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Northern Ireland Assembly

Monday 14 December 2020

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Mr Speaker: Members, before we move to the formal agenda, I want to return to an issue that was raised last week under a point of order by Mr Paul Givan. Mr Givan raised a point of order last Monday, 7 December, following remarks made by Mr Stewart Dickson in relation to the Domestic Abuse and Family Proceedings Bill. Members will note that I drew a close to points of order on that matter earlier that day in the hope of returning to a respectful discussion on the Bill at a later point as I did not think that continued exchanges were particularly helpful. I am glad to see that the Bill is coming back to the Assembly tomorrow, and it will be for the Assembly to make decisions. However, I need to return to Mr Dickson's allegations that Mr Givan was seeking to derail the Bill. In my view, the tone and substance of those remarks was unfortunate and over the line of what is acceptable. Mr Dickson should, at the very least, reflect on those remarks.

We all need to recognise and respect the different roles in the legislative process. Ministers have the right, of course, to decide on the timing of legislation that they are leading on. They also have a very important role to provide advice to the House on the merits and consequences of any Bill, given the information that they, as Ministers, have access to. However, it is not Ministers who make the final decisions on the contents of legislation; that is the job of the Assembly. As part of the scrutiny process, Members and Committees have the ability to propose amendments to Bills, and it is very important that I defend that right. For Mr Dickson to use Question Time to another Minister to make a personal attack on a Committee Chair for seeking to move an amendment to a Bill, as agreed by that Committee, was concerning and, in my view, unwise. Members are entitled to have different views on the substance of amendments; that is why we have debates. However, Members and, in particular, Committees should not be challenged for exercising their legitimate ability to table amendments. Neither do I want any

Committee Chair to be deterred from reflecting the position of their Committee. I happen to think that a number of things were said last week that had no constructive role to play in resolving the situation that we were in. Mr Dickson's remarks were just an example of that. I work on the basis that the Minister and the Committee have good intentions. All Members should take that view when the Bill comes back to the Assembly tomorrow. I suggest that everyone should maintain the standards of good temper and moderation in their language. In all of this, we need to remember those who will rely on the new measures contained in the Bill, which are intended to protect them. Ill-tempered exchanges do not help to meet those objectives. Let us move on from the matter.

Matter of the Day

Outcome of EU Trade Talks

Mr Speaker: Dr Caoimhe Archibald has been given leave to make a statement on the outcome of the EU trade talks, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should indicate such by rising in their place and continuing to do so. All Members who are called will have up to three minutes in which to speak on the subject. I remind Members that I will not take any points of order on this or any other matter until the item of business has finished.

Dr Archibald: Go raibh maith agat, a Cheann Comhairle, for accepting the Matter of the Day, which is on a very important issue for us all. There are only 17 days left until the end of the transition period, and, despite ongoing and, we are told, intensive negotiation, there is, as yet, no outcome on the future arrangements for a free trade deal between Britain and the EU.

Although it was welcome to get some degree of clarity on the implementation of the Irish protocol last week, four and a half years after the North and our citizens and businesses were plunged into Brexit calamity, it is very clear that the systems and processes needed for businesses to trade seamlessly without tariffs are nowhere near ready and that the grace period that has been provided offers a short-term relief. We need to see serious work done by the British Government over the next six months and for there to be real and meaningful engagement with businesses here.

Last week's clarity was welcome, but there remains great uncertainty for businesses and individuals that will be resolved only when there is an outcome to the current negotiations. To be still in the situation in which, in just over a fortnight, new trading arrangements of some description are supposed to be in place but for us, as yet, not to know what they will be is ludicrous. The operation of the protocol will be more or less difficult depending on the free trade deal that is or is not agreed.

Those who campaigned for Brexit, including those in parties here, have clearly miscalculated and mis-sold the notion of what leaving the EU will mean, despite all warnings to the contrary. Back in 2016, Michael Gove was saying:

"We'll be in a position I think to secure a better deal than the one that we have now."

No-one is seriously arguing that Britain would be outside that free trade area, that tariff barriers would be erected and that Britain's manufacturing goods would be at a disadvantage."

He has probably had a rethink on that.

The British Government have dragged their feet in negotiations over the past year and, instead of engaging genuinely, appear to have tried to wriggle out of commitments that were made in the withdrawal agreement. Back in September, the British Government seriously damaged trust in the process through the publication of the Internal Market Bill, but they have now removed those clauses that breached international law and undermined trust in the negotiations. That was a needless attempt at a delaying tactic in the wider negotiation, and it is not clear what they have achieved by it, because there was simply no logic to it. Deals are secured by agreement, not threats.

Deadline after deadline has been missed, but the only real deadline is 31 December. It is simply not on that the fate of our businesses and communities is in the hands of Tories who appear to be intent on running down the clock and who care not one jot about this place or our citizens and businesses, other than when it serves their interests to use them as a bargaining chip.

Mr Stalford: I have no intention of repeating the arguments that were aired at the time of the referendum, other than to say that every citizen of the United Kingdom had an equal say and an equal vote in that referendum, whether they were a citizen in John o'Groats or Land's End, in Strabane or London. Each citizen of this country had an equal say, and the country, as a whole, made the decision to leave the European Union. I believe that it was the right decision to leave the European Union.

I welcome some of the clarity that has been provided over recent weeks, and there has clearly been improvement in the situation vis-à-vis Northern Ireland. Nevertheless, it is a fundamental right of any country to make its own arrangements for the regulation of its own trade and internal markets, and it is baffling to me that any Government, least of all a Conservative and Unionist Government, should hand away that right.

Far from being helpful to Northern Ireland businesses or providing the best of both worlds, the provisions in the protocol will be a hindrance to businesses in Northern Ireland. The Chair of the Economy Committee, or the

Member for East Londonderry, referred to other parties in the Chamber — by which, I presume, she meant my party and two thirds of the Ulster Unionists who supported Leave as well — as not acting in the interests of the people. When a person stands up and says that having a regulatory border up the inside of the Irish Sea or placing barriers to trade from Northern Ireland businesses is a good thing for our people, it is for that person to justify how that is so, because it evidently is not.

Anyone who argues otherwise is being disingenuous — I am not suggesting it for one second; I am mindful of your ruling, sir — or economically illiterate. It is therefore for them to justify that argument. I will be clear: of course a trade deal would be preferable, but it must be on favourable terms for the United Kingdom. If the Prime Minister is not in a position to secure those favourable terms, then sometimes, in a negotiation, the answer has to be no.

Mr O'Toole: I am pleased, if a little surprised, to see this Matter of the Day granted. As we speak, negotiations are continuing. What we were told was a deadline yesterday has proven not to be a deadline. The UK, including Northern Ireland, is due to leave the EU transition period at the end of this year, trade deal or no trade deal. It is worth saying that it is unconscionable and immoral that Boris Johnson's Government chose not to extend the transition period in the middle of the biggest pandemic in 100 years. Sometimes, in the midst of debates over the protocol and trade between the UK and the EU more generally, we forget how extraordinary an act it was to continue pursuing this in the middle of the biggest public health crisis and economic disruption that any of us have experienced in our lifetime. Nevertheless, we are where we are. The transition period is ending in 17 days. Our businesses have been criminally let down and given inadequate information to prepare for the end of the transition period. Last week's announcements from the Joint Committee on mitigations and preparations for the protocol were certainly welcome, but they do not go all the way to making those arrangements as seamless as we want them to be. I am glad that there is some goodwill at the Joint Committee, and that principles have been agreed on how to make those arrangements work.

Let us return to why those arrangements are necessary. They are necessary because successive UK Governments have insisted upon a rigid, hard definition of Brexit; they have insisted upon a Victorian concept of sovereignty; and they have insisted on asserting it on the island of Ireland without the

consent of people in Northern Ireland. That is why the Ireland protocol — an uncomfortable set of arrangements to manage the complexity of our society and economy — has, unfortunately, been necessary. We welcome the fact that it is being implemented. Where we are now is that the UK and the EU are still talking. They should cease talking and agree a deal. Boris Johnson, in particular, should finally conclude what he said would be easy — a trade deal between the UK and the EU. For years, he said that the EU would be begging to give the UK a trade deal. Well, we are a little more than a fortnight from the end of the transition period. Businesses in Northern Ireland and, frankly, across these islands, and their employees, want certainty. They should get it. Particularly in this part of the world, people do not need any more uncertainty. We do not need any more disruption. As I said, it is frankly unacceptable that we are even having to debate this today, in the middle of the pandemic. Anyone who is still waiting, and still thinks that no deal is a good idea, should listen to this place: sign that deal and do it now.

Dr Aiken: The fact that we have not yet reached crisis point on the free trade agreement, and the fact that the European Union and the United Kingdom Government are still speaking, should be welcomed by everybody in this House. Those of us who listened to Micheál Martin, the Taoiseach, yesterday, on the Sunday media programmes, when he took a much more emollient line to the discussions than Simon Coveney, will also welcome that. Singling out the United Kingdom Government for sole blame throughout this situation does not work. We have reached this stage through something that is between the European Union and the United Kingdom Government. However, everybody in the Assembly should be concerned that we are 17 days away from a lot of the rules and regulations coming into place, as has been pointed out by the Chair of the Economy Committee. Anybody who had the misfortune to read through the Northern Ireland Office's Command Paper that was published on Friday, as I did, to try to seek some detail of what was going to happen to Northern Ireland businesses will have been sorely disappointed.

12.15 pm

I am particularly concerned that, today, the Joint Committee was supposed to sit, but I understand that it is not sitting. We are not looking at 17 days before there is clarity on these rules and regulations; we are potentially looking at a much shorter period. Now is not the

time to keep information from Northern Ireland businesses or people who need to know what to put in place starting on 1 January.

I urge and ask every Member to encourage Michel Barnier, Lord Frost and the British and European Governments to make sure that there is some form of free trade agreement. If they say, "We are down to some very small areas of concern that need to be worked out", those need to be worked out rapidly. No matter what happens here in the Northern Ireland Assembly, the Northern Ireland protocol comes into place on 1 January. That will have significant implications for everything that we do. The fact that we, as an Assembly, will not have any say on close to 136 areas of competency that will, slowly but surely, flow their way into what we are trying to do, should be a concern for all of us who believe in devolution and democracy.

That will be the approach that the Ulster Unionist Party takes from now on. We will closely examine every piece of legislation that is likely to be imposed upon us and ask ourselves these very clear questions: does it undermine the principles of the Belfast Agreement? Is it good for Northern Ireland?

Mr Dickson: Before I start, Mr Speaker, I will say to you that I will reflect on your advice. Thank you for that.

Recriminations and how we got to where we are today with the protocol and, indeed, Brexit in general, are probably really not the Matter of the Day whether you are in a party that dragged the United Kingdom out of the EU or in one that did not do enough to keep us in it. However, it is important that we recognise that the Prime Minister is either working to, or against, that very famous book by another world failure, 'Trump: The Art of the Deal'. Our Prime Minister is not going to be able to achieve a deal because he is, clearly, trapped in the arms of his rabid Brexiteers. Those are the people whom he is looking over his shoulder at in order to ensure that the UK gets a no-deal Brexit.

None of that can be in the interests of the citizens of Northern Ireland, and they are the people who matter in the Chamber and in this discussion. Members referred to the protocol, but that is not the ideal mechanism to deliver for Northern Ireland. The only real deal for Northern Ireland would be to remain in the European Union.

However, the Prime Minister needs to do a deal. He needs to compromise and recognise, as Mr O'Toole and others in the Chamber will undoubtedly say, that the jingoistic days of

gunboat diplomacy are over for the United Kingdom. We live in a modern, sophisticated and integrated society, one where we all depend on each other. That includes the single European market. To deny us and the United Kingdom access to that market is nothing short of a disgrace.

I support the Matter of the Day.

Mr Allister: Given that the outcome of these matters will affect each and every citizen and constituent of ours, is it really too much to hope that everyone will hope for, look for and support a good outcome for the United Kingdom? Instead, alas, I detect that there are some who are hoping and looking for a good outcome for the EU, and they are prioritising the advantages of the EU over our own country. At this critical time, that is quite shameful.

There are others — we just heard one of them — who cannot get over himself or the outcome of the referendum and still wants to fight a lost battle.

We really are at the point where the United Kingdom's future and the deal that it gets affects us all; therefore, we should all have common cause in seeking the best outcome for the United Kingdom. Whether you were pro-Brexit or anti-Brexit, the challenge of the moment is getting the best deal for the United Kingdom. I am saddened that, for some, this Matter of the Day is just another device to have a go at the British Government and all that goes with it.

Of course, we must remember that, whether it is a good deal, a bad deal or no deal, we in Northern Ireland are sadly still left with the iniquitous protocol and have to live with the dreadful economic and constitutional circumstances that it creates. That is why I will use every opportunity in the House to oppose the iniquity of that protocol and will not roll over and be enslaved by EU rules and regulations. Anyone who cares anything about the integrity of the United Kingdom should do likewise.

Ms McLaughlin: Some Northern Ireland politicians advocated Brexit and believed, against all the evidence, that it would be positive. Surely, no one still believes that, but, perhaps, some do, as we have heard from Mr Stalford and Mr Allister. I will not say this politely to spare the feelings of the DUP, the TUV and, indeed, People Before Profit, but they are deluded if they still believe that Brexit is positive. Brexit has always been a great delusion. For four years, businesses across

Northern Ireland have been deprived of investment that would have come if investors had known what shape trade would take after Brexit. Just over two weeks before the end of the transition arrangements those investors still do not know the shape of the outcome. You could not make it up.

At least we know that Northern Ireland will have an open border North and South but trade barriers in the east. Consumers will pay a price for that, including higher food costs, not exactly what the Brexit campaigners claimed would happen. Nor was it mentioned that British nationals with property in France or Portugal or wherever might only be able to visit their homes for three months out of every six.

There is one thing to be grateful for across the House: Northern Ireland has a protocol. Without it, all the problems on the other side of the Irish Sea border — there are plenty of them — would be happening on the island of Ireland, only much worse. Let us at least be thankful for the protocol. The problem is not the protocol; the problem is Brexit and its architects, who did not have a clear idea of the shape of the Brexit they wanted or how to achieve their objectives through the negotiations. That is why the negotiations thus far have failed.

If the First Minister could, like Cher, turn back time, would she regret her phone call to Theresa May blocking a deal that would have been much better for every citizen in Northern Ireland? Had it not been for that phone call, Northern Ireland would have retained a closer relationship with Britain and had clarity from that point about how Brexit would work in practice on this island; instead, those who made the political decisions went into denial and pretended that, when it came to the economic outcomes, Brexit did not really mean Brexit. As it is, it is a disaster for all of us.

Brexit was always a great delusion, and the result is that the North has lost investment and jobs and the wealth that would have come here with them. We have little more than two weeks —

Mr Speaker: The Member's time is up.

Ms McLaughlin: — left. Let us forget about the delusion. Let us get a deal done and support every citizen in Northern Ireland.

Mr Speaker: The Member's time is up.

Ms McLaughlin: The UK must give up its delusional dreams of Brexit.

Mr Speaker: The Member's time is up. Thank you.

Mr Beggs: As others have indicated, there are only 17 days left until the end of the transition period, and, whilst some say that there is increased certainty on trading arrangements going forward as a result of the Northern Ireland protocol, I differ. If you examine the document, you will see that, first, it says that there is agreement in principle, so it is not finalised. That must be of concern to everyone.

Some of the aspects of it may be a slight improvement on what we might otherwise have faced from the earlier versions. Nevertheless, what is in it should concern everyone, particularly with regard to our supermarkets and the supplies on shelves. They have a three-month extension, and, thereafter, they have to work out how they will get stock to their shelves. Some items may not be stocked in the future. I do not welcome that. It is healthy that there is adequate choice, and there should be freedom of movement of products within any country, but the border down the Irish Sea has been agreed at a high level, against the Belfast Agreement, which was meant to protect all sides. There has been no agreement from the unionist community to a border down the Irish Sea. That requirement has been totally ignored in the process to date, and therefore I cannot welcome it.

There was meant to be — it was promised — unfettered access east-west and, with that, west-east. That is not the case. As I have said, there will be restrictions, particularly on food and animal products and even on the farming community. I understand that there are ewe lambs trapped in Scotland. They cannot move until 1 January, but they cannot move after 1 January. They cannot move. They are caught in some sort of limbo. What about future breeding stock? Farmers frequently bring bulls in from the Stirling sales or Carlisle sales. How will that happen? There will be additional costs, quarantining and regulations, if it possible to bring that stock in at all. It will be the same with other animals.

There will be difficulty with people going on holidays with their pets. Presumably, new vaccines, pet passports and other bureaucracy will be required, and I cannot welcome that. It is not appropriate that there should be restrictions on movement within any country. I do not welcome that; in fact, I find that it disregards, as I indicated, what was agreed in the Belfast Agreement. The status of Northern Ireland within the United Kingdom is changing as a result of these announcements —

Mr Speaker: The Member's time is up.

Mr Beggs: — and, for that reason, I cannot support it. I wish that others would reflect on that change as well.

Mr Speaker: That concludes the Matter of the Day.

Mr O'Toole: On a point of order, Mr Speaker. Briefly, I hope that you can advise on the process for deciding on a Matter of the Day. Last week, I submitted two Matters of the Day on precisely this subject, and they were not granted. This one was. Can you advise as to what changed?

Mr Speaker: I suggest that you are straying into territory that you do not want to go into. You are challenging the ruling of the Speaker. You were advised last week, when your Matter of the Day was not accepted, that we would look at this week. I advise you not to repeat that. Thank you. You did that last week as well.

Speaker's Business

Public Petition: Lucy's Law for Northern Ireland

Mr Speaker: Miss Rachel Woods has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak.

Miss Woods: The petition that I bring today calls for the introduction of legislation similar to Lucy's law, and, as of this morning, the petition has been signed by 2,935 people. The petition calls on the Minister of Agriculture, Environment and Rural Affairs to bring forward legislation similar to Lucy's law, which came into effect in England in April.

In a letter to Belfast City Council this February, the Minister outlined that he intended to take cognisance of the change in the law in England with a view to considering a way forward for Northern Ireland and that he remained committed to ensuring that Northern Ireland has high animal welfare standards and that the well-being of pets remained protected.

Puppy farming is a cruel and inhumane practice that seeks to make profit from the misery of animals who are bred in horrendous conditions and often lack the basic needs of food and water. They are denied adequate healthcare, and young pups are often ripped from their mother long before they are ready to leave the litter.

12.30 pm

Lucy's law is named after the Cavalier King Charles Spaniel who suffered multiple health conditions, including a curved spine, bald patches, epilepsy and fused hips as a result of spending most of her life in a cage being used to breed litters of puppies at a Welsh puppy farm. In 2013, Lucy was rescued by Lisa Garner, who then took to social media to spread the word about the conditions that breeding dogs like Lucy were kept in, gaining huge support from across society. Lucy was able, because of Lisa, to spend the last three years of her life in a happy, loving home where she was able to enjoy everything that she was tragically denied in her past. I thank all those who give their time and their home to rescued animals in Northern Ireland.

In effect, Lucy's law for Northern Ireland will mean that cats and dogs under six months old will be sold only through breeders directly, must

be born and reared in a safe environment with their mother and must be sold from their place of birth. Third-party sellers such as pet shops and commercial dealers will not be able to sell young pups unless they have bred them themselves. Lucy's law is designed to target large commercial breeders who often work out of warehouses or caravans filled with animals in dirty and disgusting conditions who are being bred on a large scale. The ban is designed to deter smugglers, who often abuse the pet travel scheme to bring animals into the UK to be sold, often from across the Channel, and to deter them from using Northern Ireland as a staging post to get pups and kittens into the UK from the Republic of Ireland.

I will finish by saying that dogs and cats are not a commodity to be abused and sold for profit. They are living and breathing animals who, with the right owner, can enjoy a lifetime of happiness. We should all think about that at this special time of year and do our best to get that message out to others. I commend the petition to the House.

Mr Speaker: Normally, as the Member will be aware, I would invite her to bring her petition to the Table and present it here. However, in light of the social-distancing requirements, I ask the Member to remain in her place, and I will make arrangements for her to submit the petition to my office. I thank the Member for bringing the petition to the attention of the Assembly. Once received, I will forward the petition to the Minister of Agriculture, Environment and Rural Affairs and send a copy to the Committee.

Assembly Business

Committee Membership

Mr Speaker: As with similar motions, this motion will be treated as a business motion, and there will be no debate.

Resolved:

That Ms Cara Hunter replace Mr Colin McGrath as a member of the Committee for Health. — [Mrs D Kelly.]

Assembly Members (Remuneration Board) Bill: First Stage

Mr Speaker: I call Mr Robbie Butler to move the First Stage on behalf of the Assembly Commission.

Mr Butler: I beg to introduce the Assembly Members (Remuneration Board) Bill [NIA13/17-22], which is a Bill to amend the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 to make provision about the name, functions and membership of the Independent Financial Review Panel and for connected purposes.

Bill passed First Stage and ordered to be printed.

Mr Speaker: Members may take their ease for a moment.

Ministerial Statements

North/South Ministerial Council: Health and Food Safety

Mr Speaker: I have received notice from the Minister of Health that he wishes to make a statement. Before I call the Minister, I remind Members that, in the light of social distancing being observed by parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. Members still have to make sure that their name is on the speaking list if they wish to be called, but they can do that by rising in their place, as well as by notifying the Business Office or Speaker's Table directly. I remind Members to be concise in asking their question. I also remind Members that, in accordance with long-established procedure, points of order are not normally taken during a statement or the question period afterwards.

Mr Swann (The Minister of Health): Thank you, Mr Speaker. I wish to make the following statement on the twenty-second North/South Ministerial Council (NSMC) meeting in the health and food safety sectoral format, which was held by videoconference on 2 October 2020. Junior Minister Declan Kearney MLA and I represented the Northern Ireland Executive at the meeting, while the Irish Government were represented by Stephen Donnelly TD, Minister for Health. Minister Donnelly chaired the meeting. The statement has been agreed with Junior Minister Kearney, and I make it on behalf of both of us. The following topics were discussed, and decisions were taken where appropriate.

The Council renewed its expression of appreciation to all those who have played a part in the response to the COVID-19 pandemic, in particular the health and social care workers who have led the front-line response. We welcomed the close and productive cooperation that has taken place between Health Ministers, Chief Medical Officers (CMOs) and health administrations — North and South — to deliver an effective public health response. The Council noted that, since the meeting of senior representatives of the Northern Ireland Executive and the Irish Government and their Chief Medical Officers at the NSMC secretariat offices in Armagh on 14 March to review the situation regarding the COVID-19 pandemic, senior representatives from both Administrations have continued to meet regularly to discuss the ongoing COVID-19 response. We noted that the Chief Medical

Officers had met on 25 September to review the ongoing response to the pandemic, including the particular challenges being faced in the north-west region, and the joint statement that was issued following that meeting. We recalled the memorandum of understanding (MOU) on public health cooperation on the COVID-19 response agreed between the Departments of Health, North and South, on 7 April. The Council noted the further memorandum of understanding for the sharing of the anonymous diagnosis keys generated by each jurisdiction's COVID-19 proximity app that was agreed between the Departments of Health, North and South, on 30 July. We welcomed the achievement of interoperability on an all-island basis of the apps that are deployed in each jurisdiction. The Council noted that Health Ministers will continue to meet both within the NSMC and outside the structures of the Council to discuss the response to the pandemic.

