



Northern Ireland
Assembly

Committee for Health, Social Services and
Public Safety

OFFICIAL REPORT (Hansard)

Health (Miscellaneous Provisions) Bill:
Committee Deliberations

20 January 2016

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Maeve McLaughlin (Chairperson)
Mr Alex Easton (Deputy Chairperson)
Mr Thomas Buchanan
Mrs Pam Cameron
Mrs Jo-Anne Dobson
Mr Kieran McCarthy
Ms Rosaleen McCorley
Mr Fearghal McKinney

The Chairperson (Ms Maeve McLaughlin): We are now commencing final deliberations on the Health (Miscellaneous Provisions) Bill, and the purpose is to consider the Department's proposed amendments and whether we need any further information before we do our formal clause-by-clause reading next week. I emphasise that we are not taking any formal decisions today, but we will need to take them next week. That is so that Committee members are clear on that. The relevant papers are in your meeting pack. Correspondence from the Minister advising that he has now written to the Executive for approval to table the amendments that we will be discussing today is in your tabled pack. No member has declared an interest.

Clause 1 deals with the prohibition of sale of nicotine products to persons under 18. I remind members that the Department was asked to consider whether it would be prepared to make an amendment to clause 1, which would amend the Tobacco Retailers Act 2014 to include those selling e-cigarettes. I inform members that the Department has responded positively and has provided the text of a proposed amendment that will insert a new clause after clause 2 that provides that the Department may, by regulations, amend the provisions of the Tobacco Retailers Act, which relates to the register of tobacco retailers, to apply them to nicotine-product retailers. The text of that amendment is in your tabled pack.

I think that that is a positive response from the Department. I seek members' views on the proposed amendment. I take it that members are in agreement with it.

Members indicated assent.

The Chairperson (Ms Maeve McLaughlin): Do members have any other issues that they wish to raise, or are they content to move on to the next clause?

Mr McKinney: Are we dealing solely with the Minister's amendment? What about any other amendments that conflate with it?

The Chairperson (Ms Maeve McLaughlin): We are doing this on a clause-by-clause basis, so we will deal with the other amendments when appropriate. Are members content to move on to the next clause?

Members indicated assent.

The Chairperson (Ms Maeve McLaughlin): There were no issues raised with clause 2. Are members content to discuss the Department's next proposed amendment?

Members indicated assent.

The Chairperson (Ms Maeve McLaughlin): Clause 3 deals with amendments consequential on clauses 1 and 2. I inform members that the Department has provided the text of an amendment consequential to the proposed amendment to insert new clause 2A. The text of that can be found in your tabled pack. I seek members' views on the Department's proposed amendment. Do members have any issues that they want to raise, or are they content to move on to the next clause?

Members indicated assent.

The Chairperson (Ms Maeve McLaughlin): I remind members that the Committee had no issues with clauses 4 and 5. Are members content to move on to discussing the Department's next proposed amendment?

Members indicated assent.

The Chairperson (Ms Maeve McLaughlin): We are dealing with a new Part 2, which concerns smoking in a private vehicle. I remind members that the Department provided the text of a proposed amendment on the banning of smoking in private cars carrying minors. The text of that can be found in your meeting pack.

At last week's meeting, the Committee agreed to write to the Department for clarity on the role of councils in enforcement, particularly their capacity to enforce, and to seek the Department's views on whether the PSNI would be more of an appropriate enforcement authority. The response from the Department is in your tabled pack, and the Department has advised that the definition of an "enforcement authority" will be provided through regulations. Enforcement of existing tobacco control legislation is carried out by authorised officers of district councils. However, given that council staff do not have the stop-and-search powers that the PSNI has, issues have arisen about, for example, the obtaining of driver information to issue fixed penalty notices. The Department is therefore considering a dual enforcement approach, similar to that adopted in England and Wales. In practice, that would mean that fixed penalty notices could be issued by either the PSNI or councils. The Department is in discussions with the Department of Justice to examine the potential for such an approach, and it will consult before making any final regulations. Does that clarify the matter, or are there any other issues? Are we content to move on?

Members indicated assent.

The Chairperson (Ms Maeve McLaughlin): There were no issues raised with clauses 6 to 16, so are we content to move on?

Members indicated assent.

The Chairperson (Ms Maeve McLaughlin): The Committee raised no issues on the two schedules, so are members content to move on?

Members indicated assent.

The Chairperson (Ms Maeve McLaughlin): The Minister had proposed an amendment to the long title to insert after "tobacco" "to regulate smoking in a private vehicle". Again, that is straightforward. The text of that is in your meeting pack. That amendment is consequential to the amendment to insert the new Part 2.

No issues were raised last week with that proposed amendment. Are there any further issues that members want to raise? No? I ask members whether they are content to conclude the final deliberations on the Health (Miscellaneous Provisions) Bill.

Members indicated assent.

The Chairperson (Ms Maeve McLaughlin): As I said earlier, the Questions on the clauses will be put formally at next week's meeting, which is on 27 January.