

A REPORT ON DECISIONS TAKEN DURING MARCH 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 March 2019.

Decisions Taken by Northern Ireland Departments: March 2019

Department	Description
The Executive Office	Decisions were taken to extend the terms of appointment of the Chair and seven board members of the Maze Long Kesh Development Corporation for a 12 month period from 10 March 2019; and the terms of office of the Chair and three Board Members of the Victims and Survivors Service for a twelve month period until 31 March 2020.

A decision was taken to permit the Maze Long Kesh Development Corporation to provide briefing and access to the site to a delegation from the Ulster Unionist Party.

**Department
of Agriculture,
Environment
and Rural
Affairs**

A decision was taken to make the Humane Trapping Standards Regulations (Northern Ireland) 2019 and the Spring Traps Approval Order (Northern Ireland) 2019. These are required to enable Northern Ireland to meet UK commitments to the Agreement on International Humane Trapping Standards (AIHTS).

A decision was taken to make the Equine Identification Regulations (Northern Ireland) 2019. These are required to meet the requirements of EU Regulation 2015/262.

A decision was taken to make the Nitrates Action Programme (NAP) Regulations (Northern Ireland) 2019. This enables the European Commission to recommend a new Northern Ireland Derogation for approval at the EU Nitrates Committee.

A decision was taken to make the Marketing of Bananas Regulations (Northern Ireland) 2019. These are required to enable enforcement of EU Regulation 1333/2011.

A decision was taken to make The Sea Fish Licensing Order (Northern Ireland) 2019 and The Sea Fishing (Licences and Notices) (Amendment) Regulations (Northern Ireland) 2019. These regulations will come into operation on the day that the UK leaves the EU. They will require foreign fishing vessels also to be licensed by DAERA and make provision for the manner in which licence variation will be communicated to these vessels.

A decision was taken to continue progressing the Environment Fund 2019-22/23. Letters of Offer issued through the Strategic Strand of the Environment Fund and approval was granted for the opening of an Environmental Challenge call for Air Quality grants in 2019.

A decision was taken to postpone into 2019/20 the opening of the second tranche of the Food Business Improvement Scheme.

A decision was taken to agree that DEFRA should publish an interim UK-wide National Air Pollution Control Programme (NAPCP). This is a requirement of the National Emissions Ceiling Directive (NECD).

A decision was taken to extend the appointment of an Independent Member of the Agricultural Wages Board (AWB) for a further six months to 30 September 2019.

**Department
For
Communities**

Decisions were taken to make six Statutory Rules to up-rate certain social security benefits, pensions and lump sum payments to maintain parity with GB in social security matters and to ensure NI claimants are not comparatively disadvantaged. These were: The Social Security Benefits Up-rating Order (Northern Ireland) 2019; The Social Security Benefits Up-rating Regulations (Northern Ireland) 2019; The Social Security (2018 Benefits Up-rating) Order (Northern Ireland) 2019; The Social Security (2018 Benefits Up-rating) Regulations (Northern Ireland) 2019; The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2019; and The Mesothelioma Lump Sum Payments (2018 Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2019.

A decision was taken to make the Bereavement Support Payment Regulations (Northern Ireland) 2019 to ensure the maintenance of single systems of social security and pensions across GB and NI, in accordance with section 87 of the Northern Ireland Act 1998.

A decision was taken to grant approval to Newry, Mourne and Down District Council to dispose of premises contained within Newry Leisure Centre by way of a lease. This is consistent with the previous decisions of Ministers with responsibility for Local Government.

Decisions were taken to extend the terms of the Chair and two members of the Board of Ulster Supported Employment Ltd to 31 July 2019, and two members of the Board to 30 April 2019; to extend the appointment of one member of the Board of SportNI to 30 September 2019; and to initiate a public appointment competition for trustees to the Board of National Museums Northern Ireland.

A decision was taken to activate a Scheme of Emergency Financial Assistance to support households in the Moneyreagh area which had suffered from flooding. This is consistent with the previous decisions of Ministers with responsibility for Local Government.