(Mr Deputy Speaker [Mr McGlone] in the Chair)

We discussed the implications of UK withdrawal from the EU, and the Council noted the update provided on the matter.

The Council noted the current work programme in the health sector and welcomed the progress made to date in the relevant areas. We noted that an update paper on the review of the work programme will be brought to the next meeting in this sector. We noted that a review of the current child protection work programme, which was under way in 2016, was recommenced and that a draft revised all-Ireland work programme will be presented at a future health sectoral meeting.

The Council noted that the all-island congenital heart disease network has successfully delivered its initial work programme and will move forward with the next phase of establishing the academic partnership and developing the research programme. Ministers also noted that a memorandum of understanding between the Beaumont Hospital in Dublin and the Belfast Health and Social Care Trust has been signed for a North/South living donor exchange kidney transplant service.

The Council noted the success of the North West Cancer Centre in providing radiotherapy services for the whole north-west region and in delivering the highest standards of specialist care with the latest high-tech radiotherapy equipment. The Council noted that patients with ST-segment elevation myocardial infarction (STEMI) from County Donegal continue to be transferred to Altnagelvin Area Hospital for

primary percutaneous coronary intervention (pPCI) treatment. Ministers noted that both jurisdictions intend to maximise the opportunities of the new cross-border structural funds programme — PEACE PLUS — which is currently in development.

The Council noted the updated memorandum of understanding that is in place between the ambulance services to provide for cross-border assistance in the management and resourcing of emergency and urgent calls and declared major incidents. Ministers noted that the Cooperation and Working Together (CAWT) cross-border health and social care partnership continues to benefit from EU funding to support cross-border service delivery. It is leading four health strand INTERREG Va projects and is partnering in a fifth, including projects that focus on acute services, mental health, population health, primary care and older people and children's services, with a total allocation of approximately €37 million.

The Council noted that the potential for collaboration between Ireland and Northern Ireland on the implementation of appropriate aspects of their drug and alcohol strategies will be explored. They also noted that the North/South alcohol policy advisory group, established to contribute to reducing alcohol-related harm on the island of Ireland, has continued to meet since 2016.

Ministers noted the update on smoking initiatives in both jurisdictions, including a tobacco-free Ireland, electronic cigarettes and banning smoking in cars. The Council noted that, in February 2020, the Department of Health published a midterm review of its tobacco control strategy and that the development of the strategy was assisted by the Institute of Public Health in Ireland, which provided a comprehensive evidence review and facilitated a stakeholder engagement exercise.

Ministers noted that the various research initiatives under the physical activity plan have been progressed on an all-island basis, including the Irish Physical Activity Research Collaboration and the 'Children's Sport Participation and Physical Activity Study', led by Sport Ireland and Sport Northern Ireland.

The Council noted that suicide prevention continues to be a key priority in both jurisdictions. The Department of Health in Northern Ireland's Protect Life 2 suicide prevention strategy is being implemented, and new structures have been established to drive progress.

Ministers noted that a memorandum of understanding has been developed between the Health Service Executive in Ireland, the psychosocial response to COVID-19 Programme, the Department of Health in Northern Ireland and the mental health and resilience strategic working group to engage in cooperation and collaboration on the psychosocial response to the COVID-19 pandemic.

The Council noted that the cross-border steering group of officials, co-chaired by the Department of Health in Northern Ireland and the Department of Children and Youth Affairs in the Republic of Ireland, continues to meet to promote a coordinated approach on child protection issues. The Council noted the update of provision, including the updating of the protocol between Northern Ireland and the Republic of Ireland for handling inter-jurisdictional child cases, and that an updated protocol will be considered at a future meeting of the NSMC.

The CEO of Safefood provided an overview of its work and referred to high-level achievements and campaigns, including successful campaigns related to handwashing, childhood obesity, cooking chicken and cooking burgers. The Council noted that Safefood has developed and distributed various resources in educational settings. Ministers noted that Safefood has engaged with customers on social media and carried out research on food allergens, folate status in women, lifetime costs of childhood overweight and obesity, food portion sizes, treat foods and the impact of climate change on dairy production. Safefood has developed networks including community food initiatives, knowledge networks and the all-island obesity action forum.

The Council noted Safefood's attendance at the Balmoral show and the ploughing championships to highlight the childhood obesity campaign. Ministers also noted the progress of the tripartite initiative between Safefood, the Public Health Agency and the Food Standards Agency in Northern Ireland on rolling out minimum nutritional standards in catering for staff and visitors in health and social care settings. They noted Safefood's annual reports and accounts for the years 2016, 2017 and 2018, which have been laid before the Northern Ireland Assembly and both Houses of the Oireachtas.

Ministers noted that Safefood has prepared a draft 2020-22 corporate plan, which includes a 2020 business plan, and that, following approval by sponsor Departments and Finance

Ministers, it will be submitted to the NSMC for approval at the earliest opportunity. The Council noted that Safefood's business plans for 2017, 2018 and 2019 will be presented to the Council for approval at a future meeting. Ministers approved two appointments to the Safefood Advisory Board and 11 appointments to the Safefood Advisory Committee. Ministers approved the appointment of Mr Ray Dolan as CEO of the Food Safety Promotion Board, better known as Safefood.

Finally, we agreed that the next NSMC meeting on health and food safety will be held in early 2021.

12.45 pm

Mr Gildernew (The Chairperson of the Committee for Health): Go raibh maith agat, Minister. Thank you, Minister, for the statement. I want to acknowledge briefly how much I welcome the consultation on a soft opt-out system for organ donation that you have announced. It is brilliant to see that progressing.

Minister, there are considerable areas of potential cooperation between North and South, many of which you have set out. Did you take the opportunity to discuss the lack of paediatric pathology in the North and to explore the possibility of having those services available on an all-Ireland basis? Can you outline what plans there are to build on the good work of CAWT, which you referenced, considering the fact that €37 million has been allocated?

Mr Swann: I thank the Chair for his questions. I welcome his support and that of many Members across the House who have already been in contact with me about the announcement of the consultation on organ donation.

The issue of paediatric pathology was not touched on at the meeting, and it was not included in the minute, but it is something that I and my officials have been engaging with, on not just a North/South but an east-west basis, because the issue has been raised previously in the House. The lack of available service is as a result of the lack of skilled and trained paediatric pathologists available not just in Northern Ireland and in Southern Ireland but across western Europe at this time.

On the expansion of CAWT and the work that is going there through the circa €37 million support, we, the Republic of Ireland and the UK Government are having ongoing discussions

about how that work can be continued and funded.

Mrs Cameron: I thank the Minister for his statement to the House. It has never been more important that we have good communication with our neighbours in the Republic of Ireland than it is during this pandemic. Will he outline what discussions and communications he and his Department have had about managing any future strains of coronavirus? I use Denmark's scenario as an example of that. Perhaps the Minister can also clarify whether private care workers from the Republic of Ireland who work in Northern Ireland will be able to access the UK COVID vaccine.

Mr Swann: I thank the Member for her point. Managing any new strains was not raised at the meeting, because the strain found in mink in Denmark had not been discovered or disclosed at that point. I have had conversations with my counterpart in the Republic of Ireland, however. The issue has also been raised UK-wide, given our concerns that three mink farms are operating in the Republic of Ireland. From the update that we have received at both a Northern Ireland and a UK level, we are assured by the Republic of Ireland authorities that they have tested their mink and that the current strain that caused concern in Denmark has not been detected and is not present. They continue to monitor the situation, however.

When we get down to that level, we are clear that the criterion to be met to access the COVID vaccine is that people are employees of the health service, irrespective of residency. It is therefore our employees whom we will be protecting and supporting.

Ms Hunter: I thank the Minister for his statement. I am delighted to hear that suicide prevention is a priority in your Department and your equivalent Department in the South. What discussions have you had together so far on suicide prevention?

Mr Swann: I thank the Member and welcome her to her place on the Health Committee. She continually brings to the House the issues of suicide and mental health, and I can tell her that mental health and suicide prevention are priority areas for the Executive that are going forward through the implementation of the Protect Life 2 mental health action plan and the future publication of the new mental health strategy. As the Member will be aware, Protect Life 2 focuses on suicide prevention as a societal issue and seeks to ensure collaborative cross-departmental engagement to address risk

factors for suicide and self-harm, as well as engagement across wider society.

As Members are aware, Professor Siobhán O'Neill has recently been appointed as interim mental health champion. In my opinion and that of many in the sector, Siobhán will be a positive voice in advancing emotional well-being and good mental health.

As regards the conversations that we continue to have with the Republic of Ireland, a wide range of work continues on a cross-border basis to tackle emotional health and well-being, mental health and suicide prevention. That includes the collaborative work through the self-harm registry, work with sporting bodies, official teleconferences on the COVID response to mental health, the development of a memorandum of understanding on the psychological response and support for families in cases of suicide in border areas. Hard copies of a 'Concerned about suicide?' leaflet have been distributed throughout local areas across Northern Ireland, with a print rerun of the leaflet delivered each year. That is a common resource that will be used in Northern Ireland and Southern Ireland, albeit with some variance in the information contained within it, depending on the area. The Public Health Agency also continues to support the Lighthouse Charity in Northern Ireland in coordinating discussions with the Department of Health and the Southern health sector to gain support for an all-island approach. Focus groups and pilot training have now been implemented and evaluated in the Republic of Ireland.

Ms Bradshaw: Minister, in 2015, young people in England benefited from legislation that banned smoking in cars with under-18s present. I welcome the reference in your statement to banning smoking in cars. Please can you update the House on the legislation here and tell us whether it will be aligned in both jurisdictions?

Mr Swann: I thank the Member. If I recall right, in 2015, it was a party colleague, John McCallister, who brought that issue to the House. By way of an update, draft regulations to introduce a ban on smoking in private cars when children are present and prohibit the sale of e-cigarettes to minors are being progressed and will be subject to Assembly debate. A midterm review of the tobacco control strategy for Northern Ireland was published and updated on 11 February 2020. That review assesses progress made against targets and objectives and makes recommendations for the remaining term of the strategy. That work was supported

by an extensive evidence review taken forward by the Institute of Public Health in Ireland. Unfortunately, there has been a delay in implementing the midterm review recommendations as a result of COVID-19, but we hope to resume that work soon.

Mr Buckley: I thank the Minister for his statement. Has he had the opportunity to discuss with his counterpart in the Republic of Ireland the Dying with Dignity Bill that is going through the Oireachtas and its potential worrying implications for people in Northern Ireland? If not, please can he provide a timetable for seeking such engagement with his counterpart in the Republic?

Mr Swann: I thank the Member for his point. That has been raised with me. I have not discussed it with my counterpart in the Republic of Ireland, because my understanding is that that is a private Member's Bill, so it has not been brought forward by the Government. The Bill has not had its Committee Stage yet. I know that there are concerns being raised with health professionals across Northern Ireland about the implications for Northern Ireland residents, should the legislation come into being. We have not yet had that discussion, because of the status of the Bill and its current position in the Dáil.

Ms Flynn: I thank the Minister for his statement. He acknowledged the close and productive cooperation between the Health Ministers, the CMOs and both Administrations. Can he confirm whether the issue around the sharing of traveller information data North and South has finally been addressed and, hopefully, resolved?

Mr Swann: Again, that has been a matter of great concern, and I have raised it on numerous occasions in any conversations I have had with my counterpart in the Republic of Ireland. As yet, it has not been resolved, to my frustration and disappointment. At the end of last week, we wrote again to Stephen Donnelly, and he responded at the weekend, laying out, I think for the first time, some specific details of the Government's concerns. They are concerned that any information that they pass to our jurisdiction will be used to legally force people to self-isolate, which is not a requirement in the Republic of Ireland. Now that we understand their specific concern, which they raised in the past without that level of detail, we can work our way around it to see whether there is a solution that we can bring. It remains a serious area of concern that people can enter not just Northern Ireland but the UK via Dublin and not transfer

that information as seamlessly and openly as we would like. My officials continue to work with Stephen's officials in order to make sure that we can provide a legal resolution to a problem that we wish, on both sides, was not there but that is due to the technicalities and legalities that seem to be causing the sticking point.

Mr Sheehan: Go raibh maith agat, a Leas-Cheann Comhairle, agus gabhaim buíochas leis an Aire fosta as a ráiteas inniu. I thank the Minister for his statement.

First of all, I welcome the consultation on soft opt-out organ donation. I know that the Minister has met young Dáithí and his parents, Máirtín and Steph, who come from my constituency. Dáithí attends the same school as my children. I know that they are overjoyed at the beginning of this consultation, and they see it as another step forward in their campaign.

Moving on to North/South cooperation, will the Minister provide information on the cooperation on contact tracing between North/South? Who is collecting the data? How is it shared between the North and the South? How can that information be accessed for examination?

Mr Swann: I thank the Member for his support for the soft opt-out organ donation. Anybody who meets Dáithí will not fail to be convinced that that is a worthy cause, because he has such a strength of character for what he has come through and what many other children are going through. If there is anything that we in the House can do to provide help and support, we should do it. I look forward to the Member's support when the matter is brought to the Committee and then when it is brought to the House so that we can put it in place.

There are continual conversations between my officials, the Public Health Agency and the Republic's contact-tracing service on sharing data, especially in border areas. That is done on a weekly, if not a daily, basis depending on the size of an outbreak or on an outbreak in a certain location. One of the early advantages that we had — I mentioned this earlier — was the interoperability of our proximity apps and sharing data and alerts from those apps. Whilst no data is captured through the app, the number of shares that are going back and forward across the border show that it is being effective. To date, 5,620 have been alerts received by Northern Ireland app users from the Republic of Ireland's app service, and our app has alerted 8,355 people going the other way to the Republic of Ireland. Sharing information on our contact-tracing apps is working well. The contact-tracing teams are also proving to be

very valuable, especially when we see the large numbers of outbreaks that previously happened in border areas in particular.

Mr O'Toole: I thank the Minister for his update. Further to what he just said, it is encouraging to note that there were what sounds like 13,000 total cross-border alerts. Will he ensure us that, if there is no thorough EU/UK deal on data-sharing provision, there will not be any disruption to that critical cross-border contact tracing? Will he also give us a broader update on what was discussed on the EU exit at the NSMC?

Mr Swann: I thank the Member for his questions. There is no concern about how that data will be shared following Brexit at the end of the month.

1.00 pm

We discussed health and social care services across the island of Ireland. They face major challenges in meeting rising demand in a constrained fiscal environment, which have been made more difficult by the pandemic. However, EU programmes, such as INTERREG VA, are extremely valuable not only in the funding that they provide but in facilitating new ways of collaborating and delivering services on a cross-border basis.

The withdrawal agreement reflects the continued commitment of the EU and the UK to the North/South INTERREG and Peace programmes funded under the current multi-annual financial framework (MFF) 2014-2020, and to the UK's participation in future PEACE PLUS programmes. So, continued access to EU competitive funds, such as Horizon 2020, is also guaranteed under the terms of the withdrawal agreement. The arrangements whereby the UK may be able to access the successor programme, Horizon Europe, are subject to ongoing negotiations in the EU.

Mr O'Dowd: Minister, you have covered a number of areas in relation to COVID-19 and how the various jurisdictions are cooperating. However, what is your assessment of how the memorandum of understanding is working, overall?

Mr Swann: The memorandum of understanding that we have on COVID-19 is working well. As I said in an earlier answer, however, it could be working better, especially in the sharing of data of passengers arriving in the Republic of Ireland and travelling into Northern Ireland. At an official and ministerial level, there is good

cooperation and coordination between CMOs, public health agencies and contact-tracing services, but there are still legalities that we need to challenge.

I do not think that they could have been covered in that detail in the memorandum of understanding. However, by how both jurisdictions work together, how we combat COVID-19, and what is necessary, the memorandum has built a firm foundation. However, there is still work that can be progressed in some specific challenges that COVID-19 presents and which we see developing daily if not weekly.

Mr Allister: I note that the statement does not start with the usual recital made pursuant to section 52 of the Northern Ireland Act. The reason for that, presumably, is that it is in flagrant breach of section 52C of the Act, which requires such statements to be made:

"as soon as reasonably practicable".

Why is it that two and a half months have passed before the Assembly has the privilege of hearing this statement?

It refers to the radiotherapy treatment at the North West Cancer Centre for citizens of Donegal, and the coronary service provided for citizens of Donegal at Altnagelvin Area Hospital. Can the Minister remind the House of the funding arrangements that pertain in that regard, and are they being met?

Mr Swann: In regard to the opening paragraphs, the Member will know that there is no dereliction on my part in coming forward in the support and openness that I give to the House. If he looks at any record of ministerial attendance and openness on answering questions and moving regulations, he will find that I am, in fact, here more often than most.

He asked about finance and financial support. Department of Finance and Department of Health approval for the radiotherapy unit at Altnagelvin Area Hospital was given in May 2014. There was a capital cost of £66.1 million, which included a £19 million contribution from the Republic of Ireland. That was for the day-to-day running costs, which are shared between the two jurisdictions, according to the terms of a service level agreement, which is being reviewed. The review is taking longer than expected, as the number of patients referred for treatment has not been as high as initially anticipated. That review is likely to be completed shortly, and I am sure that, when it is

completed, I will provide the detail to the Member so that he is aware of the exact figures.

Mr Carroll: Minister, while I welcome the news on the soft opt-out consultations, which is great news for wee Dáithí and so many others across the North, there have been increased concerns raised about future pathogens and zoonotic diseases, and maybe mutations, of COVID-19. Hopefully not, but it is a real possibility. The main reason for these is factory farming. Were there any discussions in the meeting about tackling the increasing problem of factory farming across the island?

Mr Swann: I thank the Member for his comments. As I indicated, the meeting was held before the COVID outbreak on a mink farm in Denmark, so that matter was not touched on. The specific of factory farming does not fall under my remit, as Health Minister, or the Safefood remit, which is about the consumption of food, how food substances are produced, the effects of obesity and good diet. Factory farming and initial production fall under the AERA Minister's responsibility, so the question may be better suited to him and his North/South Ministerial Council discussions.

Mr Chambers: Thank you Minister for the statement. Minister, you alluded earlier to the issue of travellers coming in via Dublin Airport. Are you satisfied with the level of cooperation that your officials are receiving from officials in the Republic of Ireland on helping to tighten up the release of data on travellers arriving via Dublin Airport and then travelling home to Northern Ireland?

Mr Swann: As I said in a previous answer, I had hoped for more engagement on those specifics. However, now that we know what the Republic of Ireland Government's specific concerns are, we will be fit to address those. I hope that we can find a speedy resolution because it is an area of concern. I am informed that our departmental officials are meeting officials from the Republic of Ireland today to discuss this matter, following a letter that I issued to my Irish counterpart last week.

Mr McAleer: I thank the Minister for his statement. Is the Minister concerned about the impact that Brexit could have on food safety? What mitigations could be put in place to address these concerns?

Mr Swann: Again, the specifics of food safety which come under the remit of Safefood are about the promotion of how you cook, obesity

and the use of food more than challenges in the supply of food post Brexit. Safefood will continue its work on sensible eating, good nutrition, tackling obesity and how food is cooked. We received an update, on the day of the meeting, that the point of information on the Safefood website that has been accessed the most throughout the world and has international context is on how to cook a turkey at Christmas. That is that sort of advice that Safefood supplies. The work that Safefood does will not change come the end of this month or come transition. I have no concerns that the work that Safefood does will continue to the current high standards.

Mr Deputy Speaker (Mr McGlone): That concludes questions on the statement. Members, could parties ensure that their names are supplied to the top Table? It can be quite difficult to try to second guess who wants to speak. Thanks.

Dormant Accounts Fund: Strategic Plan

Mr Deputy Speaker (Mr McGlone): I have received notice from the Minister of Finance that he wishes to make a statement.

Mr Murphy (The Minister of Finance): I wish to provide Members with an update on the dormant accounts fund. Today, I laid the dormant accounts fund strategic plan in the Assembly Library. That is required under Part 1 of schedule 3 to the Dormant Bank and Building Society Accounts Act 2008. This is a significant step that will enable the £20.5 million fund to open for applications in January.

COVID-19 has challenged every part of our society. Voluntary and community groups have played a vital role in responding to COVID by providing services to vulnerable people while facing a loss of income and fundraising revenue. That is why the Executive allocated £29.8 million to support the community and voluntary sector through the emergency charities and social enterprises funds. With funding in place to secure the survival of voluntary and community groups and a vaccine starting to be rolled out, dormant accounts funds can be used as part of the longer-term recovery from COVID. That is in line with the original themes of capacity, resilience and sustainability.

Extensive engagement with a wide range of stakeholders has taken place to inform the strategic direction of the fund. In May 2019, the Department of Finance hosted a strategic

insight lab with a wide range of stakeholders from across the third sector to identify the themes that the fund should address. In September 2019, the Department directed the National Lottery Community Fund to establish a scheme to use dormant accounts funds here. The National Lottery Community Fund played a key role in delivering the COVID-19 charities fund and will bring its expertise to the delivery of the dormant accounts fund.

The dormant accounts fund is not an emergency response fund. A key principle of the £20.5 million fund is that it will be used to support services that would not normally attract public money. That provides a real opportunity for a range of organisations, including community and voluntary groups and social enterprises, to access funding. The dormant accounts fund will support the voluntary, community and social enterprise sector to be more resilient by funding activity that increases capacity and sustainability. We know that there are organisations that are ready to start looking to the longer term, and that is where the dormant accounts fund comes in.

Under the fund, multi-year grants of up to £100,000 will be available to individual organisations to build core resilience and develop their business models to allow them to become more sustainable. It is anticipated that funding will be awarded for between one and three years. The ability to offer three years of guaranteed funding will be welcomed by many community and voluntary groups.

As well as providing those flexible grants, the fund will provide for larger region-wide or sector-specific investments that will enable collaboration, leverage in other funding and develop new and creative approaches to sustainability. Those might focus on specific themes such as volunteering, digital capacity, diversity and inclusion or explore new social investment or collaborative models. The National Lottery Community Fund will identify these proposals through convening and opening calls to action.

The dormant accounts fund is available to organisations from rural and urban locations. It will open for applications in January, and I encourage organisations in the sector to visit the National Lottery Community Fund website to find out more.

I take this opportunity to update Members on work being led by the Department for Digital, Culture, Media and Sport to expand the definition of dormant accounts to include dormant assets, such as company dividends, share portfolios etc. That expanded definition

will likely result in further funding being made available here. I will continue to update Members on that issue and to engage with the voluntary, community and social enterprise sector on how those additional funds can be used most effectively here. I also intend that any future fund will reflect a co-design approach and reflect the needs of people here.

