Northern Ireland\) 2022](#) – The Act removes the current end date of 31 March 2020, as set out in Article 137A of the Welfare Reform (Northern Ireland) Order 2015, in respect of mitigation payments for the Social Sector Size Criteria for Housing Benefit (sometimes referred to as the ‘Bedroom Tax’).

This provides for an extension of the Welfare Supplementary Payment scheme in line with the ‘New Decade, New Approach’ Agreement. The Act also requires the Department for Communities to conduct a review and report on the delivery of Welfare Supplementary Payments.

### **Private Members’ Bills (PMBs)**

Nineteen PMBs were introduced in this mandate, which is a record number. In the end, 10 became law and be found here [2017 - 2022 Mandate Acts \(niassembly.gov.uk\)](https://niassembly.gov.uk). Here are some examples of those passed:

[Autism \(Amendment\) Act \(Northern Ireland\) 2022](#) - to enhance the provision of services to, and support for, people with conditions which are on the autistic spectrum by updating the 2011 Autism Act. For example, it provides for new requirements within the Autism strategy around consultation and data collection, e.g. in respect of prevalence of autism in adults and children and creates a specific position of Autism reviewer (Pam Cameron MLA)

[Integrated Education Act \(Northern Ireland\) 2022](#) – reforms existing education law to impose a statutory duty on the Department of Education to support integrated education, including the need to assess, monitor and aim to meet demand for Integrated Education within the context of area planning and to prepare a strategy for Integrated Education. (Kellie Armstrong MLA)

[Hospital Parking Charges Act \(Northern Ireland\) 2022](#) – to introduce a prohibition on hospital parking charges for hospital workers or service providers; patients; and visitors taking patients to and from the hospital. (Aisling Reilly MLA)

[Domestic Abuse \(Safe Leave\) Act \(Northern Ireland\) 2022](#)– requires the Department for the Economy to make Regulations providing at least 10 days paid leave in each leave year for employees that are victims of domestic abuse. The Act explicitly references the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021. (Rachel Woods MLA)

[Period Products \(Free Provision\) Act \(Northern Ireland\) 2022](#) – to ensure period products are obtainable free of charge, including by placing a duty on the Executive Office to ensure that period products are available free of charge on a universal basis in appropriate locations for all who need to use them. Departments are also required to specify the public service bodies within its functions who are to provide period products in their premises.

[Abortion Services \(Safe Access Zones\) Act \(Northern Ireland\) 2023](#)- This Act establishes 'safe access zones' around premises where abortion services (whether treatment or information, advice or counselling) are provided and creates a criminal offence of doing certain things within those zones to e.g. to influence, prevent or impede access or cause harassment, alarm or distress to a person accessing services.

[Functioning of Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2021](#)- to amend the rules around the appointment and conduct of special advisers and other purposes, including a duty on Ministers to report information to Assembly committees and the First and deputy First Minister to report to the Assembly on the functioning of government on a biennial basis.

## **Overview of the Legislative Process**

Bills have to go through several stages in the Assembly's legislative process.

**First Stage** - reading of the title of the Bill in the Chamber. The Bill is printed and a copy is circulated to each Member, along with the Explanatory and Financial Memorandum, and is published on the Assembly's website.

**Second Stage** - debate and vote on the general principles of the Bill. The debate is confined to the key ideas within the Bill and not the details of individual clauses and schedules, which will be considered at subsequent stages.

*(Three PMBs did not pass this stage – the Hunting of Wild Mammals Bill, the Trade Union and Labour Relations (Amendment) Bill and the Political Appointments Bill).*

**Committee Stage** – an investigation of the Bill and call for evidence, and a report for the Assembly with recommendations for amendments. This is a key stage in the Assembly's consideration of the Bill, as the Committee undertake detailed scrutiny of its contents and engage with stakeholders who may have an interest in the Bill.

*It is important to note that the sponsor of a Bill (a Minister or Member) progresses or "moves" the Bill through these stages. There may be a range of factors impacting the timing of this, including available plenary time, the chance of a Bill completing its passage and preparatory work required to amend the Bill in light of the Assembly's scrutiny.*

*A number of Private Members' Bills completed Committee Stage but were not moved for Consideration Stage:*

- *Small-Scale Green Energy Bill*
- *Onshore Fracking (Prohibition) Bill*
- *Employment (Zero Hours Workers and Banded Weekly Working Hours) Bill*
- *Education (Curriculum) (CPR and AED) Bill*
- *The Climate Change Bill No 1*

**Consideration Stage** – debate and vote on any proposed amendments by committee and/or individual MLAs. At this stage the Committee and Members will set out their views on the

detail of the Bill and rationale for any amendments. This is a key stage where Members are asked to vote on each clause, schedule and amendment.

**Further Consideration Stage** – this stage is the final opportunity for amendments to be made to the Bill. This is an important stage in ensuring the Bill is put in good shape to become clear and effective law.

*The Severe Fetal Impairment Abortion (Amendment) Bill was not moved for Further Consideration Stage.*

There is scope for an *Exceptional Further Consideration Stage* within the rules of the Assembly, however this is rarely required and is designed to remedy specific and unforeseen issues which may have been created for example by amendments to the Bill.

**Final Stage** – the Assembly votes on the Bill for a final time. Members consider whether they are content with the Bill as a whole, following its passage through the amending stages. The Bill cannot be amended further. Bills which reach this stage are usually passed by the Assembly.

**Role of the Attorney General and Advocate General** – further legal checks on the Bill by the Law Officers (looking at whether the final form of the Bill, is within the Assembly's 'legislative competence' (i.e. the scope of its powers to make laws in specific areas including human rights requirements). The Law Officers have the power to refer a Bill for decision by the Supreme Court where they consider it may be outside legislative competence.

In the event the Supreme Court finds that a provision of a Bill is outside legislative competence, Assembly rules provide for a Reconsideration Stage of the Bill, the purpose of which is remedying the relevant issue with the Bill through amendment.

**Royal Assent** – The Secretary of State for Northern Ireland sends the Bill to the Monarch for Royal Assent under section 14 of the Northern Ireland Act 1998.

*\*The Abortion Services (Safe Access Zones) Bill - Private Member's Bill, sponsored by Claire Bailey MLA) to provide for 'safe access zones', i.e. defined spaces around premises wherein it was a criminal offence to influence, impede or harass etc protected persons passed its Final Stage in the Assembly.*

*The Attorney General for Northern Ireland asked the Supreme Court to consider whether clause 5 (2) (a) of the Bill was a disproportionate interference with the rights of those who wish to express opposition to or protest against abortion services. This was because it does not contain provision for reasonable excuse for the accused. The Supreme Court determined that the relevant clause was within the Assembly's legislative competence in January 2023. The Bill received Royal Assent in February 2023.*