

## **A REPORT ON DECISIONS TAKEN DURING FEBRUARY 2019 BY NORTHERN IRELAND DEPARTMENTS IN ACCORDANCE WITH THE GUIDANCE ISSUED BY THE SECRETARY OF STATE FOR NORTHERN IRELAND UNDER THE PROVISIONS OF THE NORTHERN IRELAND (EXECUTIVE FORMATION AND EXERCISE OF FUNCTIONS) ACT 2018**

On 5 November 2018 the Secretary of State for Northern Ireland, in accordance with section 3(2) of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018, published guidance about the exercise of the functions of Northern Ireland departments during the period for Executive Formation. This guidance requires Northern Ireland departments to prepare a monthly summary report of decisions taken by senior officials using the guidance and to share this with the Secretary of State, who will in turn promptly make it available to Parliament and to the Northern Ireland political parties.

This Summary Report has been prepared by the Executive Office and provides information on the decisions taken by Northern Ireland departments in February 2019.

### **Decisions Taken by Northern Ireland Departments: February 2019**

<b>Department</b>	<b>Description</b>
<b>The Executive Office</b>	<b>A decision was taken to extend the term of appointment of one board member of the Strategic Investment Board for a 12 month period from 1 March 2019.</b>
<b>Department of Agriculture, Environment and Rural Affairs</b>	<b>A decision was taken to initiate stakeholder consultation on proposed additional measures for the Nitrates Action Programme (NAP) 2019-2022. A four yearly review of the NAP is a statutory requirement of the Nitrates Directive and a new NAP is required for 2019-2022.</b>

**A decision was taken to seek an extension of the scope of Northern Ireland's participation in the UK Environment (Principles and Governance Bill) in respect of Producer Responsibility, Air Quality, Northern Ireland Environment Strategy and Recycling Collection Measures. The decision means that the Department has entered into discussions with DEFRA on the content of the Bill and how it would relate to Northern Ireland. It is intended that any provisions in the Bill which apply to Northern Ireland would only come into force following future DAERA/Ministerial decisions.**

**A decision was taken to extend the terms of appointment of the Chair, Deputy Chair and members of the Council for Nature Conservation and the Countryside (CNCC) for a period of 6 months (until 31 August for the Chair and members of CNCC and until 31 October for the Deputy Chair).**

**A decision was taken to lay the second Northern Ireland Climate Change Adaptation Programme (NICCAP2) in the Northern Ireland Assembly.**

**A decision was taken to continue engagement with stakeholders on potential options for the future Higher Education (HE) tuition fee policy at CAFRE (College of Agriculture, Food and Rural Enterprise).**

**Department  
For  
Communities**

**Decisions were taken to extend the appointments of the Interim Chair and five members of the Ministerial Advisory Group for Architecture and the Built Environment NI until 30 April 2019; and three members of the Board of Libraries NI (2 members until 31 March 2019 and one member until 30 June 2019); and to appoint a Deputy Chief Commissioner and a Commissioner to the Charity Commission, to ensure the maintenance of sustainable and efficient public services.**

**A decision was taken to extend the temporary de minimus period in accordance with regulation 54A(2) of the Universal Credit Regulations (Northern Ireland) 2016, to maintain parity with GB in social security matters and to ensure NI claimants are not disadvantaged compared to those in GB.**

**Decisions were taken to make eight Statutory Rules to enable better regulation of houses in multiple occupation, in line with the commitments of previous Executives and to ensure the maintenance of sustainable and efficient public services. These were: The Houses in Multiple Occupation (Living Accommodation Standard) Regulations (Northern Ireland) 2019; The Houses in Multiple Occupation (Space Standard) Regulations (Northern Ireland) 2019; The Houses in Multiple Occupation (Hazards) Regulations (Northern Ireland) 2019; The Houses in Multiple Occupation (Specified Educational Establishments) Regulations (Northern Ireland) 2019; The Houses in Multiple Occupation (Notice of Application) Regulations (Northern Ireland) 2019; The Houses in Multiple Occupation (Code of Practice) Regulations (Northern Ireland) 2019; The Houses in Multiple Occupation (Fees) Regulations (Northern Ireland) 2019; and The Houses in Multiple Occupation (Commencement and Transitional Provisions) Regulations (Northern Ireland) 2019.**

**Decisions were taken to make four annual Statutory Rules to ensure the maintenance of sustainable and efficient public services and to maintain parity between GB and NI. These were: The Guaranteed Minimum Pension Increase Order (Northern Ireland) 2019; The Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order (Northern Ireland) 2019; The Social Security Revaluation of Earnings Factors Order (Northern Ireland) 2019; and The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (Northern Ireland) 2019.**

**Department for the Economy**      **A decision was taken to extend the contract for Social Enterprise NI (SENI) by one year with effect from April 2019. SENI is a consortium of social enterprises which delivers a Social Economy Work Programme on behalf of the Department for the Economy.**