The establishment of the £20.5 million dormant accounts fund is a hugely significant opportunity for the community, voluntary and social enterprise sectors. It will help those sectors to adapt to future challenges and to be more financially resilient in the longer term. Multi-year funding provides certainty and will enable our community, voluntary and social enterprises to continue to make a positive and meaningful impact on many people's lives. I look forward to updating Members in January when the fund opens.

Dr Aiken (The Chairperson of the Committee for Finance): I thank the Minister for meeting me earlier and briefing me on the contents of his statement. I welcome the statement. As the Minister said, Northern Ireland's share of the money has resided in the Department of Finance for many years and has not been put to use. Indeed, my very learned friend from East Antrim pointed out that it was 2008 when the issue was first raised.

1.15 pm

I am sure that Members will recognise that the wider community and voluntary sector will be keen to access those funds to allow it to continue its vital work. In particular, when he discusses dormant assets, can the Minister tell us when we can expect to get some indication of what those dormant assets are likely to be and when we are likely to be informed of Northern Ireland's allocation of them? Given the potential for increased allocation, is there a likelihood that the level of funding each year could be subject to significant variation as we go forward?

Mr Murphy: I thank the Committee Chair for his input. The Department for Digital, Culture, Media and Sport in London continues to work on the matter of dormant assets. It is intended to expand out and, therefore, increase substantially. Our expectation is a substantial increase to funding that is available through those schemes to the community, voluntary and social-enterprise sectors. The exact amount will become clearer once the level of detail is worked through in London. As I have said, it is a one- to three-year funding stream, so I hope

that we would get that certainty with regard to year-on-year funding, so that not only could we distribute it to where it is needed most but we could actually give organisations some guarantee about their future funding. As the Member knows, it is about capacity building, resilience and allowing those organisations to develop, grow and become more sustainable. It is important that the money stretches out over a period for them. As soon as we get more detail on that, I will be happy to update the Committee and Assembly.

Mr Frew: How will the Minister encourage and promote that fund with faith-based communities and organisations and other communities and organisations that have a Christian ethos and may not have a relationship or connection with the National Lottery? How will he ensure and inform those groups that the money is from the dormant accounts fund and the lottery is being used as a vehicle by which to distribute it and that it is not purely National Lottery funding?

Mr Murphy: There has been dialogue with faith-based groups in relation to that. It is important that we state very clearly that the source of those assets is not derived from gambling. Those groups should understand that. I hope that they do understand that and that they are able to look to those funds for whatever sustainability and resilience issues that faith-based groups might need to access them for. The details on all that will be available, probably from later today or, certainly, in the next couple of days, on the National Lottery Community Fund website. It will open for applications in January. I encourage everyone, including faith-based groups, to access that information. I can assure them that the assets are not derived from gambling.

Ms Ennis: I thank the Minister for his statement. He said that dormant accounts can be used to assist with community asset transfers. Is that assistance both with purchasing an asset and developing it? I am thinking particularly of organisations such as Omagh Enterprise, which has purchased an asset from government but does not have sufficient finance to develop it. Does the Minister agree that that issue needs to be addressed?

Mr Murphy: There is certainly an issue there with regard to developing an asset. There is also an issue with regard to money that is put forward by a Department and given out by the National Lottery that is then paid back to a Department for the actual purchase of an asset.

Therefore, building up a case to purchase, developing an asset when it has been purchased, and all those matters would come under the scope of the scheme, but not the actual purchase itself.

Mr O'Toole: I thank the Minister for his update. His statement said that these funds are not intended to be an emergency response to COVID. However, clearly, organisations throughout civil society and, indeed, the broader economy are dealing with the COVID response. Will the Department, through the strategic plan, think about how to communicate to possible beneficiaries about their COVID response or, at least, building back better in the long-term post COVID; for example, by improving high streets where businesses are closing down? Will that be part of the communication to people who might want to benefit from the fund?

Mr Murphy: As I said, it was developed in 2019, before we experienced COVID. Undoubtedly, the need for resilience and sustainability in organisations and social enterprises has been heightened by the COVID experience and challenge. Those organisations not only assisted many of the Departments and, indeed, councils in working with the community during the pandemic but they lost a lot of possible revenue, and there was uncertainty over funding. So, while the fund is not intended to be specifically COVID related, the COVID experience has exacerbated the position of some of those groups and heightened the need for support for sustainability measures for them, and I see this as fitting into that.

Social enterprises in particular have a presence in the broader economic recovery. This morning, I had the opportunity to visit the Footprints Women's Centre in the Colin area of west Belfast, which provides a hugely valuable service to the community there but also has a social enterprise side. This plan fits very neatly into that model and can encourage economic recovery as well as ensuring that services and support are provided to vulnerable people and communities.

Ms Armstrong: Of course, I thank the Minister for bringing forward £20.5 million for the community and voluntary sector. Who would criticise that? However, talked about resilience, and, throughout COVID, those organisations saw their sustainability eroded as requirements to spend their legally held reserves were brought in by many of the funders. The strategic action plan for the dormant accounts fund for Northern Ireland is absolutely welcome — multi-

year grants of £100,000 a year are fantastic — but when will procurement be amended to make it a fair, level playing field so that community and voluntary organisations and social enterprises can, at last, be contracted with fairly?

Mr Murphy: I agree on the need for fairness across all those issues. I chair the reconstituted Procurement Board, which meets for the first time on Wednesday, and social value policies will be on the agenda. I am still looking at a social value Act to underpin that with legislation.

Mr McHugh: Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for his statement today. His response to the Chair of the Finance Committee has answered the question that I was going to ask, which was about the scale of funding that could be associated with dormant assets.

Mr Storey: It is disappointing that four years or more have elapsed since I left the Department, and only now are we getting to the point where an announcement is being made about the fund.

Following on from my colleague Paul Frew's question, I appreciate what you said about an exchange or discussion with faith-based organisations, or that you informed them that none of the money emanates from gambling, but that is only one of their concerns. The issue for faith-based organisations is the association with the lottery. It was always intended to have a fund whereby faith-based organisations, which have suffered severely during the COVID crisis and before, would be able to access money without recourse to the National Lottery. Will the Minister give an assurance that his officials will continue that discussion to ensure that that way is still open for faith-based organisations to engage and become beneficiaries of this fund?

Mr Murphy: As I said, there has been quite a lot of discussion about all of that, as the Member will know from his time in the Department. I am glad that we are now in the position where the fund is being launched. We had hoped to have done so earlier this year, but the pandemic knocked an awful lot of work sideways, and the National Lottery then became involved in supporting the charities and social enterprises assisting the Department for Communities, which was a very valuable piece of work. I am sure that those charities included faith-based organisations. I made the very clear statement that this money is not derived from gambling. This is the fund that has been set up.

The National Lottery has been tasked with delivering it — that is now underpinned by guidance and regulations on how to carry it out — so that is the channel through which to access dormant accounts.

I am happy to talk to faith-based organisations at any stage, but the dormant accounts fund is being managed by the National Lottery, as was, on behalf of the Department for Communities, the money for charities and social enterprises. Of course, that was the remit of the Department for Communities, but I have not heard of any negative experience.

Mr McGuigan: I thank the Minister for his statement and welcome the announcement, as, I am sure, will many in the community and voluntary sector. I particularly welcome the fact that multi-year funding is attached to the announcement — grants of £100,000 for up to three years — because that addresses a particular complaint that many groups and organisations have about applying for grant funding. Another common complaint is excessive bureaucracy. Will the Minister make a commitment that there will not be unnecessary red tape associated with applications to the fund?

Mr Murphy: One lesson that the pandemic has taught us is that there are ways in which to get money out more quickly to people on the ground, particularly to struggling organisations that provide a valuable and vital service. As I said, many community and voluntary groups have stepped up during the pandemic to assist in the delivery of government services, including services to vulnerable people. Social enterprise has also been hugely important in that regard.

The experience of COVID and the fact that the National Lottery was involved in the charities fund and the social enterprise fund has shown us a more efficient way in which to do this. Of course, there has to be accountability. Money that is given out has to be accounted for and audited properly. Given the level of bureaucracy attached to some schemes in the past, however, we have all learnt that there is a better way of doing things. This fund gives us the balance between getting money out quickly and more easily and making it more accessible to certain organisations and making sure that it is accounted for properly.

Mr Catney: Minister, it is good to hear that you were in west Belfast this morning meeting with the Footprints Women's Centre, which does a lot of work with the Atlas Women's Centre in

Lagan Valley. What consideration has been given to targeting the fund at specific groups to help in the area of mental health, particularly in our youth services?

Mr Murphy: The strategic insight lab, which worked this through, and the consultation both happened in 2019. That is before I was in post in the Department of Finance. A view was taken over the course of that dialogue, which involved all the sectors, that a fairly broadly defined fund that assisted all the groups, and not one that was specifically targeted at sectors, was wanted. Resilience and sustainability were themes. I am sure that the groups that the Member referred to have a space in there. I encourage them to engage with the National Lottery website to find out how to access the funding and for what it is specifically designed. The fund is about achieving much broader resilience without being too sector-specific, but I hope that all sectors will benefit from it.

Mr Beggs: I welcome the Minister's announcement that £20.5 million of dormant funding has been agreed in principle and will focus on those groups that do not normally attract public money. There have been voluntary groups that did not draw down money from the National Lottery because of their opposition to gambling and the National Lottery's association with it. I therefore ask the Minister to ensure that no barriers be put in the way of such individuals and groups applying.

The issue has been floating around since the legislation was passed in 2008. Indeed, I was briefed on it at the Finance Committee in 2008. When will the application period open so that people can apply for grants and draw down funding?

Mr Murphy: I share the Member's frustration and that of the sectors that have been waiting on the fund that it has taken so long. I am glad that we are now at the point of being able to do it. We came back into post only in January, and this would have been done earlier this year only for the pandemic overtaking an awful lot of the work in all Departments, including my own. The fund is here now, however, and the strategic plan was laid today in the Assembly Library. Applications will open in January on the National Lottery website, after which I expect that funding will be delivered within a matter of weeks to certain organisations.

I repeat the point that the money is not derived from gambling, so there is no obstacle to faith-based groups engaging with the fund.

Ms Dolan: Roy Beggs asked my question. I thank the Minister for his statement and welcome the progress made on the dormant accounts fund.

1.30 pm

Mr Allister: I ask the Minister to amplify one sentence in his statement, which is:

"A key principle ... is that it will be used to support services that would not normally attract public money."

What exactly does that mean? For example, does it mean that bodies such as sporting organisations, which have ready access to various aspects of public money, will not be eligible? What are we talking about when we say that they "would not normally" be able to access public money?

Mr Murphy: As I am sure the Member knows, there are a lot of people who operate in the community and voluntary sector and social enterprise whose remit and ambit straddles various Departments, such as Economy, Health and Education; some of the work is health- and education-related. Communities is a natural home for some of them. A lot of these projects have many facets to them. The one that I visited this morning does work that is beneficial to the trust and the Health Department. It also does educational work and work for the community, which would come in under the remit of the Department for Communities, and it does a lot of social enterprise as well. No specific Department would assume the role of providing funding to overarching groups for resilience and capacity-building, apart from the particular areas of the project that relate to that Department.

When we are talking about services that are not normally funded, we mean that gap between departmental responsibilities. It is not to exclude any scheme or to say that certain organisations cannot apply; it is about capacity-building, resilience and sustainability.

Sometimes, when a lot of these community and voluntary sector groups and social enterprises have a range of services that they provide, they cannot get overarching support to sustain the groups themselves; they get support only for some of the individual component parts. It is not about exclusion; it is about finding a level of support that would not ordinarily come from a single Department to allow those groups to grow and to build their own capacity.

Mr Carroll: I thank the Minister for his statement. Will he outline the measures that either his Department or the National Lottery has taken to ensure that those who do not need funding do not get it and that those who need it do? Given the scandals that we have seen in the past year, it is essential that we do not have skipping over bureaucracy, as it is called, but that proper measures are in place to ensure that organisations that need the funding get it. I would appreciate it if the Minister could outline what measures are in place to ensure that that happens.

Mr Murphy: The National Lottery has significant experience; it has been involved in the distribution of this in England, Scotland and Wales. It has been involved this year in the distribution of charity and social enterprise funding for the Department for Communities. Of course, we want to ensure that funding is targeted where it is needed. There is always that balance between cutting through red tape and doing things quickly and making sure that it is properly accounted for and that it gets to where it is intended to go to. I am sure that that will be a feature of the approach. The accounts for this will be laid in the Assembly and can be studied by Members. They will also be audited by the Comptroller and Auditor General to make sure that there is accountability for where this is being spent.

Mr Deputy Speaker (Mr McGlone): I ask Members to take their ease while we rearrange things at the top Table.

(Mr Principal Deputy Speaker [Mr Stalford] in the Chair)

Executive Committee Business

The draft Alien and Locally Absent Species (Aquaculture) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

Mr Principal Deputy Speaker: The next item of business is a motion to approve a draft statutory rule (SR). I have been advised that junior Minister Gordon Lyons will move the motion on behalf of the Minister of Agriculture, Environment and Rural Affairs. The motion has been relayed by the First Minister and the deputy First Minister in order to facilitate the arrangement, and a revised Order Paper was issued earlier.

Mr Lyons (Junior Minister, The Executive Office): I beg to move

That the draft Alien and Locally Absent Species (Aquaculture) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

Mr Principal Deputy Speaker: The Business Committee has agreed that there should be no time limit on the debate.

Mr Lyons: I apologise for being a little bit late; business moved on quicker than I expected.

The draft regulations before the House today are to be made under the powers that are conferred by the European Union (Withdrawal) Act 2018. They will ensure that secondary legislation relating to the use of alien and locally absent species in aquaculture continues to operate effectively at the end of the transition period in a way that ensures that Northern Ireland remains legally compliant.

The purpose of the regulations, which the proposed SR amends, is to ensure that there is adequate protection of aquatic habitats from the risks that are associated with the use of alien and locally absent species in aquaculture while contributing to the sustainable development of the aquaculture industry. While facilitating beneficial introductions, the proposed introductions of alien species and locally absent species to Northern Ireland are assessed using a risk-based approach in order to prevent

interaction with indigenous species and damage to our native ecosystems.

Northern Ireland has many biological differences from other countries, and such species could have significant and unique impacts in the local context. It is vital that we protect not only our aquaculture industry from the introduction of such species but our native species and their habitats. It is, therefore, a policy of DAERA's to control and where necessary restrict movements into Northern Ireland of species that could pose a threat to aquaculture businesses and the environment.

Similar legislation is in place in other parts of the UK, which also seek to protect their aquaculture sectors and aquatic environments, with permit requirements in place for the introduction of alien and locally absent species into other parts of the UK. The UK policy on the matter is the same in that respect, and there is no policy divergence between Northern Ireland and other parts of the UK.

The draft regulations are one of a number of SRs that are being laid before the Assembly in order to ensure that Northern Ireland has a functioning statute book on and after 1 January 2021. As the draft regulations amend secondary legislation relating to offences, the 2018 withdrawal Act requires that they are subject to the draft affirmative procedure. The regulations cannot be made until the Assembly approves them.

The amendments that are made by the draft regulations are technical, but before I explain what they do, it may assist Members if I provide a brief overview of the legislative background. In 2018 and 2019, a number of statutory instruments (SIs) were made at Westminster in order to ensure that domestic legislation could operate in the event that the UK left the European Union without an agreement. Some of those SIs amended Northern Ireland legislation for which the Department has responsibility. They were taken forward at Westminster to ensure transparency and scrutiny in the absence of a Northern Ireland Assembly, and they are due to come into operation at the end of the transition period. Although some of the provisions in those SIs are still needed, because they reflect the fact that the UK is no longer a member state of the European Union, some changes do not take account of the new arrangements between the EU and the UK.

Further amendments are, therefore, required to domestic legislation relating to the use of alien and locally absent species in aquaculture. The

draft regulations make minor technical amendments to one piece of secondary legislation, namely the Alien and Locally Absent Species in Aquaculture Regulations (Northern Ireland) 2012. They will ensure that those regulations continue to operate effectively after the transition period. In summary, the amendments remove the wording:

"or to Northern Ireland from another part of the United Kingdom"

to reflect the fact that the UK is no longer a member of the EU and to ensure that we are legally compliant with our obligations.

I will briefly provide Members with detail on the effect of the proposed amendments. Regulation 4(1) of the 2012 regulations provides that a permit is required for the introduction and translocation of alien and locally absent species for use in aquaculture into Northern Ireland. It is an offence for a person to undertake the introduction of an alien species or the translocation of a locally absent species, except under, and in accordance with, the conditions of a permit issued by the Department. The 2012 regulations also allow the Department to exempt movements by way of notice from the permit requirement to translocate locally absent species into Northern Ireland from another part of the UK.

Due to those changes, the Department will no longer be able to exempt movements of locally absent species into Northern Ireland from other parts of the UK from the permit requirement. As a result, it will become an offence to move those species into Northern Ireland from other parts of the UK without a permit. That constitutes a widening of the scope of the offence contained in the 2012 regulations. As that is the case, the matter is considered to be cross-cutting with the Department of Justice. The Agriculture Minister, therefore, sought approval from the Justice Minister for the proposed rule. The Justice Minister has confirmed that she is content that the widening of the scope of the offence in the 2012 regulations is necessary and that the offence remains proportionate. She is satisfied that this will not have a disproportionate impact on the justice system.

There will be no change on the ground. I will explain that further. DAERA must be notified of all introductions. That has not changed as a result of the proposed SR, which allows for assessment of the request based on risk. Since the 2012 regulations were introduced, the Department has never introduced a permit for movements of alien species or locally absent

species. That is due to the fact that there is already a licensing system in place that takes into consideration the activity, the species, its risk to the environment, and the biosecurity measures that are in place. Under Northern Ireland domestic legislation, all aquaculture businesses must hold a fish culture licence and be approved as an authorised production business by the Department.

To date, the Department has not granted any licences for the cultivation of an alien or locally absent species in an open aquaculture facility here. Any request to introduce such species, whilst considered on the basis of risk, would also have to be on the basis that the applicant holds the necessary fish culture licence and is an authorised production business. Under current environmental legislation, it is highly unlikely that we would grant a licence authorising the cultivation of species not indigenous to Northern Ireland in an open aquaculture facility, other than for certain listed species that are cultivated here. Consequently, it is not envisaged that there will be requests for permits to translocate locally absent species into such facilities here.

In addition, at the Executive meeting on 19 November, Ministers agreed to the making of the proposed regulations, subject to their approval by the Assembly. The Agriculture, Environment and Rural Affairs Committee also considered the draft regulations on 5 November and agreed that they could progress to the next legislative stage.

1.45 pm

The Examiner of Statutory Rules has considered the draft regulations and has not raised any issue in her report.

The changes contained in the draft regulations are technical in nature and do not represent a change to current policy. As I have stated, we must protect our aquaculture industry from the introduction of alien and locally absent species whilst also protecting our native species and their habitats. It has always been the policy of DAERA to control and, where necessary, restrict the movements of species into Northern Ireland, which could pose a threat to aquaculture businesses and the environment, from other parts of the UK and elsewhere.

I am, therefore, happy to support the introduction of these regulations and recommend that the Assembly consents to the motion. I commend the draft regulations to the Assembly.

Mr McAleer (The Chairperson of the Committee for Agriculture, Environment and Rural Affairs): I welcome the opportunity to speak as Chairperson to outline the views of the Committee.

Invasive alien species are one of the key causes of the loss of native species and harm to biodiversity. Aquaculture can be one of the routes for the introduction of new species. It is also particularly exposed to negative impacts and risks derived from invasive alien species.

Regulations concerning alien and locally absent species in aquaculture provide protection from these risks and are listed in annex 2 of the protocol. Under the terms of the withdrawal agreement and the protocol, this jurisdiction must remain aligned with the EU rules listed in the protocol.

The Alien and Locally Absent Species in Aquaculture Regulations 2012 provide for a system of permits that govern the introduction and translocation of alien and locally absent species in aquaculture into this jurisdiction. The AERA Committee considered a written briefing on the statutory rule on the Alien and Locally Absent Species (Aquaculture) (Amendment) (EU Exit) Regulations 2020, at its meeting on 5 November.

The Committee was advised that this SR amends the 2012 regulations and makes the technical amendments required to ensure compatibility with the withdrawal agreement and the protocol at the end of the transition period.

On 5 November, the Committee indicated that it had no concerns or objections to the rule. It has been advised that there is no policy change. It has always been policy to control and, where necessary, restrict movements to here of species that could pose a threat to aquaculture businesses and the environment from other parts of these islands.

The Committee was also informed that, as a consequence of the technical amendment to regulation 4(2)(b), it will become an offence to move these species into this jurisdiction from Britain without a permit. Given that this statutory rule widens the offence, this is a cross-cutting matter with the Department of Justice. The Justice Minister has approved the amendment relating to offences contained in the statutory rule.

The Committee considered the draft SR on 10 December and was advised that a screening exercise had been carried out and no equality

issues were identified. No regulatory impact assessment was required, as there will be no impact on the private, voluntary or public sectors as a result of the changes. A rural-needs screening exercise was carried out on the statutory rule and no impact was identified. There are no financial implications associated with the introduction of the rule. The statutory rule does not have any human rights implications, nor is it incompatible with EU law. It therefore complies with the requirements of section 24 of the NI Act 1998. The report of the Examiner of Statutory Rules has not identified any issues in relation to the statutory rule.

At the meeting on 10 December, one Committee member objected to the rule, leading to a vote. Four members voted for the rule, one voted against and three abstained. The Committee, therefore, recommends that the rule be approved by the Assembly.

Mr Irwin: The end appears to be in sight, with regard to the tabling of motions by my colleague and Agriculture Minister, Edwin Poots. I give my best regards to him, as he continues to recover from his recent emergency surgery. I hope that he continues to improve after his stay in hospital, and I am sure that he is being well cared for at home.

In recent weeks, much legislation has been brought before the House ahead of the 1 January deadline. From a DAERA perspective, this is one of the last pieces of legislation to be brought to the House before the Christmas recess. The continuation of this legislation is important for the protection of our environment and ecosystems in Northern Ireland.

On a wider point, there is still much uncertainty as we wait for the outcome of the latest round of negotiations between the Westminster Government and the EU. Much has been said in recent days as to what lies ahead in January. As a priority, the agri-food sector needs clarity about what is required for trade and the movement of goods in the future. The grace period is reasonable and pragmatic in order to allow the food industry to make further preparations. I note that pressure has been applied by our UK negotiators to have the grace period extended to all goods, which, in the circumstances, would be a further positive step.

At the AERA Committee a few weeks ago, I said that a grace period would be sensible, given that many preparations by industry are not at an advanced stage. The current grace period has been broadly welcomed by trade representatives, but it shows that there is still much preparation to be done across the

industry in a very narrow time window. The additional time is useful. While there will be much more debate as we hurtle towards 1 January, and there is a mixture of views of how and why we have arrived at this point, I have always believed that there will be opportunities. I believe that it is vital that the House makes preparations to ensure that Northern Ireland maximises the opportunities that will be presented. I support the motion.

