



Northern Ireland  
Assembly

Committee for Agriculture and Rural  
Development

# OFFICIAL REPORT (Hansard)

Rural Needs Bill — Consideration of  
Amendments: DARD Officials

9 February 2016

# NORTHERN IRELAND ASSEMBLY

## Committee for Agriculture and Rural Development

### Rural Needs Bill — Consideration of Amendments: DARD Officials

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**Members present for all or part of the proceedings:**

Mr William Irwin (Chairperson)  
Mr Sydney Anderson  
Mrs Jo-Anne Dobson  
Mr Declan McAleer  
Mr Oliver McMullan  
Mr Ian Milne  
Mr Edwin Poots  
Mr Robin Swann

**Witnesses:**

Mrs Colette McMaster	Department of Agriculture and Rural Development
Ms Astrid Stuart	Department of Agriculture and Rural Development

**The Chairperson (Mr Irwin):** I remind members of the state of play when we agreed the report on the Rural Needs Bill on 26 January 2016. At the meeting on 12 January, the Department brought a list of nine amendments that the Minister proposed to table at Consideration Stage. The amendments to clause 1 are subject to Executive approval where necessary. The Committee agreed all nine amendments at that meeting. Of the nine amendments proposed by the Minister, six required or were dependent on Executive approval. These were amendment Nos 1, 2, 3, 4, 5 and 9. Members will recall that those amendments deal with two specific issues. Amendment Nos 1 and 2 would change the provision that public bodies should "consider" rural needs to "have due regard for" rural needs, which is a higher level of provision. Amendment Nos 3, 4, 5 and 9 would extend the list of public bodies that will immediately fall under the remit of the Bill to the bodies named in the schedule. Members will recall that I updated the Committee on 26 January that the amendments had not been considered at the Executive meeting of 21 January 2016. At that point, the Committee agreed to revisit the situation at today's meeting. Officials have joined us today to update us on the amendments and indicate how the Minister plans to proceed.

I welcome Colette McMaster, assistant secretary, director of food, farm and rural policy, and Astrid Stuart, head of rural proofing branch. You may take up to 10 minutes for your presentation.

**Mrs Colette McMaster (Department of Agriculture and Rural Development):** Thank you, Chair and members. As requested, we will provide a short briefing to advise which amendments to the Rural Needs Bill the Minister intends to table at Consideration Stage. The Minister wrote to you, Chair, on 5 February to set out her intentions.

During Committee Stage, as agreed with the Committee, the Minister proposed to table four policy amendments that were subject to the agreement of the Executive and a further five minor

amendments. Two of the minor amendments were contingent on the policy amendments. When we last briefed the Committee, on 12 January, I advised that the Minister was seeking the Executive's agreement to the four proposed policy amendments. Those are the amendments that the Committee sought in relation to strengthening the statutory duty and the inclusion of other public bodies in the Bill. The position, as of today, is that the Executive's agreement to the four proposed policy amendments is not yet obtained.

In order that the Bill can be progressed through its Assembly stages in the limited time remaining in the current mandate, the Minister has decided to proceed to table at Consideration Stage the three minor amendments that are not subject to the agreement of the Executive and are not contingent on the proposed policy amendments being made. The three minor amendments, as agreed by the Committee, are the amendments that the Committee sought in relation to the transparency and accountability of the reporting arrangements. They are as follows: an amendment to clause 2 to change "may" to "will", the effect of which would be to place a duty on DARD to provide guidance, advice and information and to undertake or commission research on matters connected with rural needs; an amendment to clause 3 to require the Minister of Agriculture and Rural Development to make an annual statement to the Assembly on the proposed monitoring report that DARD is to prepare and lay before the Assembly; and a further amendment to clause 3 requiring DARD to publish the annual monitoring report in addition to the requirement to lay it before the Assembly.

Chair, I hope that this short briefing has helped to clarify the amendments that the Minister intends to table at Consideration Stage. We would just like to mention that the proposed timing for Final Stage is now 8 March. Therefore, the proposed dates for the remaining stages of the Bill, subject to scheduling by the Business Office, are Consideration Stage on Monday 15 February, Further Consideration Stage on Monday 29 February and Final Stage on Tuesday 8 March.

That concludes my opening remarks. We do not have anything to add for now, but we are happy to answer any questions that members may have.

**The Chairperson (Mr Irwin):** I have one question about amendment 6 to clause 2, "Leave out may and insert", and I think that you said, "will". We have "must" here.

**Mrs McMaster:** Sorry, it is "must".

**The Chairperson (Mr Irwin):** That is OK. It makes it clear.

**Mr McAleer:** Thank you, Colette and Astrid. Remind us of the four amendments that we agreed but are not proceeding with.

**Mrs McMaster:** There were proposed amendments to clause 1, which is "Duty of public authorities to consider rural needs".

**Mr McAleer:** One was "have due regard to".

**Mrs McMaster:** Yes, the proposed amendment was to change "consider" to "have due regard to", and there were contingent amendments to support that. In clause 1(2), "public authority" means:

*"(a) a Northern Ireland Department;*

*(b) a district council;*

*(c) any other person specified in an order made by the Department."*

That would be changed to:

*"any body or person listed in the Schedule."*

A further proposed amendment to clause 1 was to insert subsection (2A) relating to the list of bodies and persons set out in the schedule:

*"The Department must, at least every three years from the coming into operation of this section, review the list of bodies and persons set out in the Schedule and, if it thinks it appropriate, amend the Schedule"*

A further proposed amendment to clause 1 was to add subsection (4A). It relates to transitional provisions in relation to the list in the schedule:

*"An order under subsection (2A) may contain such transitional provision as the Department thinks appropriate."*

That is amendment No 5.