**Department
for the
Economy**

A decision was taken to reappoint six Board Members for a second term of three years to the Board of Invest NI.

A decision was taken to make a Statutory Rule to increase by 3.3% (in line with the Retail Prices Index) limits applying to certain awards payable under employment rights legislation.

A decision was taken to extend the Invest NI Sustainable Development Support Programme for up to 12 months. The Programme provides energy and resource efficiency support to businesses.

A decision was taken to continue funding in respect of an Invest NI Connected Health Innovation Centre project. The Centre provides research activities that will seed the acceleration of growth for member companies and develops a sustainable research capability with links to industry. The total cost of the project is £6.8 million with a total cost to Invest NI of £3.4 million.

**Department of
Education**

A decision was taken to close, with effect from 31 August 2019, Bellarena Primary School, a small, rural, unsustainable primary school in the Causeway Coast and Glens Local District Council area.

A decision was taken to increase the employer contribution rate for the Northern Ireland Teachers' Pension Scheme from 17.7% to 25.1% from 1 April 2019.

**Department of
Finance**

A decision was taken to publish on 3 April 2019 the Registrar General's proposals for the 2021 Census in Northern Ireland. These outline policy proposals including the design and conduct of the census. The content of the census questionnaire has been subject to extensive consultation and publication of the proposals will enable continued detailed planning for the

Census (including an October 2019 census rehearsal) to be undertaken by the Northern Ireland Statistics and Research Agency.

A decision was taken to agree to UK Government proposals to amend the Census (Northern Ireland) Act 1969 in line with amendments being made to the Census Act 1920. The amendments will dis-apply penalties for non-response to certain questions on the census questionnaire (if they are asked), making them in effect voluntary in nature. In Northern Ireland it is proposed to ask a new question on sexual orientation, but not on gender identity.

**Department of
Health**

A decision was taken to approve proposals to consult on draft guidance on information sharing for child protection purposes. This non-statutory guidance is intended to give Health and Social Care Trust practitioners the confidence to know when and how they can lawfully share information, and when to expect information to be shared with them for child protection purposes.

A decision was taken to endorse the partial commencement of the Mental Capacity Act (Northern Ireland) 2016 for the purpose of deprivation of liberty. This will fill a current statutory lacuna and provide a statutory framework for deprivation of liberty to ensure persons who lack capacity can be cared for where care arrangements amounting to a deprivation of liberty is required for the person's or others safety. The proposed commencement date is 1 October 2019.

A decision was taken to update Guidance in relation to the Health and Social Care Complaints Procedure and accompanying Directions, with effect from 1 April 2019. This

included minor amendments updating departments' names, the inclusion of suitable channels of communication and timescales.

Decisions were taken to enable the department to execute its functions to allocate resources to the Health and Social Care system and Northern Ireland Fire and Rescue Service. These decisions include the allocation of budgets to the Department and Arm's Length Bodies (including the Health and Social Care Board) and the application of savings measures required to reduce the funding gap to maintain existing services.

A decision was taken to fund 2018/19 pay uplifts for doctors and dentists, following consideration of recommendations from the Review Body on Doctors' and Dentists' Remuneration.

A decision was taken to publish for public consultation proposals for the future of breast assessment services in Northern Ireland.

A decision was taken to launch a public consultation on reshaping stroke services, including plans to create specialised Hyperacute Stroke Units offering 24/7 access to faster diagnosis and cutting edge treatments.