Mr McGlone: The SDLP agrees to the Alien and Locally Absent Species (Aquaculture) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020. The junior Minister outlined the importance of the regulations and the relevance of aquaculture legislation. The amendment regulations constitute more of the many legislative changes required by Brexit that the Assembly has had to scrutinise in a very short time. Indeed, to be frank, on some occasions, scrutiny has not been possible in a short time because the material has not been available. Information has not come from Westminster, so it has gone down to the wire on many things and is a bit lastminute.com. Indeed, when it went to a Division in Committee, I was in the Building using the WiFi, which went down at just that point, I do not know whether that was deliberate or some sort of alien infiltration.

The regulations will ensure that the legislation is compatible with the withdrawal agreement and the Ireland protocol, and will continue to operate effectively after the end of the transition period. Tightening the restrictions on the movement of locally absent species onto the island of Ireland from GB will help to protect aquaculture businesses and the environment, which is crucial.

On a wider note, the Justice Minister has approved widening the offence that relates to the amendment, and it will be up to the Department — indeed, it will be cross-departmental — to ensure that the necessary checks are in place and that the regulations are enforced after the transition period. The SDLP supports the SR.

Mrs Barton: At first glance, the legislation appears innocuous. However, from an Ulster Unionist perspective, it gives us some concerns. The statutory rule removes references to the United Kingdom and states:

"omit 'or to Northern Ireland from another part of the United Kingdom"

to reflect the fact that the United Kingdom is no longer a member of the EU. The problem is that the legislation separates Northern Ireland from

the rest of the UK. In the regulations and their outworkings, Northern Ireland will remain aligned with the European Union, so paperwork and permits will have to be completed for movement within the UK.

The UUP will look closely at all legislation that is being brought before the Assembly to determine whether it will have a negative or detrimental impact on the businesses, economy and environment of Northern Ireland. With the new regulations that amend the Alien and Locally Absent Species in Aquaculture Regulations (Northern Ireland) 2012, provision is being made that it will be an offence to import from Scotland or elsewhere in the United Kingdom. Previously, if the Department decreed that a permit was not needed, there would be no offence. As the Assembly is fully aware, the current smooth and seamless links to the Scottish aquaculture sector are vital for our sector. The impact of that on our fish farms and other areas of aquaculture would be highly detrimental to our industry. Therefore, we will not support the legislation.

Mr Principal Deputy Speaker: Thank you, Members. As it is nearly 1.56 pm and Question Time begins at 2.00 pm, I suggest that Members take their ease for a moment. When we return to this debate, the first Member to speak will be Mr John Blair. Members, if you are leaving the Chamber, do not forget to clean your surfaces and what have you. Thank you.

The debate stood suspended.

2.00 pm

(*Mr Speaker in the Chair*)

Oral Answers to Questions

The Executive Office

Brexit Preparations and Post-transition Regulations

1. **Mrs Barton** asked the First Minister and deputy First Minister for an update on negotiations on the administration and implementation of regulations following the end of the transition period. (AQO 1332/17-22)

4. **Ms Dolan** asked the First Minister and deputy First Minister for an update on Brexit preparations. (AQO 1335/17-22)

10. **Mr McCrossan** asked the First Minister and deputy First Minister for an update on preparedness for the end of the transition period. (AQO 1341/17-22)

Mrs Foster (The First Minister): Mr Speaker, with your permission I will take questions 1, 4 and 10 together.

The EU rules that will apply here following the transition period are set out in the protocol. The Withdrawal Agreement Joint Committee has responsibilities regarding the implementation and application of the protocol. The UK and the EU announced on 8 December that they had agreed in principle on key decisions to be made by the Committee relating to at-risk goods, agricultural subsidies, customs exemptions for fish and aquaculture, and EU oversight.

After the announcement, the Chancellor of the Duchy of Lancaster spoke to the deputy First Minister and me, and he explained those decisions and how they will help to ensure that the daily lives of our businesses and citizens will not be adversely affected. The draft joint decisions of the Withdrawal Agreement Joint Committee have been published, and we are analysing the text. It is expected that these issues will be brought formally to the next meeting of the Committee, the date of which is expected to depend on the outcome of the negotiations on the future relationship.

Over recent weeks, the UK and the EU have intensified their negotiations, with the aim of securing an agreement. Yesterday, the Prime Minister and the president of the European

Commission announced that the negotiations will continue to see whether an agreement can be reached. We recognise that the talks could still result in a non-negotiated outcome and that the delays to this process have added further pressure to the already challenging timeline to prepare for the end of the transition period. An understanding of the text was published last week, and further clarity is needed on any agreed deal to inform our planning. Our officials have worked with officials from other Departments to scrutinise readiness issues and identify possible mitigations. The Executive have considered the outcome of this work and agreed to focus on the priority high-impact risks to operational readiness.

On the basis of our planning for operational readiness, Departments have also identified the residual risks that would remain in the event of a non-negotiated outcome, and those form the basis of cross-Northern Ireland Civil Service contingency plans. Our preparations for a non-negotiated outcome are being taken forward in conjunction with the COVID-19 response and the normal planning for winter issues to ensure that we are prepared for any concurrent risks that may arise.

Mrs Barton: I thank the First Minister for her answer. First Minister, will you also update us on the Northern Ireland protocol?

Mrs Foster: I hope that I have set out the Northern Ireland protocol and the agreement that was reached between the European Union and the UK Government in the form of Maroš Šefčovič and the Chancellor of the Duchy of Lancaster, Michael Gove. As I said, we are analysing the text from that agreement, and, of course, we also hope that the current negotiations will bring us to a free trade agreement. We are watching very carefully how those negotiations take place.

Ms Dolan: Minister, do you share my concern that Brexit, particularly a non-negotiated Brexit outcome, will have devastating long-term economic consequences, particularly along the border corridor and in rural communities like ours?

Mrs Foster: As you know, the Executive have different views on Brexit. Of course, the Executive Office does not have an agreed position on Brexit. In my view, there are many opportunities to be had from leaving the European Union and all the regulations imposed on us by the non-accountable EU Commission. I look forward to taking up those opportunities. Undoubtedly, it would be much

better if we had a negotiated settlement, and we hope that that will be the case at the end of these negotiations.

Mr McCrossan: What work is being done with the sectors that will be most impacted on by tariff rises, such as car dealers, in the event of no deal?

Mrs Foster: I take it that he means second-hand car dealers and cars coming across from Great Britain into Northern Ireland. That is an issue that is still being considered in Westminster. I understand that Robin Walker, the Minister of State at the Northern Ireland Office, is dealing with the matter with Her Majesty's Treasury to try to find a workable solution. Of course, there is always the stopgap of article 16 in the protocol, which states that, if there is any damage to the economic well-being of the people of Northern Ireland, the United Kingdom Government can intervene in an appropriate and measured way. I will certainly be reminding the Chancellor of the Duchy of Lancaster and the Government of that commitment in article 16 of the protocol.

Mr Allister: The First Minister knows, and indeed has propounded, the very destructive nature of the protocol to the economic and constitutional integrity of the United Kingdom. Why then is her Agriculture Minister building the very infrastructure for the Irish Sea border at our ports over her "blood red" lines? Why did she and her MLAs vote last Tuesday to bring in, in perpetuity, 45 EU directives and regulations so as to help implement the protocol?

Mrs Foster: As the Member well knows, they are not brought in in perpetuity. They can be revisited again by this place. The whole point about our leaving the European Union is that the Assembly can revisit those regulations, and that is in the protocol.

Let me be very clear: my party voted against the protocol and opposed it at every level. Having the sea border did not once pass through the House of Commons when we held the balance of power there. A general election then happened, and we were faced with the protocol and the withdrawal agreement as it is. We have worked very hard to mitigate the worst excesses of the protocol, and we will continue to do so. We have made some progress on those matters, and I hope that we can make more progress.

Ms Anderson: Notwithstanding your views on the protocol, do you agree that it prevents the hardening of the border in Ireland, protects the

Good Friday Agreement in all of its parts and preserves the all-Ireland economy?

Mrs Foster: First, I hope that she knows that the Belfast Agreement is about east-west as well as North/South, and, of course, our biggest market is with Great Britain. I welcome the fact that the unfettered access promised in the Command Paper is now something that seems to be protected by the recent agreement. We also need to ensure that there is also unfettered access from Great Britain into Northern Ireland, and we will continue with that work, because it is very important for our businesses and citizens. When we talk about the Belfast Agreement, it is important that we reflect on the whole of the Belfast Agreement, not just on parts of it.

Dr Aiken: When the First Minister talks about article 16, can she envisage a time when the First Minister and the deputy First Minister, through the Joint Committee, could have a formal mechanism by which they could invoke article 16, rather than rely on the two co-chairs of the Joint Committee? Of course, as we are all reminded, one is from the European Union and one is from the United Kingdom.

Mrs Foster: Article 16 of the protocol is not for the Joint Committee. It is actually for the UK Government, if the UK Government believe that it will lead:

"to serious economic, societal or environmental difficulties ... the Union or the United Kingdom may unilaterally take appropriate safeguard measures."

Those issues are therefore not for joint agreement but for the UK Government, if they believe that Northern Ireland is being damaged by the operation of the protocol.

Mr Stalford: Since 1998, the founding principle of how this place is governed is that of parallel consent. I invite my Rt Hon friend the First Minister to state to the House and the wider public that the unionist people do not consent to the provisions of this protocol. Will she agree with me that the preparedness of the Government to use article 16 in the national interest will demonstrate to us all just how unionist the Conservative and Unionist Party actually is?

Mrs Foster: As the Member points out, there is certainly no consent for the protocol from the representatives of the unionist people at Westminster. We voted against it on every single occasion. However, given the scope of

the Conservative and Unionist Party's win at the last general election, when it got an 80-seat majority, the protocol could not be stopped. We had to make sure that we mitigated the worst excesses of the protocol. We have made some progress on that but, of course, there is still much work to do. I assure the Member that this leader and First Minister will not be found wanting when there is work to do to mitigate the worst excesses of the European Union and the protocol.

Mr O'Toole: First Minister, Brexit is happening and the protocol is happening. The people of Northern Ireland did not ask for either; the second is a response to the first. Now that it is happening, will your office do everything to take advantage of possible benefits for Northern Ireland around access to EU trade deals? Will you and the deputy First Minister advance together the interests for Northern Ireland? We need access to those trade deals. Businesses here are asking for that.

Mrs Foster: Businesses are asking for access to their main market in Great Britain, and to make sure that they get their goods over from Great Britain into Northern Ireland as well. That is, of course, my priority, and to make sure that we use my good office to do that. Of course, we will take any benefits that flow from the protocol. It has been a very difficult period for us all around this, and it is important to look at access to UK trade deals. Those deals are now beginning to become a reality, and it is very important that we have full access to those trade deals. That is part of the ongoing work to ensure that we have access to those trade deals.

Veterans Commissioner

2. **Mr Dunne** asked the First Minister and deputy First Minister for their assessment of how the new Veterans Commissioner can impact on the needs of citizens. (AQO 1333/17-22)

Mrs Foster: As you know, Mr Kinahan was recently appointed as the Veterans Commissioner by the Secretary of State. The introduction of UK-wide legislation to further incorporate the armed forces covenant into law and the appointment of a Northern Ireland Veterans Commissioner are contained in annex A of 'New Decade, New Approach' and are listed as commitments of the United Kingdom Government. The Commissioner will act as a voice and advocate for veterans as they make the transition to civilian life by, first and foremost, making himself accessible to

veterans. He will listen to their needs and do his best to ensure that they are given the best opportunities to positively contribute to, and benefit from, the society that they are part of. This is a non-statutory role. The Commissioner will have no statutory power. He will provide analysis and advice on issues affecting veterans when requested. We understand that, since his appointment in late August, the Commissioner has been meeting stakeholders across the veteran support network, including those in charitable organisations and local councils, to deepen his understanding of the issues facing veterans. I am sure that he will be a strong advocate for the interests of the estimated 150,000 veterans living here.

Mr Dunne: I thank the First Minister for her answer. I welcome the support for our veterans, who have given so much for our country. How does the First Minister respond to the announcement earlier today by the Secretary of State to mark the centenary of our great country of Northern Ireland, which is part of New Decade, New Approach?

Mrs Foster: I very much welcome the announcement by the Secretary of State that he has put forward the UK Government's plans to mark Northern Ireland's centenary year. There is a new logo and a new website, and, at a Policy Exchange event earlier today, he announced that £3 million will be made available for events taking place right across Northern Ireland. We welcome this as part of New Decade, New Approach. It is therefore being implemented by the United Kingdom Government, and we look forward to being able to commemorate and celebrate the centenary of Northern Ireland next year.

Mrs D Kelly: I congratulate Mr Kinahan on his appointment and am sure that he will do a very fine job. First Minister, can you advise whether there will be any staff in his office, and do you have any concerns around their recruitment, given that there are still unfilled posts within the Historical Institutional Abuse Redress Board's office?

Mrs Foster: As I understand it, at the moment, the staff will come from the Northern Ireland Office. They will be seconded into Mr Kinahan's office. I think that he has one or two staff seconded to him. As it is a non-statutory role, it is the NIO that is going to provide the staffing complement for Mr Kinahan.

2.15 pm

Mr McAleer: Yesterday, I attended the funeral of Patrick O'Hagan, who was a friend and neighbour of mine. As an 8-year-old child, he and his brothers witnessed the murder of their mother, Kathleen, in their family home. No proper investigation has been carried out into Kathleen's death, and the dark forces of collusion in her murder have been pointed to. Will the Minister agree that no one is above the law, including veterans, who, as members of the British state forces, were involved in murder and criminality?

Mrs Foster: I am very happy to confirm to a member of Sinn Féin that nobody is above the law and everybody should face justice if they have done something that is not within the legal purview of where they live. I find it incredible that I am challenged about collusion when we are talking about our armed forces veterans, who have lived with such difficulties throughout the years. We are trying to help them to get through what have been very difficult times for them as they have come under attack and low-level intimidation whilst living in their community. I hope that Mr Kinahan can listen, help and advise those people as they move forward with their life after dealing with some very difficult circumstances in that life.

Mr Allen: At the outset, I declare an interest as a veteran. Indeed, I have witnessed first-hand some of those difficulties that the First Minister alludes to.

First Minister, will you advise whether, with the appointment of the Veterans Commissioner, you will nominate him to the armed forces covenant reference group? Also, will the Executive Office work with the commissioner in order to compile a report to the UK-wide armed forces covenant review?

Mrs Foster: I thank the Member for his question. He raises a very important point, because, to date, there has not been agreement in the Executive Office to appoint somebody to that group. That disappoints me, because the voice of veterans in Northern Ireland needs to be heard in that group. It is a matter on which, unfortunately, we have not been able to reach agreement.

I am pleased, however, to tell the Member that in January the Armed Forces Bill will come to the Floor of the House in Westminster, and that will provide for the armed forces covenant to be made a legal duty on this place and right across the United Kingdom. That is very important because there are still people who do not get access to services in the way that they should,

and when the armed forces covenant comes into place in Westminster, it will apply here in Northern Ireland. That is very important for everybody.

Racial Equality Strategy

3. **Mr Blair** asked the First Minister and deputy First Minister for an update on the co-production and co-design with external stakeholders of a racial equality strategy. (AQO 1334/17-22)

Mrs Foster: With your permission, Mr Speaker, junior Minister Lyons will answer this question.

Mr Lyons (Junior Minister, The Executive Office): We are midway through the current 10-year strategy, which was launched in 2015, and we are continuing to progress with full implementation.

Whilst we acknowledge the reference to the strategy in the 'New Decade, New Approach' document, that was in the context of the Programme for Government and a number of strategies that could underpin it. It was not explicit nor, in our view, intended that a new racial equality strategy would be published. Our focus is very much on fully delivering the commitments that are set out in the current strategy, which remain critical to achieving equality and good race relations here.

Mr Blair: I thank the junior Minister for that answer. Does he not agree that time has been wasted in the successful implementation of a racial equality strategy, because, even long before COVID, there was too much lag in ensuring that we move forward with working alongside those in our communities and their representative stakeholder organisations?

Mr Lyons: It was very much the case that if you were here during the debate in September on race relations you would have felt that frustration from Members from right across the House who reflected the concerns of people in that sector who are very concerned about the length of time that it has taken to make progress on this. Obviously, COVID has been an issue that has further complicated the process.

We all want to get there with the strategy, and an awful lot of work has been going on in recent months. In particular, progress has been made on the appointment of a racial equality subgroup, along with racial equality champions, in each Department. A review of the Race Relations (Northern Ireland) Order 1997 and

relevant aspects of other legislation is under way, and we are moving from the review stage to the development of options and associated consultation. A review of the delivery of the minority ethnic development fund is now complete, and we are considering the implementation of that as well as ways that we can tackle racist bullying in schools. Much work has been done. It has been slower than we would have liked, but we are now starting to see real progress, and I hope that that can continue.

Mr Carroll: Minister, given the number of anti-racist organisations, Black, Asian and minority ethnic (BAME) groups and human rights organisations that have recently written to the Policing Board to express their outrage at how the police responded to them during the Black Lives Matter protests on 6 June, does the Minister agree with me that, if we are to have any semblance of racial equality, fines and threats of prosecution must be dropped and an apology made to all those who attended safe, socially-distanced protests in Belfast and Derry on 6 June?

Mr Lyons: It is important that everybody is equal under the law and is equally subject to the law. If people or organisations do not believe that that has been the case, they can go down various routes, including the Police Ombudsman, and I think that that route has been taken. On behalf of the Executive, let me make it very clear that there is no tolerance whatsoever for people being treated differently on the basis of their race.

Ms Sheerin: Minister, can you give an update on the key actions under the racial equality strategy, please?

Mr Lyons: I hope that I have already done that in my opening remarks. We are moving forwards with the racial equality subgroup, the review of the Race Relations Order, and the minority ethnic development fund.

One issue that I have not raised yet is the research on ethnic monitoring. The Member will be aware that that issue was discussed during the debate. The final report has been received and contains extensive recommendations for ethnic monitoring that include amending the Race Relations Order, the design phase of Encompass — the IT project being overseen by the Health and Social Care Board — and the establishment of a data hub and equality monitoring unit. The Member will be aware that that is all a little bit more difficult to progress than the other issues that we have taken on

board so far, but I hope that progress can be made on it very soon.

Mr Nesbitt: One of the key themes is participation, representation and belonging. However, there is no great sign of that round this Chamber. Can the Minister detail the plans to promote elected representation?

Mr Lyons: I hope that all political parties make sure that they are not in any way a cold house for those from different ethnic and racial backgrounds. We should be trying to encourage people from all backgrounds to get involved in politics and in political life in Northern Ireland. It sends a very strong message to ethnic-minority communities here to see people from their background in this place. I certainly encourage parties and individuals to get involved.

Ms Hunter: How much has the Executive Office liaised with schools and the Department of Education to ensure that anti-racism in the school curriculum is enshrined in the racial equality strategy?

Mr Lyons: Work is ongoing with the Department of Education in particular on how we tackle racist bullying in schools. I do not have any further information on that for the Member, other than to say that it is taking place. I am happy to furnish her with that information.

Together: Building a United Community: Update

5. **Mr Easton** asked the First Minister and deputy First Minister for an update on Together: Building a United Community (T:BUC). (AQO 1336/17-22)

Mrs Foster: With your permission, Mr Speaker, junior Minister Lyons will answer that question.

Mr Lyons: There has been significant progress in delivering the Together: Building a United Community strategy, including its headline actions. Over 20,000 young people have taken part in T:BUC camps, and five Urban Village areas have been established. Four shared education campuses have been approved and are progressing. Ten shared neighbourhoods, providing 483 homes, have been completed. Over 4,000 young people have completed the Peace4Youth programme. Approximately 2,700 young people have engaged with the Uniting Communities Through Sport and Creativity programme. The number of interface barriers has been reduced by 14, and we provide some

£19 million annually to support strategy delivery.

Mr Easton: I thank the Minister for his answer. Can he outline the impact that Together: Building a United Community is having in North Down?

Mr Lyons: Absolutely. In 2020-21, the central good relations fund (CGRF) has awarded funding totalling £365,682 to seven projects that deliver in the North Down area. One T:BUC camp has been delivered in the North Down Assembly area for 2021, with funding of £7,000 provided. More broadly, three camps have been delivered across the Ards and North Down Borough Council area with funding of nearly £18,000. Over £170,000 of funding has been provided through the District Council Good Relations Programme (DCGRP) for 2021 to deliver 15 projects. The Department for Communities has delivered one shared neighbourhood, the Church View development in Holywood. This provided 30 homes and benefits from good relations funding of £380,000.

Ards and North Down Borough Council was awarded £3.3 million of funding through the EU's Peace IV programme. The Community Relations Council (CRC) provides funding of £245,000 to organisations delivering in the Ards and North Down Borough Council area in 2021.

I hope that that satisfies the Member about the money that is going to North Down.

Mr G Kelly: Gabhaim buíochas leis an Aire Sóisearach as a fhreagraí go dtí seo. Will the Minister commit to progress the New Decade, New Approach commitment to give legal expression to sectarianism as a hate crime?

Mr Lyons: That is not something that I am aware of as being considered, but I can write to the Member with the Executive Office's view.

Mr Beattie: Future T:BUC initiatives are likely to be linked with the outcomes of the Commission on Flags, Identity, Culture and Tradition (FICT). Will the Minister advise the House whether the FICT report is presently being developed and who, within TEO, is leading that development?

Mr Lyons: T:BUC outcomes will not just be determined as a consequence of what is in the FICT report because they go far beyond that. It would be a very narrow outlook to consider only what is in the FICT report and to transfer that across to T:BUC. I think that it will be far wider.

That is being looked at by the Executive Office, and as soon as we have information on that, we will release it.

Petition of Concern: Reform

6. **Ms Armstrong** asked the First Minister and deputy First Minister what discussions they have had with Executive colleagues in order to bring forward reform of the petition of concern (POC). (AQO 1337/17-22)

Mrs Foster: The Member will be aware that the petition of concern is not a devolved matter. Provisions to effect the changes to its operation, as set out in New Decade, New Approach, will therefore be included in the Westminster Bill to be brought forward by the Secretary of State. The consequential amendments to Standing Orders will be for the Assembly to make thereafter.

Ms Armstrong: I thank the First Minister very much for her answer. In the run-up to the centenary of Northern Ireland, does she believe that it is time to change the designations so that people, like myself and others, who are designated as "others", will have an equal voice in the House?

Mrs Foster: I say to the Member that, if we want to reopen all of the Belfast Agreement again, we can do that, and we can revisit all of the very difficult areas. We cannot deal with some of the issues that have already passed, such as the release of terrorist prisoners and the so-called reform of the RUC — I would call it the destruction of the RUC. There were a lot of things in the Belfast Agreement that were certainly not to my liking, and the Member knows that that comes from the Belfast Agreement, and if she wants to raise it in any talks process, we will listen to the arguments that are made.

Mr Butler: Can the Minister outline when the ministerial code of conduct will be brought before the Chamber?