The final amendment — amendment No 9 — was to insert a new schedule. Then there was an amendment to the long title to tie in with the change to the duty that would read:

*"To impose a duty on public authorities to have due regard to rural needs; and for connected purposes"*.

Those were the amendments that the Committee sought and the Minister supported subject to the agreement of the Executive.

**The Chairperson (Mr Irwin):** I see that the Minister has not secured the agreement of the Executive to the amendments concerning the replacement of "consider" with "have due regard to" and the naming of additional public bodies in the Bill. Can you explain why that has not happened? Why do you not have Executive approval?

**Mrs McMaster:** The Minister has referred the amendments to the Executive and sought their agreement. We are not in a position to comment on the Executive's deliberations on the proposals, but, at this stage, agreement is not obtained.

**The Chairperson (Mr Irwin):** Has the decision been made, or is it a matter of just not getting round to it?

**Mrs McMaster:** It is not yet obtained. She has referred her amendments to the Executive and has not yet obtained agreement.

**Mr McAleer:** Can we get some advice? I am conscious that we spent a lot of time deliberating on this and heard from a wide range of organisations, such as NILGA, SOLACE, UFU, NIAPA, RCN, RDC and the rural networks. There has been a lot of deliberation by grass-roots people on this, from the farming and rural development sectors, and the predominant themes that came across from them were the insertion of "due regard" and the listing in the schedule. We need to look at options on how we can proceed with that.

**The Chairperson (Mr Irwin):** Do members have any other questions? I know where you are coming from, but there may be a way round this.

I advise members that, while DARD has chosen not to proceed with amendment Nos 1, 2, 3, 4, 5 and 9 because the Executive have not approved them, it is possible for the Committee to agree to table them instead. However, a decision on this will have to be made at today's meeting because the deadline for amendments is 9.30 am tomorrow. Can I take the opinions of members on the issue?

**Mr Poots:** Why have the Executive not agreed? There must be something.

**The Chairperson (Mr Irwin):** I have no idea at this stage.

**Mr Poots:** I would prefer to ask. We should ascertain what the situation is before we charge in.

**The Chairperson (Mr Irwin):** The difficulty is that we have to decide today because amendments have to be tabled before 9.30 am tomorrow.

**Mr Milne:** In light of that deadline, as it was the decision of the Committee to progress the amendments, maybe the Committee should table them.

**The Chairperson (Mr Irwin):** That is what the Committee has to decide. It is a difficult position to be in. We have not been told whether the Executive disagreed with the amendments or just did not get round to it.

**Mr Poots:** Some could have implications beyond DARD. I am not particularly comfortable with changing the terminology from "may" to "must", to be honest.

**The Chairperson (Mr Irwin):** It was agreed by the Committee at an earlier stage, and that is the difficulty.

**Mr Poots:** I know. I was not at the meeting last week, and I had a good reason for not being here. I am uncomfortable with that. The Executive may be holding back for very good cause.

**The Chairperson (Mr Irwin):** I think that the difficult ones are "have due regard to" and the one changing "may" to "must".

**The Committee Clerk:** "Have due regard to" and the additional bodies.

**The Chairperson (Mr Irwin):** The issue is about "have due regard to" and the additional bodies.

**The Committee Clerk:** There are two sets of amendments: one is to replace "consider" with "have due regard to", which the Committee —

**Mr Poots:** All these things may be tested in the courts some day, and I have a suspicion that the Departmental Solicitor's Office or the Attorney General may have advised the Executive that they could be storing up problems for themselves by accepting the amendments. We are being asked to do something when we are blind to what the problems are and without getting the appropriate advice.

**The Chairperson (Mr Irwin):** It would have been good to have the reasons for the Executive not accepting them.

**Mr McMullan:** Even the chief executives of the new councils want the wording to be changed, because it will make their job easier as well. We went through the whole thing with all the statutory bodies when they came before the Committee. Declan went through the list a few minutes ago. We looked at the scenarios, and there was a fear here that, if bodies had to look at rural problems, it could cost money. That case was not proven at all. We took the advice of all the statutory bodies working at the coalface with people in rural areas, including the chief executives of the new councils, and that is what they said that they would like to see.

**The Chairperson (Mr Irwin):** Members, we will go into closed session for five minutes so that people can speak openly. We will then have to put it to a vote. We have to move forward.

*The Committee went into closed session from 2.44 pm until 3.00 pm.*

**The Chairperson (Mr Irwin):** Does the Committee wish to table amendment Nos 1 and 2, relating to the "have due regard to" issue?

*Members indicated assent.*

**Mr Anderson:** Go ahead, on the understanding that we can take it out.

**The Committee Clerk:** Do you want to take a recorded vote?

**The Chairperson (Mr Irwin):** It is agreed. There is no objection.

**Mr Anderson:** I will sit this one out.

**The Chairperson (Mr Irwin):** Does the Committee wish to table amendment Nos 3, 4, 5 and 9 relating to the list of public bodies?

*Members indicated assent.*

**Mr Anderson:** I will sit this one out.

**The Chairperson (Mr Irwin):** OK.