**A decision was taken to provide a financial contribution towards a two year extension, from May 2019, of a Department for Transport (DfT) imposed Public Service Obligation route from the City of Derry Airport to London. DfT will provide 88% of the funding and the Department for the Economy the balance.**

**Department of Education**      **Six decisions were taken on published Development Proposals seeking changes to the design of education provision. Five of the decisions taken will result in the closure of four unsustainable rural primary schools in North Tyrone (Altishane Primary School; Loughash Primary School; St Joseph's Primary School; and St Patrick's Primary School), and their amalgamation to establish a new Catholic Maintained co-educational primary school from September 2019. A decision was also taken to increase the approved admissions and enrolment numbers at Maghaberry Primary School in order to meet current and anticipated demand for places at the school.**

**Department of Finance**      **A decision was taken to provide formal finance approval for a 2018 Northern Ireland Prison Service pay award. This allows payment of the award, with an effective date of 1 April 2018, to operational prison staff in Northern Ireland.**

**Following discussion with all departments, DoF agreed further in-year allocations to departments of £17 million Resource DEL and £22 million Capital DEL, as part of 2018-19 In-year Monitoring.**

**Department of Health** of Decisions were taken to schedule Pregabalin and Gabapentin through the Misuse of Drugs Act 1971 (Amendment) Order 2018 and the Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations (Northern Ireland) 2019, to maintain parity with changes to the equivalent legislation in GB and in accordance with a recommendation of the Advisory Council on the Misuse of Drugs.

Decisions were taken to make the following public appointments:

- Chair of the NI Blood Transfusion Service
- Chair of the South Eastern Health and Social Care Trust;
- Chair and three Members of the Western Health and Social Care Trust;
- Chair of the Patient Client Council;
- Chair and Finance Member of the NI Guardian Ad Litem Agency;
- new Lay Member of the NI Ambulance Service;
- two Lay Members and a Finance Member of the Patient Client Council; and
- a Vice President and five Members of the Pharmaceutical Society NI.

Decisions were also made to extend to February 2020 the terms of appointment of two Members of the NI Blood Transfusion Service and one Member of the NI Medical and Dental Training Agency; and to reappoint the President and a Lay Member of the Pharmaceutical Society NI.

**Department for  
Infrastructure**

**A decision was taken to amend by negative resolution, with an operative date of 11 March 2019, the Motorways Traffic (Amendment) Regulations (NI) 2019 to make changes to bus lane provision on the M1 and M2 motorways, and on a purpose built length of carriageway at the Duncrue Street off-slip of the M2 Motorway.**

**A decision was taken to make, with an operative date of 15 March 2019, The Railways Infrastructure (Access, Management & Licensing of Railway Undertakings) (Amendment) Regulations (NI) 2019. These regulations are required to implement EU Directive 2016/2370 on rail infrastructure matters, introduced in respect of the Market Pillar requirements of the 4th Rail Package, and which was due for implementation before the UK's declared leaving date.**

**A decision was taken to make, with an operative date of 27 March 2019, The Planning (Miscellaneous Amendments) Regulations (NI) 2019 to update planning legislation to confirm the Department for Infrastructure as the competent authority for planning functions unintentionally transferred to DAERA under The Departments (Transfer of Functions) Order (NI) 2016. This reflects the original intention of the Executive at the time of the 2016 Order.**

**Department of  
Justice**

**Decisions were taken to appoint: a trustee to the RUC George Cross foundation; and an independent reviewer to AccessNI, to independently review the issue of criminal record certificates (in compliance with Schedule 8A of Part V of the Police Act (Schedule 4 of the Justice Act (NI) 2015).**

**Decisions were taken to make The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2019, to enable the Department to continue taking member contributions from 1 April 2019; The Civil Legal Services (General) (Amendment) Regulations (Northern Ireland) 2019; and The Civil Legal Services (Financial) (Amendment) Regulations (Northern Ireland) 2019, to facilitate the transfer of function to the Legal Services Agency (LSA), thereby supporting the development of a more integrated approach to the delivery and administration of legal aid whilst maximising efficiencies as recommended in the Access to Justice Review Report.**

**Decisions were made to amend the fees paid to Tribunal Judiciary and Lay Magistrates (in line with GB and with Department for Communities / Department for the Economy proposals); for basic and standard checks and registration with AccessNI (reducing the fees charged for basic and standard checks and increasing the fees for registration with AccessNI), with effect from 1 April 2019.**

**A decision was taken to commence the process for departmental nominations to the Court of Judicature Rules Committee and the Family Proceedings Rules Committee, thereby ensuring that rule making powers can be exercised to facilitate the efficient and effective conduct of court business.**

**THE EXECUTIVE OFFICE  
MARCH 2019**