Mrs Foster: As I understand it, that is a matter for the Department of Finance.

Ms Flynn: Does the Minister agree that the petition of concern should be used only for the very precise purpose for which it was intended, as a cross-community safeguard?

Mrs Foster: That is somewhat rewriting the Belfast Agreement, because there is no explanation in it of when the petition of concern

should be used. However, others are adding things into the Belfast Agreement all of the time, and that is a matter for them. At the time of the Belfast Agreement, I did warn — if you want to, you can look at it — that the constructive ambiguity would be used in a way that was not foreseen at that time, and that has proven to be the case.

Mr Speaker: That ends the period for listed questions. I call Justin McNulty to ask the first question in 15 minutes of topical questions.

2.30 pm

COVID-19: Business Support Schemes

T1. **Mr McNulty** asked the First Minister and deputy First Minister, in light of the fact that the First Minister will know that huge frustration exists over the pace of delivering support to employers, workplaces and families that have been affected by the COVID-19 restrictions, which is particularly disappointing given that, as of 2 December, 1,271 businesses that applied to part A of the COVID-19 restrictions business support scheme had not yet received a payment, for the First Minister's assessment of that situation and whether she can state the plans that she has to raise the matter with her colleague the Minister for the Economy. (AQT 821/17-22)

Mrs Foster: We have been keeping an eye on all financial packages, whether from the Department of Finance, the Department for the Economy or the Department for Communities, to make sure that they get out to people. Of course, the Member will recognise that, because it is public money, the schemes have to be set about in an appropriate way, and that people come forward with proof that what they are asking for is appropriate.

My ministerial colleague shared with me the experience of someone who sent her receipts for shampoo and a pair of scissors, expecting to be paid £800 for being a hairdresser. As you well know, the Northern Ireland Audit Office will not accept that as proof. We need to go through the proper processes. As I understand it, those in part A who are now left are some of the more difficult cases, where proof is being sought from accountants or applicants themselves.

Mr McNulty: I thank the Minister for her answer. Minister, that does not wash, pardon the pun, given the example that you have given. There are genuine businesses that are on their

knees and need the money to be forthcoming fast. They need help. What is your Christmas message to those businesses that are asked to send workers home, close their doors, and that were promised financial assistance but are still waiting for help?

Mrs Foster: I certainly do not want the economy to be closed down. I certainly do not. I have been one of the people arguing to keep the economy open while others have argued to close it down. However, the health message is very clear: we need to take action, and there is a personal responsibility on us all to take action to stop the spread of COVID-19.

In terms of the payments coming out of the Department of Finance or the Department for the Economy, if there are specific instances, they should do what my constituency office does and, I am sure, what other constituency offices do, which is to phone the helpline, whether the Department of Finance or the Department for the Economy, and try to get answers to deal with those issues.

I am not denying that there are people in need. Of course, there are people in need. This has been a terrible, terrible year for businesses and communities right across Northern Ireland. In our offices, as elected representatives, we must do all that we can to help those people, recognising that there are systems in place that have to be satisfied.

COVID-19: Infection Rate

T2. **Ms McLaughlin** asked the First Minister and deputy First Minister whether the First Minister agrees with the head of the British Medical Association (BMA) in Northern Ireland, Dr Tom Black, who said this morning that the current rate of COVID-19 infections will be a nightmare for our health service. (AQT 822/17-22)

Mrs Foster: I certainly think that we are facing a very difficult time. Unlike others, however, I think that it is important to give some hope to people in our community. I very much welcome the fact that the vaccination programme is now rolling out. I welcome the fact that there is a hope that all care home residents will have their first vaccination before Christmas.

I was looking at some figures over the weekend. Sixty per cent of all COVID deaths in the UK are in the over-80 category. As you know, in the Joint Committee on Vaccination and Immunisation (JCVI) recommendation for vaccination, those people are in phase 1. I very

much hope that, when they have received their second vaccination, that will help us to move forward towards normality because, of course, they are the most vulnerable section, which is why they are being vaccinated first.

The vaccination programme needs to be in place, and I am glad to say that it is rolling out well. I am pleased to see that the second batch of vaccinations arrived over the weekend. We need to have our testing regime in place. The deputy First Minister and I visited the contact-tracing service in Ballymena on Friday to see the work that is going on there. We also need to take personal responsibility so that we go with those basic messages that we have been talking about for so long now but that are so very important.

Ms McLaughlin: I thank the First Minister for her answer. I agree that people need hope. Last week, there were 98 deaths in Northern Ireland. Some of our hospitals are at overcapacity.

Dr Black also indicated that a logical decision from the Executive based on the facts and the numbers would be to have another four-week lockdown. What are your thoughts on that, Minister?

Mrs Foster: I hope that the Member does not mind if I wait to hear the Chief Medical Officer and the Chief Scientific Adviser's advice on the issues and take into account where we are on our testing regime, our vaccination programme and all the other things. None of this is inevitable. I have said this many times: if people just pull back, try to cut down their social contacts and try to deal with all the things in front of them, it is not inevitable that we will have more restrictions. Unfortunately, it appears that our numbers are not where we would like them to be, so we will undoubtedly have further discussions around this in the days just before Christmas or after Christmas.

Brexit Legislation

T3. **Mr O'Toole** asked the First Minister and deputy First Minister, in light of the fact that we now have just over two weeks before the end of the Brexit transition period, to give us an update and give the Assembly confidence about what we will be required to pass in the next two weeks, be it deal or no deal, albeit that, on various occasions, we have had updates, usually through questions for written answer, as to the volume of Brexit legislation that the Assembly will be required to pass, we have, however, no idea of how much is required

before the end of the transition period, with little update from the Executive Office on where our statute will be in the event of deal or no deal. (AQT 823/17-22)

Mrs Foster: I thank the Member for his question. The latest monitoring returns from 10 December on the volume of legislation required for the end of the transition period indicate that no Assembly Bills are required to be brought forward before the end of the transition period. Originally, 78 statutory rules were identified. Fifteen of those have been deprioritised and will be laid as soon as possible when we get into 2021. Of the remaining 63 statutory rules needed, 41 have already been laid, and 22 are still to be laid before the end of the transition, including one confirmatory rule that will subsequently be affirmed in 2021. There are nine Westminster Bills, seven of which have had their first legislative consent motion. The Trade Bill and the UK Internal Market Bill remain under consideration by the Executive.

Mr O'Toole: I am grateful to the First Minister for that update. It would have been helpful to have it in written form so that the whole Assembly could see it. Further to our interaction earlier in Question Time, I say that Northern Ireland will be in a specific and unique position in relation to the protocol; no one doubts that. There are debates in the House about the benefits and disbenefits of the protocol, but it is clear that we will have privileged access to the EU single market and the EU customs area. Can I ask her again to make specific representations on behalf of Northern Ireland business on maximising the benefits that we will have — deal or no deal — from our unique access to the EU single market and trade area?

Mrs Foster: I am sure that he meant to say, "and with access to Great Britain", as well. We will have access to the full UK market and the EU market. That means that, if you are in a business coming over from America or somewhere else in the world and looking for access to the United Kingdom single market and the European Union single market, Northern Ireland will seem a very good place to locate your business.

Lambeth Palace Legacy Talks

T4. **Mr Beattie** asked the First Minister and deputy First Minister what the Executive Office knew about the Lambeth Palace legacy talks. (AQT 824/17-22)

Mrs Foster: I did not know that the Lambeth talks were taking place until I learned about

them from perhaps the same source as the Member did. I was made aware that the talks were taking place. We got a read-out, and, subsequently, some of my party colleagues were in touch with the Archbishop of Canterbury's office to find out what the situation was. However, from my point of view, no, we did not have any prior knowledge.

Mr Beattie: Thank you, First Minister. That is absolutely clear. Will the Minister agree with me that any legacy talks or strategies must include victims and have victims' input?

Mrs Foster: Indeed. Everything that has been talked about in respect of legacy has always said that victims have to be at the very centre of any process. I welcome the fact that the Secretary of State for Northern Ireland has confirmed today that, if victims are not going to be present at legacy talks in Lambeth, he will also not be present.

Post-Brexit Border Trade

T5. **Mr McCrossan** asked the First Minister and deputy First Minister what assurances the First Minister can give to traders along the border who are rightly concerned about trade tariffs and the future of their businesses, because he knows, being from a border area, that there is a great deal of uncertainty among border businesses that are worried about trade post Brexit and, while it is welcome that trade talks will continue, many are sceptical of any tangible outcome. (AQT 825/17-22)

Mrs Foster: As the Member knows, because of the protocol, we can trade with the EU and now, because of what has happened with the protocol and the Joint Committee discussions, we will also be able to trade with Great Britain. That puts us in a different position from the Republic of Ireland and a slightly different position from Great Britain. That said, I very much hope that we can reach a negotiated outcome with a free trade agreement that will benefit the whole of the United Kingdom and, of course, Northern Ireland in particular.

Mr McCrossan: I thank the First Minister for her answer. Will she give an absolute assurance that, regardless of the ongoing negotiations and Tory politicking at Westminster, her office will categorically and absolutely oppose any land border on this island?

Mrs Foster: The protocol has dealt with those issues: he knows that. He also knows that we

need to ensure that there is unfettered east-west access. I am sure that he will want to ensure that businesses in Omagh and Strabane have access to the Great Britain market and can sell their goods and services there.

The Executive, as part of our readiness planning, before the Joint Committee agreement on the protocol, prioritised six high-impact risks. Those are food supply; the flow of highly regulated and priority goods, such as medicines; business preparedness; data flow, which is very important; sanitary and phytosanitary (SPS) facilities; and transport. Those are the areas that we are really focusing on. I hope that it gives some comfort to his constituents that we are prioritising the risks and putting forward our operational readiness plans.

Brexit: Taking Back Control

T6. **Mr Nesbitt** asked the First Minister and deputy First Minister, given that one of the first things that the UK Government had to do after leaving the European Union was negotiate a protocol with the EU for the movement of goods within the UK, whether the First Minister accepts that that gives the lie to the concept that Brexit was about taking back control. (AQT 826/17-22)

Mrs Foster: I think that there was a grave misunderstanding of the Belfast Agreement and what it meant for the movement of goods within the United Kingdom. Unfortunately, Theresa May decided to go with the argument that there should be no infrastructure on the land border on the island of Ireland, which led to a range of issues.

We are where we are. We understand parliamentary sovereignty at Westminster. We understand that this was voted through last December and became the European Union (Withdrawal Agreement) Act 2020. Therefore, it is incumbent on all of us to try to mitigate the worst excesses of the protocol and deal with the issues that are in front of us.

Mr Nesbitt: I thank the First Minister. Given that the expression "Take back control" implies that we did not have control when we were members of the European Union, does she accept or understand that there are more restrictions now that we are out than there were when we were in?

Mrs Foster: I do not accept that that is the case. We will be free from many of the rules of the EU's customs union and are in the United

Kingdom's customs union. We also have the advantage of being able to trade into the European Union and the rest of the United Kingdom market. We are taking control of immigration, our money, our laws and all the things that were talked about at the time.

I am not making any excuses for the protocol. I voted against it and would not have welcomed it in any way. However, it has been voted through at Westminster, and it is my job to mitigate its worst excesses and to try to make sure that the people in Northern Ireland can do their business properly.

Mr Speaker: I call Kellie Armstrong. You get one question, Kellie.

Ms Armstrong: Thank you, Mr Speaker.

Common Frameworks: Implications

T7. **Ms Armstrong** asked the First Minister and deputy First Minister, given that the level of awareness and knowledge of the common frameworks is extraordinarily low, with, indeed, the Committee suggesting that there needs to be increased coordination and communication, what the Executive Office and the Department for the Economy are doing to ensure that, in particular, the service sector is aware of the implications. (AQT 827/17-22)

2.45 pm

Mrs Foster: The Member is right to say that there is not an awful lot of knowledge of the common frameworks. We will have to take notice of them after the transition period ends. A number of common frameworks have been worked through. Many of them have been agreed provisionally. Some are still to be worked through. I hope that we can continue that work in 2021.

Mr Speaker: Time is up. I ask Members to take their ease for a moment or two.

Finance

Shared Prosperity Fund

1. **Mr Dickson** asked the Minister of Finance for his assessment of the impact on Northern Ireland of the UK shared prosperity fund, relative to the EU structural and investment funds that it is designed to replace. (AQO 1346/17-22)

Mr Murphy (The Minister of Finance): There is still insufficient detail available on the shared prosperity fund to make a final, informed comparison, but I have a number of concerns about where we may lose out.

In my engagement with the British Government on the fund, I have made the case repeatedly for at least full replacement spending power, saying that local control over spending is essential to ensuring that the fund meets local needs.

The heads of terms for the shared prosperity fund, released alongside the spending review, indicate that its full introduction will be delayed by a year, representing a potential loss of some £70 million of spending power for us. It is also clear that, when the fund is eventually introduced for 2022-23, it may not provide full replacement spending power, will have objectives that are more aligned to the English levelling-up agenda than to our local needs, and will have Whitehall-based rather than local delivery arrangements. That is unacceptable, and I intend to make that case strongly to British Ministers.

Mr Dickson: I thank the Minister for his response. There are clearly very serious concerns about central control of the fund. Can you assure the House that you and the Department will do everything in your power to ensure that such funds that are allocated will be decentralised to the regions, particularly Northern Ireland? Can you estimate the amount of funding that has already been received by the Department so that we can work out what the loss might be?

Mr Murphy: That funding is not received only by my Department. European funding is across a range of areas. When we go beyond the European social fund and some of the big-ticket items, there are quite a lot of small pots of funding that go to various Departments. We therefore have to analyse that when we estimate the total loss. From looking at that figure and at what the British Government have estimated in their pilot scheme, however, we believe that we could be down some £70 million.

One issue is replacement spending power in full, which is a principle that we want to see established, and the other is the ability for the Executive to set priorities locally and allocate funding accordingly. The Internal Market Bill that is passing through Westminster seems to wish to take that responsibility into Whitehall and align it with the British Government's levelling-up agenda, which in no way matches

the sort of agenda that we have here. There is therefore a significant battle ahead. Fortunately, in that, I am on the same page as the Scottish and Welsh Finance Ministers. We have been making the case collectively and will continue to do so.

Mr O'Toole: I agree with the Minister on the need to be firm with the UK Government on their obligations in delivering on no reduction in funding. Can the Finance Minister explore and maximise every other possible opportunity for Northern Ireland participation in relevant EU programmes in order to maximise the interpretation of the protocol when it comes to things like this, including things like the European green deal, which is a continent-wide plan for a just transition to overhaul our economy? Will he pledge to be as ambitious as possible in seeking funding and participation in those programmes?

Mr Murphy: Yes, absolutely. It may be the responsibility of other Departments and other Ministers to seek access to that funding, but I will try to ensure that we take full advantage of whatever funding may become available to the Executive through those programmes, depending on the outcome of the talks between the British Government and the European Union. We are facing into a very challenging Budget period, as the Member knows, with the potential loss of EU funding, and we have to access whatever support we can, wherever it is available from. We will examine what is available to us and make sure that any Department, agency or body that can access that is aware of it and is encouraged to do so.

Mr Speaker: Question 5 has been withdrawn.

Localised Restrictions Support Scheme

2. **Mr Hilditch** asked the Minister of Finance to provide an update on the localised restrictions support scheme. (AQO 1347/17-22)

Mr Murphy: The latest position on the localised restrictions support scheme is that 13,925 applications have been received. Some 7,025 of those applications have been approved, resulting in £49 million being paid to local businesses, and 4,198 applications have been rejected. Members will be aware that further restrictions took effect for a two-week period from 27 November 2020 which placed restrictions on non-essential retail and some other businesses. In relation to those restrictions, over 2,000 applications have been

received, and 497 of those have been approved, resulting in almost £1 million being paid out to local businesses. Approximately 500 have been identified as ineligible. Staff were working through the weekend to clear the outstanding cases as quickly as possible, and I expect that more payments will be released this afternoon.

Mr Hilditch: I thank the Minister for the up-to-date position. When this question was submitted, things were in a much worse state, and I thank Land and Property Services (LPS) and Mr Snowden for their help during what has been a very difficult time. However, I am sure that the Minister will agree that, when a business has not been paid at all and another business beside it has now received two payments, that is unacceptable, and that business owners who have not received any payment are downhearted?

Mr Murphy: Yes, I absolutely get that. The purpose of these schemes is to get money as quickly as possible out on to the ground. The applications have to match and they have to be correct. For some reason, a high level of applications were inaccurate in terms of incorrect business addresses, bank account details, eligibility for the scheme or applying for the wrong scheme. Bear in mind that, when a lot of close contact services closed, some of those could not apply through the rates-based scheme; they needed to apply to the Department for the Economy scheme. So there was duplication in that. There have been a high level of inaccurate applications and multiple applications to deal with, but, as the Member rightly acknowledges, LPS is working as hard as it can to get this done and get it out as quickly as possible.

Mr Beggs: The scheme has been operating since mid-October. I had difficulty finding a helpline number. I do not think that one exists. I am aware of constituents who are frustrated that they do not understand what is going on. When will a helpline number be established so that constituents can understand whether they ticked a box wrong or why exactly they have been rejected? Even responding to emails has been problematic on occasions.

Mr Murphy: I am sorry to hear that the Member has had difficulty getting through, because most of the elected representatives that I have spoken to have managed to get through. At times, it has been difficult. There has been a backlog built up over weekends and things like that which has proved difficult to shift. The Member has to understand that the scheme has

changed four times since its original iteration at the start of October. It changed from Derry and Strabane to being 11-council-wide, it increased the payments and it added in additional businesses. All of those changes have had to be factored in to the payment out. That has added to the complexity of it all.

I have raised the issue at the Executive to say that, when Health comes forward with a series of recommendations, it does not often think —. Understandably, it is dealing with a jigsaw to try and restrict the COVID spread, but the consequence of identifying certain business sectors is that a scheme has to be put in place to correctly and accurately identify and distinguish those from other business sectors.

I raised with the Executive that the way that those are devised adds to the difficulty in finding and quickly paying the people who have been caught up in the restrictions. There are challenges, and we will try to meet them, learn lessons from them and continue to apply them, including those that relate to communication.

Mr McHugh: Given that Invest NI is this region's business grants agency, why does it fall on LPS, which is a rate collection agency, to distribute business grants?

Mr Murphy: The Member is right; LPS is a rate collection agency. The only grant-paying body that we have for business is Invest NI, which comes under the Department for the Economy. Of course, when the pandemic hit, a lot of Departments offered to step up to the plate to assist and make sure that we were all sharing the burden of not only getting funds to the front-line of the health service and assisting it with acquiring critical supplies but of meeting the challenge of businesses. LPS stepped up with paying out for business properties that could be identified. Of course, differentiating between businesses that were under restriction and those that were not was an added challenge and has continued to be. The Department for Communities stepped up to pay social enterprises and charities, which were not within its remit, and the Department for Infrastructure stepped up to pay taxis and coach services, which, again, were not within its remit. Other Departments stepped up to try to assist. I often hear the Executive being criticised for lacking a joined-up approach, but those are examples of Departments going beyond their remit and taking on work that they did not have to take on but needed to in order to respond to the pandemic and to what the public required.

Mr Muir: As the Minister is aware, the purpose of the scheme is to assist businesses that have been required to close as a result of the coronavirus public health regulations. Will he commit to look at the situation whereby an overall business is allowed to open but the businesses that are embedded within it are required to close and are not getting any financial assistance?

Mr Murphy: The Member identifies the complexity of business arrangements. It is not always as straightforward as a shop having to close, being easily identified and paid out to because it is on the rate base where the application was put in correctly. A lot of applications were not put in correctly.

There are multiple formations of businesses, and the task is getting to the difficult ones that are a business within a business. I encourage the people who are affected to make sure that all those matters are made available to LPS so that it can properly assess them. It adds to the complexity of considering the case, and sometimes you find that it takes longer to consider those cases than the more straightforward ones.

LPS is getting through them as quickly as it possibly can, and we encourage people to make sure that they provide the most up-to-date and accurate information. We also encourage people to continue to check their email inboxes and junk mailboxes because, requests often go back out for further information and are not received but are recorded as having been received. I encourage people who are waiting to do that to continue that communication.

Dormant Accounts Fund

3. **Ms Rogan** asked the Minister of Finance to outline when the dormant accounts fund will be available for distribution. (AQO 1348/17-22)

Mr Murphy: This morning, I visited the Footprints Women's Centre in west Belfast to announce the dormant accounts fund. Footprints provides training and childcare on a social enterprise model as well as a social supermarket. Over the last 30 years, the organisation has developed and evolved and is firmly at the heart of its local community.

The establishment of the dormant accounts fund is a hugely significant opportunity for the community, voluntary and social enterprise sectors, especially as it will support services that do not normally attract public money. The

£20.5 million dormant accounts fund will open for applications on 12 January 2021. By offering multi-year funding, it will provide much-needed certainty to community and voluntary group and social enterprises. It will help them to meet future challenges and adapt to be more financially resilient in the longer term so that they can continue making a positive and meaningful impact on many people's life. I encourage organisations to visit the National Lottery Community Fund's website for further details of the fund.

Ms Rogan: I understand that the fund can be used for community asset transfer. In my constituency of South Down, a mental health charity called Mind Your Mate and Yourself (MYMY) is seeking a site from the Department of Education in Castlewellan — the former Ardnabannon education centre. Is the fund appropriate for it to apply to?

Mr Murphy: In building the case to deal with the Department of Education or, if the asset is transferred or bought, or however it is exchanged, in order to develop the asset, the purchase is not eligible under the scheme, because there is an issue with giving public money to buy assets from Departments, meaning that the money essentially comes back into them. I had the opportunity to meet people from the project that the Member talked about, and they were very impressive in their ambition and in the work that they are doing in the area.

I hope that they have every success in what they are pursuing. However, that scheme is more for developing beyond purchase or building the case to purchase.

3.00 pm

Mr Catney: Are you, Minister, committed to that funding on a multi-year basis to ensure that there is maximum flexibility and impact for Northern Ireland's voluntary and community sector?

Mr Murphy: Yes. That is one of the key components of the funding, particularly for those in the voluntary and community sector, who tend to live on year-to-year funding, which makes it very difficult to plan and sustain themselves and establish longer-term projects to develop their capacity and resilience. The funding is for up to three years, which is important, and it is for up to £100,000, which is a significant amount for many projects. I hope that people will check the lottery website to see whether they fit in to that.

Of course, it is also for various sectors to come together to enhance what they are doing in a collaborative way, rather than there being just a single project. The fact that it is over three years is an important aspect.

Mr Stalford: Will churches be able to apply for support from the fund? The Minister knows that, whether it is uniformed youth organisations, mother and toddler groups — you name it — if the state were to pay churches for the work that they do, it could not afford it. Will churches be able to avail themselves of that scheme as well?

Mr Murphy: Yes. I encourage them to visit the website to see how they may fit in to it. Of course, it is for building capacity and resilience and improving the long-term standing and ability of a scheme, charity or group to sustain itself and build its own capacity. If they meet the criteria, I see no reason why they should not apply.