Decisions were taken to extend the following public appointments:

- A Chair and a Social Work Professional Member of the Northern Ireland Guardian Ad Litem Agency to November 2020; and a corporate Governance Member and a Legal Member to January 2021
- A Dental Member of the Northern Ireland Medical Dental Training Agency to March 2020; and a Chair and

Finance Member to September 2020 and October 2020 respectively

- A Member of the Northern Ireland Social Care Council to July 2020
- Two Local Government Representatives of the Public Health Agency, to November 2020 and February 2021 respectively
- A Legal Member, Finance Member and Member of the Regulatory and Quality Improvement Authority to December 2020
- A Chair and Member of the Southern Health and Social Care Trust to March and August 2020 respectively
- A Chair, four Members and a Nursing Member of the Health and Social Care Board to March 2020
- A Chair of the Northern Ireland Practice and Education Council to June 2020; a Professional Member and two Members to July 2020; and three Professional Members and a Member to September 2020
- A Local Government Representative of the Patient Client Council to July 2020
- A Finance Member of the Northern Ireland Blood Transfusion Service to November 2021; and
- An Acting Chair of the Western Health and Social Care Trust to the end of April 2019.

Decisions were also taken to reappoint:

- A Finance Member of the Health and Social Care Board until April 2021
- A Member of the NI Fire and Rescue Service until September 2022; and
- Two Lay Members, one Stakeholder and one Registrant of the NI Social Care Council until 2022.

Department for Infrastructure Decisions were taken to make four Traffic Regulation Orders with operative dates in April 2019: The Parking Places on Roads, Loading Bay and Waiting Restrictions (Newcastle) (Amendment) Order (Northern Ireland) 2019; The Parking Places (Disabled Persons' Vehicles) (Amendment) Order

(Northern Ireland) 2019; The Waiting Restrictions (Whitehead) Order (Northern Ireland) 2019; and The Roads (Speed Limit) Order (Northern Ireland) 2019, which will apply speed restrictions on specified roads in Coalisland and Omagh.

A decision was taken to approve the making of a Statutory Rule for the Waterways (Environmental Impact Assessment) Regulations (NI), in accordance with EU Directive 2014/52/EU.

Decisions were taken to make two Statutory Rules with operative dates in April 2019: The Road Races (Maiden City Stages Rally) Order (Northern Ireland) 2019; and The Road Races (Croft Hill Climb) Order (Northern Ireland) 2019. These Orders authorise the closure of specified public roads to facilitate two road races to be held on 6 April and 13 April 2019 respectively.

A decision was taken to make The Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations (Northern Ireland), to harmonise the new form of such badges in Northern Ireland with those in GB from 30 March 2019.

A decision was taken to make a minor alteration to the Highway Code (Rule 160) to address a gap in the advice given to motorcyclists and to meet the provisions of the 1968 Vienna Convention on Road Traffic.

Decisions were taken to issue Notices of Opinion granting permission for a proposed gas turbine power station at Belfast Harbour; and a proposed new integrated public transport interchange in Belfast City Centre. A further Notice of Opinion

was issued to grant planning application for Quay Development at D3, Belfast Harbour Estate.

Consideration was given to whether or not to 'Call In' for determination by the Department, planning applications relating to development at Academy Street and Exchange Street, Belfast. The decision taken was not to 'call in' these planning applications and to allow Belfast City Council to determine their outcome.

A decision was taken to increase Translink average fares by 2.6% for 2019 as part of the annual fares increase.

A decision was taken to approve the making of a Statutory Rule to amend The Planning (Fees) Regulations (Northern Ireland) 2015, to permit an increase in planning fees for 2019 in line with inflation.

A decision was taken to extend the appointment of the Chair of NI Water until 31 March 2020.

**Department of
Justice**

A decision was taken to undertake a targeted consultation on draft secondary legislation to make legal aid provision for court proceedings relating to the new fine collection and enforcement arrangements.

A decision was taken to approve the making of a Statutory Rule to enable offences linked to terrorism and organised crime groups to be referred to the Court of Appeals on grounds of undue leniency. This was a recommendation from the Fresh Start panel report, consultees were supportive of the proposal and the Executive Action Plan prioritised this issue.

Decisions were taken to appoint 12 additional Members to the Civil Legal Services Appeal Panels, and to extend the appointment of a fee paid Medical Member (Consultant) of the Appeals Tribunal until 31 March 2020.

THE EXECUTIVE OFFICE

MAY 2019