McCloud Judgement: Police Pensions

4. **Mr Storey** asked the Minister of Finance how he will ensure the proposed remedy to discrimination established by the McCloud judgement is subject to an impact assessment for members of the police pension schemes. (AQO 1349/17-22)

Mr Murphy: My Department has undertaken an equality-screening exercise on the remedy proposals. That will be updated as necessary in response to the issues raised in the recent consultation on the matter. Responsible authorities for the individual public service schemes, including the Department of Justice for the police pension scheme, are also expected to undertake their own assessment of scheme level equality impacts in accordance with the existing commitments in their departmental equality schemes. My Department is monitoring scheme preparedness on all remedy-related matters as part of its regular interdepartmental engagement on the issue.

Mr Storey: I thank the Minister for his response. Will he clarify what he sees as the distinction between an equality screening and carrying out an equality impact assessment (EQIA)? He will be aware that the Scottish Government have already commissioned a specific EQIA on behalf of the Scottish police pension scheme advisory board. He will also be aware that there are a number of schemes in Northern Ireland, not just one that affects police

officers in particular. Will the Minister ensure that there will be no inequalities in relation to how that is rolled out and, ultimately, how it will affect police officers?

I take this opportunity, just in case it passes me by — I may not have the opportunity tomorrow — to wish Members a very happy Christmas, ever remembering that the message at this time of the year is that, unto us, a Saviour was born. That is what we all need in these critical days.

Mr Murphy: I thank the Member for his good wishes.

The Department of Finance screening exercise is generally in relation to section 75 matters. I presume that the Department of Justice, which has responsibility for the police pension, will go in to the individuals involved in that scheme. It is a more generic approach from the Department of Finance; we have a responsibility to monitor all of that and to engage with the other Departments. I am sure that the points that he made will be picked up by officials as they engage with other Departments. I assume that the responsibility for the impact and the issue of what has been done in other jurisdictions lies with the responsible Department, which, in this case, is the Department of Justice.

Ms Kimmins: What will the next steps be for implementing the remedy to the McCloud judgement?

Mr Murphy: The Department of Finance consultation closed on 18 November. It received 443 responses. Feedback to the consultation is being analysed, and a response will be published early in the new year. Following the publication of the Department's response, I will write to Executive colleagues with firm proposals to progress a legislative solution in order to implement the removal of unlawful age discrimination in public service schemes.

Mr Nesbitt: What assessments are being made of the potential implications for other organisations, not least the other emergency services?

Mr Murphy: There are substantial implications under the judgement, right across the public sector. I assume that each Department is going to have to assess that. My Department is responsible for interdepartmental liaison, but there are significant implications. We have done the consultation and we have received responses to it. There are implications for

people's employment as regards the schemes that they have been in and in which they choose to continue working into the future. We will want to assess the consultation responses, and it will be up to each Department to inform us about the particular issues that face them and the public-sector bodies that are under their broad umbrella. The Member is right; there are significant implications that will challenge us in the time ahead.

EU Successor Funding

6. **Mr McNulty** asked the Minister of Finance what discussions he has had with the UK Government regarding a local consultation on EU successor funding in Northern Ireland. (AQO 1351/17-22)

Mr Murphy: EU successor funding will operate within the devolved sphere. As such, I do not consider it appropriate for the British Government to conduct local consultations, and therefore I have not discussed that issue with them. I have emphasised to the British Government the need to respect the devolution settlement and to provide the devolved institutions with the funding to spend according to our local priorities. There is insufficient detail available on the priorities and the delivery arrangements for the proposed shared prosperity fund for us to carry out a sensible consultation exercise here. The British Government have indicated that more details will be available on a pilot programme in January 2021 and for the full programme in March 2021, and we will reconsider the position then.

Mr McNulty: I thank the Minister for his answer. Has he engaged with the Society of Local Authority Chief Executives (SOLACE) and the local government sector on a co-design and regional consultation approach to shared prosperity funding?

Mr Murphy: As I said in response to Mr Dickson earlier, the problem is that we do not have the detail on the shared prosperity fund to be able to consult with people. While Scotland and Wales have engaged in some consultation exercises, they have been fairly superficial and subject to change. The Internal Market Bill, which is currently going through Westminster, purports to take responsibility for designing a shared prosperity fund, setting its priorities and applying the funding from Whitehall. That was not the understanding of the devolved Administrations. We, Scotland and Wales clearly understood that EU funding would be replaced to the devolved Administrations, the

schemes would be designed by us and the funding would be allocated according to our own local priorities.

So, to engage with council groups — I am happy to talk to them at any time — on the shared prosperity fund at this stage would be premature because we do not have the detail to give them any advice. We have been engaging with others on PEACE PLUS and other matters that are progressing, but there is insufficient detail on the shared prosperity fund, and there is not even certainty as to whether we will be administering any of the fund at all.

Ms Dolan: I thank the Minister for his answers so far. Have the British Government guaranteed that CAP funding will be replaced in full?

Mr Murphy: The main elements that cover farm support for 2021-22 have been largely replaced. We have been provided with £315.6 million, but there is no certainty or guarantees beyond that. Of course, we will need to continue to liaise with the Treasury on the position for future years.

Mr Speaker: Caoimhe Archibald is not in her place. I call Christopher Stalford.

Supermarkets: Rates Relief Repayment

8. **Mr Stalford** asked the Minister of Finance whether any major supermarket chains have indicated to his Department that they will be repaying moneys granted in the form of rates relief. (AQO 1353/17-22)

Mr Murphy: Members should note that the rate relief that was awarded to food retailers here was much less generous than in other jurisdictions. Whereas in other areas, food retailers were awarded full rates relief for the whole of this year, we provided only large food stores here with the four-month rates holiday that was awarded to all businesses.

To date, Tesco and Asda are the only supermarket chains to have contacted me directly to say that they would like to return their rate relief. However, I am aware that other large retail chains that operate here, including Sainsbury's, Lidl, B&M Bargains and the Kingfisher Group, which includes B&Q and Screwfix, intend to repay the relief as well. My officials are currently engaging with the Treasury, along with other devolved Administrations, on how the return of the money will be handled. It is anticipated that the money

will be returned by the large retail chains to the Treasury and then reimbursed to the Executive.

Mr Stalford: In the midst of all the suffering that has taken place in the wider economy, one sector — the big multinational supermarket chains — has done very well out of things. When the money is brought back to the centre, will the Minister commit to re-profiling it in order to further help small businesses in the community?

Mr Murphy: It will be up to the Executive to decide how to spend any funding that comes back. I can make recommendations, and I would like to see funding there, because it was COVID-related. I mentioned that it was for only four months here because it might be less than what people will, perhaps, expect, since they have heard the amounts that are being talked about in Britain, which covers a 12-month period. It should be put to good use. It was COVID-related, and it was to assist businesses. There is, therefore, a strong argument for it to be used in that fashion, but it will be for the Executive to decide.

Mr O'Toole: Can the Minister confirm whether any large online retail operators, such as, most obviously, Amazon, have benefited here from rate relief, notwithstanding the fact that many of the supermarkets that we have discussed also have online operations?

Mr Murphy: They will have benefited if they have premises here that qualified under the 12-month holiday. I can find out the figures and see what it was. I have had no contact or indication from them that, if they have benefited from rate relief, they intend to return any.

Mr Muir: In the great scheme of things, the money that is due to be received will not be a massive amount, but it will be money to help local businesses and the excluded. Will it have to be spent in this financial year, or will we have time to consult with businesses and scope out a scheme over the months ahead?

Mr Murphy: The rate relief money that we provided to all the businesses for four months, and to the targeted businesses for the further eight months of the financial year, was COVID money that came, via the Barnett consequential, from COVID spend in England. The clear sense of that funding was that it was to be spent in the financial year, so I assume and expect that, if and when it is returned, and once it is apportioned by Treasury, it will have to be spent in this financial year.

NICS Absence Management: Inefficiency

9. **Mr Beattie** asked the Minister of Finance whether the Northern Ireland Civil Service human resources has reviewed the use of the term inefficiency in written warnings, as part of managing absence arising from mental ill-health. (AQO 1354/17-22)

Mr Murphy: My Department very much recognises the importance of handling absence relating to mental health with sensitivity and understanding. Northern Ireland Civil Service human resources is reviewing the way in which sickness absence is managed throughout the Civil Service. That is an extensive piece of work, which includes a review of the current policies, supporting processes, staff guides and all forms of communication to staff, including warning letters. That work will seek to ensure that the language and tone of all communications with staff who are absent from work due to underlying medical conditions, including mental health conditions, focuses on how those colleagues can best be supported. The review of the sickness absence and inefficiency sickness absence policies is under way and will see them merged to create one single policy. The word "inefficiency" will not be included in its title. The review is being carried out in consultation with trade unions and is scheduled for completion in early 2021.

Mr Beattie: I thank the Minister, particularly for saying that the word "inefficiency" will not be used with regard to mental health. The Minister will understand that many in the Prison Service, who have an extremely stressful job, are resentful of the use of the word "inefficiency" in respect of their mental health. I ask the Minister to confirm, for them, that that will be removed.

Mr Murphy: Yes, I can confirm that. I know that the Member has raised the issue before, and we have talked previously in the Chamber about it. I do not believe that there was an intention, with the use of the word, to insult or to add hurt to people who were suffering from mental health problems. There is a recognition now that it is not a correct term. Increasingly, we know more and more about mental health and how it affects people, so there is a recognition that the word is redundant and needs to be replaced with something better. I am happy to say that, yes, it will be replaced. It will not longer be used in that regard.

Ms Brogan: What impact has the increase in the number of those working from home as a result of the pandemic had on absence rates?

Mr Murphy: The absence rates have dropped significantly.

I do not have the figure to hand, but I know that has been the experience. There is more research to be done on whether that is a consequence of the pandemic and working from home. Clearly, the pandemic has accelerated us into new working arrangements that probably would have developed over the next number of years anyway, with more use of technology and remote working. There are benefits to all that and lessons to be learned on how that has worked out over the course of the pandemic. One of those benefits is the reduction in sickness among civil servants.

When we get beyond the experience of the pandemic, there are a lot of lessons to be learned for working practices, the need for buildings and for so much office space, the ability to afford people more flexibility in their working arrangements and how that balance helps them in their daily life.

3.15 pm

Mr Speaker: I call Kellie Armstrong. You will not have time for a supplementary question.

Brexit Preparations: Update

10. **Ms Armstrong** asked the Minister of Finance for an update on the £150 million for longer-term support for business rates announced on 23 November 2020. (AQO 1355/17-22)

Mr Murphy: My officials are working closely with the Ulster University Economic Policy Centre and other Departments to identify the business sectors most severely impacted by the economic consequences of the pandemic. That will allow me to determine how the relief can be applied to the best effect to support local business. I fully appreciate that businesses need as much clarity as possible on major costs such as rates in the longer term, and I intend to make a further statement on this in the near future.

Mr Speaker: That ends the period for listed questions. We now move to topical questions for 15 minutes.

PSNI: NDNA Commitment

T1. **Mr Storey** asked the Minister of Finance how and when his Department, in conjunction with the Department of Justice, will find the

additional £40 million to facilitate the New Decade, New Approach (NDNA) commitment to increase the number of police officers and, given the recent focus on the activity of our Police Service and the challenges that it faces, what assurances can he give, particularly on the back of what he said previously about the financial challenges that will come in 2021, that the £40 million will be found, given that he will be aware of the issue, which has, on a number of occasions, been raised with both him and the Justice Minister in the Chamber, albeit that her answers have been less forthcoming. (AQT 831/17-22)

Mr Murphy: I agree that we should meet all the NDNA commitments. I have discussed this with the Justice Minister. A lead-in period is required, according to the Department of Justice, to give effect to this. The Member knows that, immediately after our NDNA agreement was reached, the British Government withdrew from quite a substantial number of the financial promises that they had made to support and underpin it. Nonetheless, we have to find ways to meet the obligations under NDNA as best we can. There was £350 million in the Budget for this financial year to meet them that has not come back. We now have a Budget that is a slight improvement on last year, but, when you absorb that amount of it, it is a very limited improvement on last year.

There will be a challenging time ahead, particularly with the economic downturn and probably a loss of income to various public bodies and the Executive generally across the economy. That will be challenging. Nonetheless, I am committed to working with the Department of Justice to see how we can meet the commitment. Unlike the Secretary of State, the Northern Ireland Office and the British Government, I think that, when we make a commitment under New Decade, New Approach, we should do our best to honour it.

Mr Storey: The Minister refers to the £350 million: will he clarify whether that £350 million is no longer available? If that is the case, what does the Finance Minister have left in unallocated moneys? Obviously, there is a huge demand on that money for a variety of services. Does he see that any of that money will be used to meet the commitment to additional police officers?

Mr Murphy: The £350 million was earmarked and has been spent in this financial year, so it is not available. That would have been a loss from our baselines. We got a slight increase in the Budget that took account of that and gave a

little more, but it is basically a standstill Budget for next year, unless the Executive decide on a reprioritisation exercise and reallocate money by taking it from some Departments and adding it to others. However, that is a big undertaking at this time of year, given that the comprehensive spending review reported late and left us with limited time.

I have sent a Budget paper to the Executive, and I want, if they approve it, to make a Budget statement tomorrow. We need to start the Budget consultation process as quickly as possible, not leave it until the new year, which would shorten the consultation time. It will be challenging. There are no additional pots of money. Next year, we will have some COVID money, but that is not what is required for this commitment and is much less than we had this year. I am committed to working with the Justice Department to see how we can put this into effect.

Student Nurses and Midwives: COVID-19 Funding

T2. Ms Flynn asked the Minister of Finance whether he has considered additional funding packages for student nurses and midwives, given that he will be aware that those who are undertaking their placements are doing so in really difficult and challenging circumstances because of COVID-19. (AQT 832/17-22)

Mr Murphy: In the earlier part of the pandemic, many students who had not completed their term willingly came into the front line of the health service, and I think that that was recognised in a payment to them. I think that that has run its course, but I have encouraged the Health Minister to consider continuing that payment. We have some COVID money allocated to the Department of Health, so I think that the payment should continue until the pandemic has run its course, certainly until the end of this financial year. I hope that the Health Minister will do that in recognition of the sacrifice that they made in stepping up. They did not have the full experience and were immediately thrown in at the deep end of one of the biggest challenges that the health service has faced. They merit a reward for that.

Ms Flynn: Will the Minister fund the Agenda for Change pay awards as part of the 2020-21 Budget?

Mr Murphy: As part of NDNA, funding was given to us for Agenda for Change. As I said in my previous answer, the Budget position for this year is very challenging, but we will look at

how that can be met from that funding and the Budget available to us.

Public-sector Pay Freeze

T3. **Mr G Kelly** asked the Minister of Finance whether public-sector workers here will be affected by the Chancellor's recent announcement of a pay freeze next year. (AQT 833/17-22)

Mr Murphy: Public-sector workers have played a vital role in delivering public services throughout the pandemic. Therefore, I was hugely disappointed by the Chancellor's announcement that he was freezing the pay of many hard-working public-sector employees, outside of those in the health service, for 2021–22. I understand that the Treasury will not seek to impose the pay freeze on workforces for which the Executive have direct responsibility. However, at the same time, the Treasury has, effectively, frozen our resource budget, so any pay increases will inevitably have an impact on spending on other vital public services. Furthermore, the pay of many staff groups here is linked to pay processes in Britain, where the freeze is being imposed by the Chancellor. Clearly, it is a matter that the Executive will need to carefully consider in the time ahead.

Mr G Kelly: Gabhaim buíochas leis an Aire as a fhreagra go dtí seo. I thank the Minister for his answer. Does he agree that it is shameful that the Conservative Government are returning to an austerity narrative and seeking to penalise public-sector workers who, along with the front-line workers we were talking about, stepped up to deliver services during the pandemic?

Mr Murphy: I have to agree with him. The small dose of cynicism that most of us felt when we saw people standing outside Downing Street to clap for public-sector workers has been borne out by this announcement, even if they are providing some relief for health service workers. Clearly, there has been widespread recognition of the value of public-sector workers and those in all the jobs that kept society going during the pandemic and of the vital nature of the work that they do for the general public.

In many ways, we have not escaped austerity, even though there was one Budget that was an improvement. However, the long-lasting effect of years of austerity has meant that we have not begun to recover, so heading back in that direction is worrying. It is the wrong policy. To improve the situation, we need to support public services and support economic growth.

Building Regulations: Climate Action Considerations

T4. **Ms Armstrong** asked the Minister of Finance, in light of the fact that, last Friday, the all-party group on climate action received excellent presentations from people who are trying to take forward the Minister for Communities' ambitious targets for housing, and given that building regulations are within his remit, whether co-production and co-design will be required in building regulations in order to ensure that climate action considerations, such as zero-carbon emissions, will be included. (AQT 834/17-22)

Mr Murphy: We are some way behind on our carbon targets in building regulations. People in the Department are doing an exercise and very quickly trying to catch up and perhaps exceed what is happening in other areas, and they are involving people from the sectors and experts who can give some very valuable advice. I hope that that work is taken forward as quickly as possible, because, yes, if we are able to embark on housebuilding and an ambitious project of construction, we have to try to ensure that it is future-proofed to meet all the standards that we will need in the time ahead. We need to catch up to some degree, but that work is being undertaken at pace to try to get us into the correct position.

Ms Armstrong: Thank you very much, Minister. One recommendation from the all-party group on climate action was the need to put better insulation into the homes that we already have. That would be one way in which we could reduce emissions. Obviously, an enormous amount of money would be needed for that, but we pay out an absolute fortune in corporation tax for the Housing Executive. Can you give us an update on how we are getting on with trying to get some of that money back from the Treasury?

Mr Murphy: Discussions are ongoing, and we anticipate a good outcome. The discussions with the Treasury have not been negative, so we are hopeful of a good outcome. Of course, if money is returned to the Executive, it is up to the Executive to decide how to spend that money, but I am sure that the Minister for Communities will make a very strong pitch for it to go back into housing in general terms.

Changing Places: Mo Mowlam Play Park

T5. Ms Dolan asked the Minister of Finance for an update on the availability of Changing Places facilities at the Mo Mowlam play park, given that he will know that it is essential to provide equality of access for all our citizens to basic and essential facilities and that this estate should be an exemplar in doing so. (AQT 835/17-22)

Mr Murphy: I will do, if I can find it here.

We have been focused on the issue, particularly in recent times, and we have had an opportunity to engage with those who are affected. We will bring forward provision by amending the local building regulations as quickly as possible. It is proposed that a requirement will be introduced by amending the technical guidance to the building regulations rather than by changing the regulations, mirroring the approach that has been taken by Administrations in Britain. As she referenced, work is also progressing to install a Changing Places toilet on the Stormont estate at the Mo Mowlam play park, and that is due for completion by early 2021.

Ms Dolan: Thank you, Minister. Will you join me in encouraging other venues to take similar steps to increase accessibility through the provision of those types of essential facilities?

Mr Murphy: Yes, I certainly will, and that is why we want to move as quickly as possible with the legislation. Members may have engaged with parents who have had to use changing facilities and toilet facilities that are not adapted to suit the particular needs of young people and children who need to use them. It is a heart-wrenching experience for them to have to change children on toilet floors. There is a requirement to provide those facilities. The work at the play park down the hill will perhaps be completed ahead of the regulations going through, so we are taking the lead on that, and I hope that other services and other public bodies will follow suit.

Legal Aid: Domestic Abuse Victims

T6. Mr McNulty asked the Minister of Finance to confirm whether what, on 17 November, the Justice Minister said about a proposal to increase access to legal aid for victims of domestic abuse — "That is a risky strategy to take, given that the Finance Minister was clear that he agreed the Bill on the basis that it did not incur additional costs." — remains his position and to state whether he believes that there should be a price on justice for domestic abuse victims. (AQT 836/17-22)

Mr Murphy: No, we are not saying that at all. We are saying that the Committee's amendment was not properly thought through and had much bigger scope to increase the provision of legal aid, including perhaps to some who were accused of being involved in domestic abuse. That amendment clearly needed to be tidied up and the proper ramifications of it thought through.

Not only are there implications for the extent of legal aid available here, but there would be a repercussive impact if people were to seek similar remedies in England, Scotland or Wales based on what had happened here. It was very clear that the Committee needed to be advised on the full extent of the amendment that it had put forward, and I assisted the Justice Minister in providing, from a financial point of view, advice to the Committee. I hope that the Committee will take that away and look at it and that an agreed approach to the Bill can be taken so that we can get the strongest possible protection and support for people through legal aid.

3.30 pm

Mr McNulty: Minister, I am not sure that that response cuts through. You are still saying, essentially, that there is a price on justice for domestic abuse victims. Will you commit to working with the Justice Minister and my colleague Sinéad Bradley, who has undertaken an enormous amount of work in this area, to ensure that the Bill passes and that victims of domestic violence are not subjected to coercive financial control using restrictive legal aid rules?

Mr Murphy: I am not sure whether the Member has not listened to what I have said or whether he has just not understood what I have said. I have said clearly that I am committed to that, but that the Committee, in some of the amendments that it put forward, went far beyond what it was intending to do, so there were unforeseen consequences to some of the proposals that it was making. The Committee needs to understand the consequences of those and get assistance to amend its proposals properly and take them forward. I am committed to seeing the strongest possible legislation, including support for people who require legal aid, but we want to ensure that people who do not deserve that or who we do not intend to be caught up in that amendment do not fall within it. There are consequences beyond that, which I do not believe that the Committee fully either examined or understood, and those must be made clear. When we are voting for legislation in this House, we need to

know what we are voting for. Absolute clarity is needed in relation to all of those matters so that we can get the best possible legislation that supports victims of domestic violence.

Mr Speaker: Members, time is up.

Assembly Business

Standing Order 10(3A): Suspension

Resolved:

That, in accordance with Standing Order 10(3A), the sitting on Monday 14 December 2020 be extended to no later than 11:00 pm. — [Mr Butler.]

Mr Speaker: The Assembly may sit until 11.00 pm if necessary. Members, take your ease for a moment, please.

(Mr Principal Deputy Speaker [Mr Stalford] in the Chair)

Executive Committee Business

The draft Alien and Locally Absent Species (Aquaculture) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

Debate resumed on motion:

That the draft Alien and Locally Absent Species (Aquaculture) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved. — [Mr Lyons (Junior Minister, The Executive Office).]

Mr Blair: As pointed out earlier by Committee for Agriculture, Environment and Rural Affairs members, the Committee first considered the named statutory rule last month. At that time, no member of the Committee raised any issues with the regulations. The Committee was on that occasion content with the merits of the policy and agreed that it should move to the next legislative stage.

Pressures on biodiversity in Northern Ireland stemming from the impacts of invasive alien species are related to an alarming rate of loss of habitat and species.

We are in urgent need of policies to protect and preserve Northern Ireland's wildlife and habitats from invasive alien species, and Members across the House will recognise that. These regulations are necessary in order to implement restrictions on the movement of species from the regions of the UK and elsewhere into Northern Ireland that could pose a threat to aquaculture, business and the environment. Therefore, the purpose of the statutory rule is to ensure that Northern Ireland's subordinate legislation, which relates to alien and locally absent species and aquaculture, is compatible with the withdrawal agreement and the protocol so that we can operate effectively after the transition period.

It surprises me that there are those who, even at this late stage, seek to senselessly block these important matters that relate to our environment and to allow such laws to potentially fall by the wayside. It could be that when the Member for Fermanagh and South Tyrone spoke — she is another Committee member — she was simply stating her party's

latest position on the matter. However, in doing so, I hope that it considers the consequences carefully. If every party — I say this respectfully — took that stance in opposing necessary statutory rules, we would have great difficulty progressing our legal responsibilities at a very critical period. This is not about whether we like the protocol; it is about putting and keeping processes in place so that essential business and normal operations can continue. In that regard, on behalf of the Alliance Party, I, on this occasion, support the regulations, and I urge other parties to work collectively and progressively, with our obligations to the people of Northern Ireland in mind.

Mr M Bradley: I join my colleague in wishing the Minister a speedy recovery from his operation. Some of these points have been made, but we have to consider that the statutory rule has been before the Committee for Agriculture, Environment and Rural Affairs for approval, and the motion consequently seeks approval.

As there are no direct policy changes, the few amendments in the Bill are technical. The rule will ensure the continuation of legislation that is designed to protect and restrict movements of species into Northern Ireland from other parts of the UK and elsewhere that could pose a threat to aquaculture and the environment. Our habitats and environment need protection. The SR will ensure compliance with current EU regulations through the Northern Ireland protocol. As already mentioned by the Committee Chair, no issues were found in the legislation. The Committee has also been informed that no financial implications will be associated with the SR. Therefore, I support the motion.

Mr Wells: Many of the points that I would like to make are similar to those that were made on last week's adoption of regulations. As a keen environmentalist and one who has dealt with alien species, this is not an issue of whether Northern Ireland requires legislation to control alien species; that is something that we, as an Assembly, through the Department of Agriculture, Environment and Rural Affairs, can adopt, and it can be tailor-made for the needs of Northern Ireland through our own legislation.

The problem with what we are doing this afternoon is that we are, yet again, rushing through legislation that has incubated in Europe. It is being rushed through at the last moment when, of course, we will be free from the European Union on 31 December. We will be out, and that is not a day too soon. Lord Morrow, the former honourable Member for

Fermanagh and South Tyrone, said that he had a 45-year political career and if the only thing that he had achieved in that 45 years was that he was able to help get Northern Ireland out of the grasp of the European Community, he will feel that he achieved so much. He is right; that is a fundamental change. Why, oh why, are we trying, at this very late stage, with only a few days left before we leave Europe, to rush through binding legislation that we cannot amend and that we will be stuck with forever?

As I said, I am not for one moment decrying the need to control alien species. I am sure that members of the Agriculture Committee are very aware of the threat that is posed by Reeves's muntjac. I am sure that that phrase is on the lips of every member of the Committee. In fact, if I was to ask Mr Irwin, Mr Harvey or Mr Bradley to give me a 20-minute presentation on Reeves's muntjac, of course they would be able to, and that is because they are experienced members of the Agriculture Committee. To refresh other Members' memories, Reeves's muntjac deer is a small deer, about the size of an Alsatian dog, which has been released on the Ards peninsula. In GB, it has wreaked havoc on farmers' crops and woodlands. It has become a pest species because it has no natural predator. The result is, unfortunately, that it is almost impossible to eradicate.

We have already seen the problems with the release of mink into the environment in Northern Ireland, the grey squirrel and, of course, for those interested in aquaculture, the zebra mussel and the Canada goose. All those species are very deleterious to the wildlife, environment and farming of Northern Ireland. Many in my constituency complain bitterly about the impact of deer on crops and gardens. The argument is well made: we have to control these alien species. As we have become a much more cosmopolitan society, and as our climate warms as a result of climate change, inevitably there will be greater problems.

I am sure that Mr Lyons is very aware of the ring-necked parakeet issue in southern England, a species that is now flourishing in warmer conditions. It is not unusual to see 2,000 or 3,000 of these alien birds coming to roost at night in places such as Surrey. People are aware of this, but that is not the issue. I have asked many questions for written answer in the Assembly about species such as Reeves's muntjac, and I do not believe that the Department of Agriculture is taking as seriously as it should the enormous environmental implications of allowing these species to breed uncontrolled.

I call upon the Department to take urgent steps to eradicate that species from Northern Ireland by capturing the small population on the Ards peninsula, putting them in captivity, exporting them back to China where they came from or somewhere else so that we do not damage our wildlife, crops and woodlands. That is not the issue. That is something that the Department of Agriculture should have been formulating its own response to, its own tailor-made regulations for Northern Ireland and putting legislation through the Assembly. I am sure that it could be put through very quickly because there will be unanimous support, particularly from the Agriculture Committee because it is aware of the potential damage to farmers' crops. That could be done. That is not the issue. That legislation could be amended as we, the elected representatives of Northern Ireland, deem necessary, not being tied into some bureaucratic nightmare of an institution that we are trying to get free from.

By all means, go down this route. Some of these statutory rules, regulations and legislation will be needed and can be amended to suit our needs; others will not be needed. Indeed, they will just create endless bureaucracy and problems for our commerce and farming. Why is there this blind notion that we just rush this all through? Mr Bradley and Mr Irwin said, "Oh, but it went before the Agriculture Committee and they did not have any objections to it." That is true, but it was not aware at the time of the implications of what it was doing. Had its members been aware, had they sat in on the debate last Tuesday and heard the eloquence of the honourable Member for Antrim North suggesting the problems that we are storing up by adopting this route, they might have taken a different view.

I have never been allowed to sit on the Agriculture Committee. In my 26 years in this Building, for some reason they have never allowed me to sit on that Committee because it has the word "environment" in its title. You cannot have a keen environmentalist on the Environment Committee. Oh, definitely not; that would bring this place crashing down. You can populate the Education Committee with teachers, all the nurses and doctors that you like on the Health Committee, and all the accountants you want on the Finance Committee, but woe betide putting one person who has spent most of his career in the environment on the Environment Committee. That would be dreadful.

I have never been allowed into the hallowed portals of the Agriculture Committee. It is a very special type of person who goes on to that

Committee; only the cream of the Assembly is allowed on to it. Some day, many years hence, I hope to rise and be deemed fit for the Agriculture Committee, but not at the moment.

I am saying to the members of that Committee that we need to look at this. What is coming next? How many more of these regulations are we to have foisted upon us before it is too late? Therefore, if it goes to a Division today, I will be voting against it, not because I do not believe that we should not be doing a lot to eradicate alien species but because of the constitutional problems that we are storing up for ourselves by voting this through so meekly this afternoon.

Mr Principal Deputy Speaker: I am sure that all would agree that, in the long history of this institution, the fact that you have never been appointed to the Agriculture Committee is one of its greatest scandals.

3.45 pm

Mr Allister: Principal Deputy Speaker, this is not a mere technical matter. This is not something that does not make a policy change; in fact, the regulation asks the House, I believe for the first time since it came back, to criminalise an obscure aspect of trade within the United Kingdom. The issue may well be obscure, but its significance is in inverse proportion to its obscurity. What the statutory instrument seeks to do is to make a fundamental change to the previous order. The previous order, of course, is the 2012 order, and what did it say? It said that it was a criminal offence:

"for a person to undertake the introduction of an alien species or the translocation of a locally absent species except under, and in accordance with the conditions of, a permit."

It goes on to say that the paragraph:

"does not apply in relation to the translocation of a locally absent species within Northern Ireland or to Northern Ireland from another part of the United Kingdom if the Department has served notice under regulation 8(2) on the person undertaking the translocation that a permit is not required."

So, up to this moment, if a fish farm or a pet shop — the most likely relevant bodies for legislation such as this — had a permit covering the translocation of one of these species from anywhere else in the United Kingdom to Northern Ireland, it would not be a criminal

offence, because the United Kingdom, through its permits, was governing that arrangement. This regulation removes the caveat about the rest of United Kingdom. It now makes it a criminal offence to trade on an item such as this within the United Kingdom. That is no technical or non-policy issue; that is a fundamental outflow from the protocol. What that is declaring is that, courtesy of the protocol, Northern Ireland and the United Kingdom are now so separated that the rest of the United Kingdom is a non-EU third country — an "alien jurisdiction" in the words of the order — and that we are no longer integral in the United Kingdom and are now criminalising trade within the United Kingdom. Why are we doing that? Why is a DUP Minister asking us to do that? Because the DUP is now a promoter of the protocol. Without the protocol you would not have the order in front of you.

The junior Minister managed to speak to us for 10 minutes or more and never mentioned the protocol. Why? It is because they do not want the public to know that they are in the business of legislating under and for the protocol. You cannot hide it. Just read the explanatory note for the statutory instrument:

"The Statutory Rule will ensure Northern Ireland remains aligned with EU rules in these areas in accordance with the Protocol".

The protocol is the driver of the statutory instrument. Its destination is to criminalise trade on these issues within the United Kingdom, because it regards the rest of the United Kingdom as an alien place — a non-EU third country — whereas we are regarded under the protocol as being under EU jurisdiction. That is what this pernicious statutory instrument is doing.

Some on this side of the House will enthusiastically vote for it, because, of course, they want to divide the United Kingdom. Of course they want to hive us off from the rest of the UK. Of course they are content to criminalise and inhibit trade with the rest of the United Kingdom. There are some in the House, however, who know better but will do worse. Why is a DUP Minister bringing to the House a motion on a statutory instrument to criminalise this obtuse but, in principle, important area of trade in the United Kingdom? That is what is being done. There is no wriggle room there. There is no dodging that. That is the emphatic import and effect of the statutory instrument. It is not technical; it is not non-policy. It embraces the most pernicious of policies: that Northern Ireland should not be treated as an integral part

of the United Kingdom but should be treated, in goods, as an integral part of the EU. Everyone who goes through that Lobby today is voting for that. Do not say, "Oh, it's only technical": it is not. Do not say that you did not understand it — you do now. It is with that understanding that the House will make its decision.

I welcome the fact that the Ulster Unionists and Mr Wells see the issue. I continue to be appalled that those who should know the issue refuse to see it and will promote the very protocol that they claim to oppose.

Mr Lyons: I welcome the opportunity to respond to Members' comments today, if for no other reason than, hopefully, to explain better the purpose and intent behind the SR. It is worthwhile for me to say that it would be a good idea, when Hansard becomes available, for Members to read what I said in my opening remarks so that there is a better understanding of what the SR is about. I note the broad support from many parts of the Chamber today. I will not rehash the arguments and comments that have already been made. However, I want to address some of the comments made by Mrs Barton, Mr Wells and Mr Allister.

Rosemary Barton commented that this would be detrimental to the movement of goods from Scotland. There will continue to be movements between Scotland and NI, as there are now, of non-alien and derogated species in aquaculture such as salmon and rainbow trout eggs. The amendment does not change that at all. It is important that that is made clear to the Member. She was sincere in expressing her concerns on that, but the amendment does not affect that.

Dr Aiken: Will the Member give way?

Mr Lyons: Yes, I will give way.

Dr Aiken: I thank the junior Minister very much for making that comment. How does he know the clarity of this, bearing it in mind that, through the Joint Committee, we have not seen any of the detailed regulations and their likely out-turn as they come forward? Maybe the Minister could publish the detail of the particular part of the regulations where it refers to aquaculture. As somebody from East Antrim, he will be very aware of the impact that that is likely to have on one of our finest forms of food.

Mr Principal Deputy Speaker: Before the Minister answers, I advise that I have just been contacted by Hansard to ask whether you could

bring the mic a little closer, so that what you say can be picked up. That is grand.

Mr Lyons: I hope that Members will now be able to hear me and that Hansard will be able to record my comments for posterity.

The Member needs to read — he is not just a Member; he is my constituent — what I said earlier and the regulations. He will see specifically what this is related to: locally absent species and alien species. That is why I can say with confidence that it will not affect the species and product that Mrs Barton refers to. I ask him to look at the 2012 regulations. I will come on more to that later.

The importation of locally absent species into Great Britain from Northern Ireland is subject to the same policy; for example, domestic legislation in England and Wales is being amended to reflect the requirements of the withdrawal agreement. Operators wishing to move locally absent species into England and Wales must do so under the requirement of a permit. Competent devolved authorities in Great Britain will wish to protect their aquaculture industry and environment from harmful species in the way in which Northern Ireland does. It is important that we look exactly at what the regulations have to say on the very limited way in which alien species and locally absent product is concerned.

I understand the concerns that people have expressed relating to the protocol. Let me make it clear that, from my party's position, we were never supporters or advocates of the protocol. I wish that the Bill had not been introduced at Westminster, but it was. I wish that MPs had not voted for the withdrawal agreement, but they did. As a consequence of Parliament passing the withdrawal Act and subsequent legislation, there is a legislative duty and a requirement on us to make a number of SRs. I wish that that was not the case. There are aspects of the protocol that have the potential to be hugely damaging to businesses and citizens in Northern Ireland. That is something that I am concerned about, as all in the House should be. However, there are requirements that are placed on us and duties and obligations that we have. I am sure that Members would want to make sure that we adhere to the requirements that are on us.

I turn to some of the comments made by Mr Wells. I commiserate with him on his inability to serve on the Committee for Agriculture, Environment and Rural Affairs. It has been a long-standing ambition for him, and I am sure that the House will join me in wishing him

success in that endeavour. I had the pleasure of serving with him on the Finance Committee for a period, a couple of mandates ago. I am sure that he will not have wanted to miss that opportunity, for which, I am sure, he is grateful.

Mr Wells: Will the Minister give way?

Mr Lyons: Why not?

Mr Wells: *[Inaudible]* accept that one is put on the Finance Committee because one has been a naughty boy? It is certainly not, by any means, a great accolade to have, although I have enjoyed it enormously.

On a point that is more serious and important than the fact that an obscure Bank-Bencher cannot get onto the Agriculture Committee, it is clear that he has expressed his concerns about the protocol. It is also clear that that was not made clear to the Committee and that it was nodding this through as humdrum, normal, day-to-day legislation.

4.00 pm

Does he accept that, if there is a problem with alien species, we do not have to go down the route of the diktat of Europe? We can tailor-make our own legislation in this House, and, if we want to amend or delete it at a later stage, we can do so. The problem is this: once this legislation goes through today, we are lumbered with it, probably for the rest of our lives, and cannot amend or delete it. Does he accept that?

Mr Lyons: If I were to be put on the Finance Committee, I would like to know what I had done, if it is such a punishment. Maybe we will find that out at some point in the future.

Dr Aiken: Will the Minister give way?

Mr Lyons: First, let me answer the point that Mr Wells made.

This is not about signing ourselves up to regulations. This is about a change specific to Northern Ireland within these regulations. However, this also helps to protect, in a way, what comes into Northern Ireland. We want to ensure that alien species that can do great damage to our ecosystem and biodiversity do not come in.

Actually, since the regulations were brought in in 2012, no licence has been granted by DAERA. As I said in my opening remarks,

DAERA said that it was highly unlikely that it would grant a licence to operators for these types of alien species or locally absent products. So, if the licence is unlikely to be granted in the first place, there would be no need for the permit. That is the way in which it is intended to continue.

This is seen as a technical change because there is no change in policy. What happened before —

Mr Allister: Will the Member give way?

Mr Lyons: I will give way in a moment.

What happened before will continue to be the case. None of those licences was approved, and none of those permits were required, because it is the view of DAERA that that should not happen.

I am guessing that it is on that point that Mr Allister wishes to come in. I will bring him in before bringing in Mr Aiken.

Mr Allister: Surely the Minister is trying to kick up dust to obscure the reality. The reality of this statutory instrument is that it would not be before us but for the protocol, and it would not be before us but for the fact that the protocol now says that, in these matters, GB is a non-EU third state, a third party. What this regulation is doing, and what the Minister is defending, is making it a criminal offence to trade, on this subject matter, with GB. That is the crux of it. The Minister can duck and dive as much as he likes but he is asking the House to criminalise this specific trade between GB and Northern Ireland at the behest of a protocol that he is now implementing.

Mr Lyons: I have already put on record my views on the protocol. This requires us to have the same rules North/South as east-west. If you are bringing something from the Republic of Ireland into Northern Ireland, it will require a permit. Mr Allister is shaking his head, but something coming from the South to the North will require a permit in the same way as something coming from west to east or east to west.

Mr Allister: That is not right.

Mr Lyons: That is exactly right. The current situation is that a permit is required. It will be the same North/South as it is east-west. That is the factual position as confirmed to me by the Department. It is exactly the same. The Republic of Ireland will not be treated any

differently from east-west. Those are facts, but it seems that the Member disagrees. I understand why he is disagreeing. This is not the making of new law. This has come in as a result of the protocol. DEFRA is doing the same in England. I understand that he might not like that. However, that is where we find ourselves.

I thank the Members who contributed to the debate. These changes will ensure that domestic legislation can continue to operate effectively after the end of the transition period. I commend the motion to the House.

Question put.

Some Members: Aye.

Some Members: No.

Mr Principal Deputy Speaker: Clear the Lobbies. The Question will be put again in three minutes. I remind Members that we should continue to uphold social distancing and that Members who have proxy voting arrangements in place should not come to the Chamber.

I ask Members to resume their seats. Before I put the Question, I remind Members that, if possible, it would be preferable to avoid a Division.

Question put a second time.

Some Members: Aye.

Some Members: No.

Mr Principal Deputy Speaker: Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly currently has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I remind Members to ensure that social distancing continues to be observed while the Division is taking place. Please be patient at all times and follow the instructions of the Lobby Clerks.

The Assembly divided:

Ayes 74; Noes 11.

AYES

Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Mr M Bradley, Ms P Bradley, Ms S Bradley, Ms Bradshaw, Ms

Brogan, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Carroll, Mr Catney, Mr Clarke, Mr Dickson, Ms Dillon, Mrs Dodds, Ms Dolan, Mr Dunne, Mr Durkan, Mr Easton, Ms Ennis, Ms Flynn, Mrs Foster, Mr Frew, Mr Gildernew, Mr Givan, Ms Hargey, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lynch, Mr Lyons, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Mr Muir, Ms Mullan, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Mr Poots, Mr Robinson, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Storey, Mr Weir, Miss Woods.

Tellers for the Ayes: Mr Harvey and Mr McGuigan

NOES

Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr Beggs, Mr Butler, Mr Chambers, Mr Nesbitt, Mr Stewart, Mr Wells.

Tellers for the Noes: Mrs Barton and Mr Wells

Question accordingly agreed to.

Resolved:

That the draft Alien and Locally Absent Species (Aquaculture) (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

Mr Principal Deputy Speaker: I ask Members to take their ease for a second while we change the top Table. Do not forget to clean the surfaces if you are leaving the Chamber.

(Mr Deputy Speaker [Mr Beggs] in the Chair)

Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 17) Regulations (Northern Ireland) 2020

Mr Deputy Speaker (Mr Beggs): The next items of business are motions to approve two statutory rules (SRs) that relate to the health protection regulations. There will be a single debate on both motions. The Minister will move the first motion and commence the debate on both motions listed in the Order Paper. When all who wish to speak have done so, I will put the Question on the first motion. The second motion will then be read into the record, and I

will call the Minister to move it. The Question will then be put on that motion. If that is clear, we will proceed.

Mr Swann (The Minister of Health): I beg to move

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 17) Regulations (Northern Ireland) 2020 be approved.

The following motion stood in the Order Paper:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 18) Regulations (Northern Ireland) 2020 be approved.

Mr Deputy Speaker (Mr Beggs): The Business Committee has agreed that there should be no time limit on the debate. I call the Minister to open the debate on the two motions.

Mr Swann: Before I do that, could I have the indulgence of the House to provide a quick update? Since my earlier statement today, I have received an update from our Chief Medical Officer (CMO) to alert me that he has been made aware of a variant of SARS-CoV-2 that has recently been identified through genomic sequencing in England. While the significance of that is being assessed, the UK authorities have provided an early alert to the relevant World Health Organization and European surveillance bodies.

The variant has been identified in the UK and is believed to be causing the faster spread in the south-east of England. My colleague Matt Hancock has provided an update to the House of Commons. Its spread is growing faster than that of the existing variant with, currently, over 1,000 cases. However, Mr Hancock has reassured the House of Commons that there is nothing to suggest that this variant is more likely to cause serious symptoms and has added that it is highly unlikely that it will not respond to a vaccine. I have directed my officials to urgently ascertain whether, during the genomic sequencing of Northern Ireland samples that has been ongoing over the last number of months, the variant has, at any time, been detected in Northern Ireland. As soon as I receive information on that, I will update the House.

Moving on to the motions that are the subject of today's debate, the regulations under consideration are the amendment (No. 17) regulations and the amendment (No. 18)

regulations, which constitute the circuit-break restrictions announced on 19 November and introduced for a two-week period from 27 November to 10 December. The amendment (No. 17) regulations were made on 26 November to come into effect on 27 November, and the amendment (No. 18) regulations were made the following day to come into effect immediately.

4.30 pm

The restrictions were brought in after modelling indicated that doing so offered a greater likelihood of avoiding further restrictions before Christmas. The Executive had been advised that, without such an intervention, hospitals risked being overwhelmed. In the week preceding the decision on 17 November, the number of cases had stabilised, with only a very slow decline. The R number for cases was around 1 at that point. Hospital admissions had continued to decline slowly over the previous week, but they remained at a relatively high level and had not decreased as quickly as hoped at the outset of the period of restriction. COVID hospital inpatient numbers had fallen even more slowly than admissions and remained at a high level. That was a major concern in terms of hospital capacity. At that point, hospital occupancy stood at 100%. In the preceding week, 76 people had lost their life to COVID-19. In those circumstances, the Executive agreed to put in place the most extensive number of restrictions since the spring. The regulations were designed to be a short, sharp circuit breaker to reset and drive down infection rates. They were accompanied by the message to stay at home, work from home if at all possible and otherwise leave only for essential purposes such as education, healthcare needs, to care for others or outdoor exercise. The amendment (No. 18) regulations were made the following day to address two specific issues in the amendment (No. 17) regulations, which then needed to be amended. As you will be aware, Mr Deputy Speaker, the active period for the regulations has come to an end. They were intended to be in place for only a fortnight, and that period ended at midnight last Thursday night.

We believe that the restrictions have had some effect and have slowed down the spread of the virus, which would not have been the case if they had not been in place. We also know, however, that we are far from being in the clear. As I have said over the past few days, the virus is still circulating in our community and is still claiming lives. If there is a festive free-for-all, with public health advice being ignored, it will cost lives and place unbearable pressure on

our hospitals. We must avoid those catastrophic consequences. We have to keep doing the basics of reducing our contacts, keeping our distance from others, wearing a face covering and washing our hands. If you experience any symptoms at all, you need to isolate yourself immediately and seek a test. We are depending on everyone to act responsibly and thoughtfully in the realm of their own life. Now that the two-week restrictions have come to an end, the infection rate and our return to normal life and activities depend on the behaviour of every one of us.

Mr Gildernew (The Chairperson of the Committee for Health): I acknowledge the seriousness of what the Minister has said. It is a concern, given where we are with the levels of spread. I note that the Minister said that it was hoped that the variant would respond to a vaccine, but I am not clear about whether that is the vaccine that is currently available. These are worrying times. I reiterate the message to the public at large to do everything that they can personally to protect themselves and others by reducing their contacts at this time.

Mr Wells: Will the Member give way?

Mr Gildernew: Yes.

Mr Wells: The Member has raised a valid point that, I am sure, has occurred to other Members who listened to the Minister's speech. It would have been helpful had the Minister indicated whether the variant, which is quite worrying, can be dealt with effectively by the vaccine that is available at the moment rather than our having to wait, perhaps, for a further vaccine to deal with it. I did not quite detect from him a clear indication that that was the case.

Mr Swann: Will the Member give way?

Mr Gildernew: Go ahead, Minister.

Mr Swann: I will bring some clarity to that point for the House. The information about the variant's seriousness has been brought to light today. Most activity on the virus is being undertaken at the military labs at Porton Down. People are working there to see whether the variant virus will respond to and be dealt with by the vaccine that is currently on offer. At the minute, there is nothing to say that it would not, because it is a variant of the original SARS-CoV-2 virus. That work is ongoing as we speak. As soon as I receive an update on that, I will update the House.

Mr Gildernew: Go raibh maith agat.

Colin McGrath is not in his place, but normally he would be here. As Chair of the Health Committee, I acknowledge the work that Colin has done on the Committee through a very intensive time. I thank him for that. I also welcome Cara Hunter to the Committee and look forward to working with her.

The Health Committee was briefed on the regulations on Thursday 10 December. The Committee is conscious of the significant restrictions on people's freedoms imposed under the two-week circuit breaker but also of the persistently high levels of infection in the community and the continuing pressure on our hospitals and on health and social care workers, who face into a very dark winter after, probably, the most arduous year that any of us have ever seen.

Mr Sheehan: I thank the Member for giving way. Will he agree that the high levels of transmission of the virus are worrying and that, although restrictions such as these are aimed at lowering transmission, that does not seem to be happening? Even at the minute, the rates of transmission in the North are more than four times what they are in the South. That suggests that we are doing something wrong up here.

Mr Gildernew: I thank the Member for his intervention. I agree that the figures are certainly worrying. There are differences between rates here and in the South, and I urge that the maximum cooperation is undertaken as a matter of urgency in relation to testing, tracing, communication of messaging and all of that on a North/South basis. The continued high level of transmission is a concern as we face into Christmas.

The Committee raised the monitoring of effectiveness of measures and again placed on record its concern about the processes for doing that. In relation to monitoring, members acknowledged that transmission rates appeared to be stubborn, and it was suggested that monitoring of the effectiveness of the restrictions on each sector was therefore important. Officials advised that the imposition of restrictions on a particular sector did not necessarily imply evidence of impact on that sector and that it was difficult to disaggregate the net effects beyond confirming that the evidence showed that transmission was higher anywhere where people congregate in enclosed spaces.

The timely communication of frequently changing rules to enforcement bodies was also

raised. The Committee was advised that, for main sets of amendments, extensive engagement was undertaken in advance of regulations being made, but the official conceded that, perhaps, where small adjustments were made to rules, such as in the amendment (No. 18) regulations, further work was required to update the police and others. It was also confirmed that enforcement powers were in place from the time that the rules have effect.

The Committee's concerns centre on matters outside the particulars of these regulations, and we continue to press for further, better and more timely engagement on policy development ahead of the making of further regulations. In closing, once again, I remind those listening to please consider the pressure on our health and social care workers as they try to stretch, yet again, their reserves of strength and resilience for the winter months before the vaccinations take effect. I urge everyone not to waste this year's efforts: limit your social contact, keep your distance, wear a face covering and keep washing your hands.

Mrs Cameron: I thank the Minister for his commentary on the new information from the UK Government that we have had this afternoon on the new variant of COVID-19. It is important that our systems and our test, trace and protect processes are adequate and can cope with the new variant going forward. It is vital that those are working well and that we will be able to track the variant. If it has reached UK shores, it is most probably in Northern Ireland. It is critical that the Assembly is kept informed, so I thank the Minister for the commitment to do that in relation to the new variant. It is also critical that the vaccine is rolled out as quickly as possible in order to protect our most vulnerable.

I want to put on record my sympathies to the families who have lost a precious family member in the week since we last discussed the health protection regulations. We all need to bear it in mind that our individual actions over the next few weeks can and will have an impact on how many of our elderly population will be here to receive the much-anticipated COVID-19 vaccine. Hearing the news of vaccine deliveries into Northern Ireland over the weekend was fantastic. It is right to feel a certain amount of relief and to look forward with some optimism to 2021. However, we need to act with much caution in the coming weeks, and, in particular, we need to ensure that we continue to protect those who are most at risk. Let us give them the time that they need to get the vaccine and to

gain the much-needed protection that only the vaccine can give.

It is only natural that we are very focused on the next couple of weeks and the opportunity to live in a less restricted way over the Christmas period. While the freedom being offered to people is welcome after the restrictions of the past nine months, the message must be one of caution, particularly as we consider the case numbers in the past week. The rules and guidelines continue to be an unwelcome intrusion on our freedom, but they are necessary. We must keep the basic measures of protection to the forefront of our minds and actions: wash our hands regularly; avoid touching our face; use a face covering; and keep social distance from others, including family members and friends who do not live with us or share our home.

It is while considering the case numbers from last week that we reflect on the regulations before us, particularly amendment No. 17, which gives effect to the circuit breaker agreed by the Executive on 19 and 24 November. The regulations ask a lot of people. They ask a lot of our business community, our churches and those involved in sport and the many social activities that we long to see back up and running in our communities. However, the measures set out in the regulations are necessary. The R number has shown an upward trend. Our health advisers have admitted that the measures did not have the effect that was sought to drive down R. That poses questions for those advising the Executive, and it highlights the need to study the reaction to each of the restrictions. We need evidence that the price being paid by those whom the restrictions target is worth it. That needs to be considered as we look to find a balanced and proportionate way through what might come in January, and we need to reflect that the businesses and activities so hugely impacted by the restrictions did not contribute to the case numbers that we see today. Understandably, our hospitality sector and our churches ask, "Why us?". While acknowledging that some congregations have had clusters, it is right that we recognise that the closure of churches is a significant ask of our faith community. We need to look at how we can work with churches to allow worship to continue in the coming weeks and months. The regulation makes a necessary adjustment for congregations that host online services, which is welcome, but we want to see our churches open.

We need partnerships as we tackle COVID-19. It is right to thank councils for working

collaboratively with the Executive. The additional regulation grants enforcement powers to councils in a range of areas, and their support in that is welcome. However, enforcement needs to be done fairly and in an even-handed way across Northern Ireland, and I trust that councils are working through the Society of Local Authority Chief Executives (SOLACE), for example, to ensure that that is the case.

In recent days, we have seen how damaging it is to the public acceptance of the regulations when some, including some of those sitting across the Chamber, continue to escape questioning and being held to account for breaching regulations and causing so much damage to our public health messaging and its effectiveness. No one is above these laws. We need that message to be loud and clear.

In summing up, I put on record my party's appreciation of all of our incredible healthcare workers and the wonderful way in which they have played their part throughout the pandemic in what has been a challenging year for everyone. We support the regulations.

Ms Hunter: I thank the Minister and other Members for their welcome as I become a member of the Health Committee. I look forward to working with them all.

I welcome the opportunity to speak on the health protection regulations, as I have previously. As I reflected in my remarks last week, this has been an extremely difficult year. It has changed all aspects of our daily lives and brought great hardship and grief to many. I continue to be mindful of the emotional and mental health impact that the pandemic and isolation have had on our society and of the long-term impact that, as we all acknowledge, they will have in the months and years ahead.

4.45 pm

In line with the amendment (No. 17) regulations, it is evident that those businesses in hospitality, close-contact and leisure services have been hit particularly hard as a result of COVID-19. I am sure that there is not one day on which Members right across the House do not hear from many business owners, and staff from businesses, about the impact of COVID-19.

I welcome the fact that, under the current restrictions, in particular in the run-up to the Christmas period, more people are allowed to attend places of worship, in line with the

amendment (No. 18) regulations. As the Member who spoke previously said, however, church closures have been very difficult, especially for many of my constituents. In this time of great turmoil, when people are perhaps more than ever in need of a place in which to practise their spiritual beliefs, I hope that the recording and live-streaming of services has been something of a comfort to some and enabled thousands of people across the North to have the comfort of their faith.

As colleagues have said, it is deeply regrettable that these issues are only being debated today in the Assembly. Dealing with and managing the pandemic has been our most important item of business this year. As such, I feel strongly that a proper opportunity to debate the regulations, which touch on almost every aspect of our lives and our constituents' lives, must be given to the Assembly.

News of the vaccination and its roll-out over the past week has given us all hope that 2021 will be a much better year for us all. We hope that we will not see a surge in COVID-19 cases in the coming weeks. We acknowledge that the weeks and months ahead may be just as difficult as those that have passed. Ongoing and further restrictions may well be required, unfortunately. I hope that any new regulations in the weeks ahead will be debated by MLAs in advance of their implementation, allowing us the opportunity to reflect the views, worries and concerns of all our constituents that lockdown raises.

The approach over the past month has seen many businesses shut their doors. They were allowed to open for one week and then made to close for two. In addition to the financial hardship that that entails, I am also deeply concerned about the mixed message that that approach gives to the public about dealing with the virus. A more consistent approach would resonate more strongly with the public and make clear what is required of us all in order to beat the virus.

My party colleagues and I support the Health Protection Regulations and fully recognise the need for them. We feel strongly, however, that more debate and scrutiny should be allowed in the weeks and months ahead.

Ms Bradshaw: The Alliance Party supports the amendment regulations. They, particularly the amendment (No. 17) regulations, which brought into law a circuit breaker, had far-reaching consequences for our non-essential retailers, bars, restaurants, gyms, sports clubs and places of worship during what should have

been an important time for their operations. The only glimmer of normality for many of them was the ability to provide carry-outs and a click-and-collect service and to move their services online.

On Saturday, I visited a florist in south Belfast to see how the restrictions had impacted on the business. I was pleased to learn that the owner's experience had been somewhat positive and that trade had increased, owing to the ability to click and collect and greater support from the local community. I sincerely hope that that is replicated across the entire small-business sector over the next few weeks and into the new year. Another observation that I made was that it was fairly easy for social-distancing restrictions to be introduced and, importantly, that customers were happy to queue accordingly while I was there.

It is regrettable therefore that, also on Saturday, in images on social media, we witnessed once again huge queues outside a large clothing retailer. I repeat that it would be prudent for the regulations relating to the wearing of face masks to be introduced on a more universal basis. It is essential that retailers be required to enforce social distancing outside their premises. Not to do so is to allow other retailers to lose out on customers who will avoid the area for fear of community transmission.

I made a point at the Health Committee, to which the Chair made reference, about a small adjustment in the amendment (No 18) regulations to remove sports massage from the list of close-contact services. I welcome that amendment, as it allows for those who require physiotherapy to be able to receive it at the earliest opportunity. It is unfortunate that a constituent of mine did not feel that the change was properly communicated. She felt that she would fall foul of the PSNI, after some engagement with it, if she operated within the two weeks. I therefore repeat that communication around that amendment, and others, needs to be better.

Again, going forward, I sincerely hope that those businesses and non-essential retailers who have been affected by the circuit breaker receive the financial support that was promised as soon as possible. Earlier, during Question Time, I was amazed that the Finance Minister did not seem to grasp how many businesses have lost out, have not received communication or are in the middle of an appeal under the local restrictions support scheme. I support the call made by Roy Beggs and others for a dedicated phone line for elected representatives. Like every Member in the Chamber, I continue to be

contacted by desperate business owners who have not heard back about their claim or, worse, have been advised that they are not eligible when they have blatantly met the stated criteria. It is unfair to force these businesses to close and then to deny them support. I sincerely hope that things will be done better for businesses and their staff going forward.

In closing, I wish a happy Christmas to all the health and social care workers who have so valiantly battled the virus this year. I sincerely hope that they can all have some time to spend with their families and can recuperate from an exhausting year. Finally, I send my deepest sympathies to everyone who has been bereaved this year. We all lament the loss of their loved ones before the vaccine programme was in place.

Mr McGrath: As ever, I welcome the opportunity to debate the efficiency of our current regulations and restrictions. Once again, the regulations being discussed date back to November and do not currently apply. Perhaps it is because Christmas is approaching, but I cannot help but think that our current way of implementing the restrictions is a little bit like the hokey-cokey: we are in lockdown, we are not in lockdown, then we are in, then we are out and, to complete the dance, we have certain parties turning around on their approach to the regulations and the restrictions. However, unlike in the song, that is not what it is all about; it is about saving lives and relieving the pressure on our health system and the heroes in our health sector.

At this time, I want to pay tribute to those heroes, who consistently go over and above the call of duty to save lives and ensure that families do not suffer the devastating loss of a loved one to a most unforgiving and indiscriminate disease. Just last week, I called for a one-off payment of £500 for our health and care sector staff. These heroes have gone the extra mile for us over the last nine months, missing precious time with their families, changing in car parks, not getting breaks or time off, and £500 would be a small payment to recognise the sacrifice they have made for us. It is not beyond the reach of our Executive.

This week, healthcare staff will implement the roll-out of a vaccination that offers much-needed hope and light in the darkness. The No. 17 amendment being debated today concerns restrictions on sporting events, close contact services, leisure venues, non-essential businesses, licensed premises, places of worship and hospitality. The No. 18 amendment concerns the number of people able to be

present to live-stream a church service. We are being asked to debate and ratify these regulations and restrictions, but why do we continue to delay the debates until after they have lapsed? I could, at a push, understand the 28-day delay for regulations that continue to be implemented, but to debate and ratify something that has lapsed is farcical. Why must the Assembly continually play catch-up?

Look at the way business is done in the South. We saw them enter a six-week intensive lockdown that the SDLP supported and wanted to see emulated in the North. Now, the numbers of people contracting the virus in the South are reducing significantly. That was not an easy course of action for the South, but it worked. Meanwhile, here in the North, we have had a four-week lockdown, then something resembling a reopening, then a further two-week lockdown, and now we are getting ready for a further loosening of the restrictions next week. On and on it goes, like a never-ending hokey-cokey. There must be a better and more efficient way of doing things.

I appreciate that our Health Minister is doing his best with what he has, and I will continue to support his work. However, last week he refused to answer whether or not schools should be closing at this time, as it was the concern of a different Department. That is the silo mentality that we need to move beyond. The ratification of these regulations and restrictions will have its own ripple effect, and the restrictions that we place on one Department will have effects on others.

I should also make clear at this point that the actions that we take this week will have their own direct and indirect effect, but be under no illusion about this: next week is not a free-for-all. To treat it as such is a slap in the face for our healthcare heroes. Household gatherings that breach the rules, if only in a minimal way, such as an extra household slipping in to breach the three-house-only rule, will have their own indirect consequences, such as nurses being unable to take leave or having to go outside to their car for a cup of tea during a night shift. We owe our healthcare staff much more. Let us at least give them a fighting chance to combat this invisible enemy by providing the conditions under which they can do so. People need to think about those effects and consequences when they gather together next week.

In conclusion, let me reiterate that I support the amendments and that I continue to support our Health Minister. However, that support is in no way blinkered. My support for these health

amendments and for the Health Minister is very much tied to the way that business is done here. As we approach Christmas and the new year, let us stop playing catch-up and let us take the lead in debating and implementing these regulations. I support the motions and the amendments.

Mr Chambers: We have received very serious news today from the Health Minister about the new variant of the virus, just at a time when we were all quietly celebrating that we felt we could see the light at the end of the tunnel. At that point, this new challenge has come along. Let us hope that the vaccine proves that it can deal with it.

BBC 'Spotlight' recently did a programme that outlined the success in Wales, particularly with the different track-and-trace procedures that it had in place, and the efforts there were certainly very impressive. However, over the weekend, we heard the bad news that transmission of the virus has gone through the roof in Wales. It is easy, when that happens, to look for reasons and to want to find somebody to point the finger of blame at, but it happens because people let their guard down and facilitated the transmission of the virus.

Our Executive have granted relaxation of social gatherings over Christmas, and there will be a temptation to say, "Thank you very much" and to take advantage of the relaxations. Indeed, it might even be tempting for people to try to stretch them a little bit further to suit their own circumstances. I say this to anyone who is planning to take that approach: you do so at your own peril. If ever there was a time to raise our guard, it is now and in the coming few weeks. We owe it to our family, our neighbours, our workmates and all our fellow citizens to keep that guard up.

I have, as I am sure everybody else in the House, received numerous emails from different organisations affected by the relaxation of these regulations, such as indoor sports clubs, swimming clubs and people who are involved in all sorts of activities, telling us that they have put fantastic things in place to prevent the transmission of the virus and asking whether we could lobby to allow them to reopen. The reality is that there is no safe or absolute way to avoid transmission of the virus in a situation where people gather, and just one little slip could lead to a death.

My family has made decisions that are, quite frankly, heartbreaking at a time of the year when we all love to get together, and I appeal to everyone to make sacrifices over Christmas. It

is the right thing to do, and it is in keeping with the Christian message, which, let us not forget, Christmas is all about.

We will beat this virus, but we all have to do the right thing. If we do the right thing, it will happen sooner rather than later.

5.00 pm

Ms Bailey: I have to agree with some of the other Members. Here we are again, with the Assembly debating and voting on regulations after the period in which they applied. Ten months into this pandemic, we should not be in this position, fumbling our way from one set of restrictions to the next, with no overarching plan or strategy. We keep being told that we cannot have endless cycles of lockdown, yet here we are in another endless cycle of lockdown, with speculation already starting among the public about when the dates for the next lockdown will be agreed.

Of course we must follow the science and the public health guidance, and if that dictates restrictive measures to deal with the virus, that is absolutely understandable, and everyone needs to get behind it. However, the problem is that the Executive do not seem to have a plan that extends, at the very best, beyond a week or two. There is no strategy in place for when one set of restrictions is easing and what that means. There is no forward planning and no guidance ready to let people know what it means.

The amendment No 17 restrictions came in only after another shambolic display of decision-making from the Executive. I need to put on record that the public's confidence in the Executive and their ability to deal with the pandemic has been decimated. How do we expect the public to adhere to the public health regulations, with the confusion and mixed messaging that has been happening and when we are here debating and approving restrictions that no longer even apply? Is it any wonder that people are confused?

We had the shock of a cross-community veto being used against proposals from the Health Minister to deal with the crisis, and we had some businesses being allowed to open for one week and then being closed down. We are told that essential retail only can remain open, but since when was buying a flat-pack coffee table or a fancy vase more essential than children's clothing? Like everyone, I have businesses contacting me in a flurry when these restrictions are announced, but, as an MLA, my source of

information was just as good as theirs. I looked at Twitter and to journalists' newsfeeds.

Time and time again, we have put businesses in impossible situations. One business owner phoned my office very confused as they were clear that they were not essential. They had not intended to remain open and had everything ready to close down in line with what they believed was public health guidance. They then found out that, because they sold hardware, they were classed as essential and that, if they did go ahead and close as planned, they would be deemed to be making their own choice and would not be eligible for financial support.

I note that the regulations and guidance that were due to come into effect on Friday past were published, once again, at the eleventh hour. So much for the promises from this Executive that they would not make decisions without giving people notice. Hours before some businesses were due to open, they learned that they could not do so. How is that acceptable? All of this is happening while we are still seeing worrying levels of community transmission and too many people still losing their life to this virus. This is an unprecedented situation, but, unfortunately, the Executive's inability to deal with the crisis in a timely manner has set the precedent.

We do have hope on the horizon with the vaccine, but it remains to be seen whether we have any sort of plan to get us to the point where the vaccine has ensured widespread immunity. Therefore, like others, I cannot welcome the opportunity to discuss these regulations today. They have passed and have gone, so does it matter whether I, or anyone else here, support them? They are done and dusted, but I welcome the chance to hear from the Minister on the detail of what lies ahead of us. What are the predictions for COVID over Christmas? Is 4 January the date that is being earmarked as the next lockdown? Will the NHS make it until then? Are there plans in place for restrictions before, after or during Christmas, if they are needed? Will we have to turn to Twitter and the newsfeeds of journalists to find out when that is, or will the House be respected enough to be told?

Mr Wells: Will the Member give way?

Ms Bailey: I certainly will.

Mr Wells: The Member, like Mr Chambers, has made some very useful points. It may be that when the decisions that she is requesting are made, we will be in recess. I think that it is

important that the Minister takes this, which could be the last opportunity, to let us know what the current thinking is from the Chief Medical Officer and Chief Scientific Adviser on these issues. Early January has been suggested by many media commentators as being the likely time when yet another lockdown will be implemented. Many businesses are saying to me that it is not worth their while to open, as their Christmas trade has been utterly destroyed. However, unfortunately and sadly, they have not been allowed to claim compensation because they are not deemed as being required to close. Can the Minister, in his summation, tell us very clearly what is going to happen in the first week of January so that we have clarity? Is there going to be a lockdown and is that the latest thinking?

Ms Bailey: I thank the Member for his intervention. That is exactly what this House needs to hear. Tomorrow will be the last plenary day before the new year, and, yet again, we know nothing, so I would really welcome that from the Minister.

Mr Carroll: I rise, once again, as I have over the last number of weeks, to speak to the absolute absurdity of the situation that we are in today. As of last week, we have seen new regulations, which have reopened large numbers of workplaces and sectors of society, come into effect, and that is something that others have mentioned. However, this Assembly still has not discussed those, never mind voted on them. That is very worrying, and it continues to set a dangerous precedent that effectively says that the Executive and their Ministers will act, and if you are not in the club, tough luck, as your voice will not be heard in any real or meaningful sense. What way is that to run a political institution? Where is the democracy and accountability here? Obviously, we are discussing amendments No. 17 and No. 18 today, but when will we have the time to discuss the current regulations that are in place and their effects? Presumably, it will be in the middle of next month, by which time, the regulations will have been in place for the guts of a month. Hopefully that is not the case, but, by all accounts, we are likely to be in a scenario — as many health experts are warning — where there will be an increase in cases and infections and the likely deaths that result from that.

One key theme throughout this crisis has been an attempt at victim blaming from a political establishment that is, itself, responsible for presiding over the spread of this virus. It is my contention that the Executive are primarily responsible for the surge of the virus. Broadly

speaking, they had two major opportunities to combat the virus: initially in March, when it arrived on our shores, and later in the summer, after the first major lockdown. The Executive wasted those opportunities, and it is dangerous to follow the pursuits of the Tories, with their commitment to a for-profit model of society and the economy and their refusal to properly implement a zero-COVID strategy.

Now, Executive Ministers appear to be clamouring to cover their mistakes by blaming individuals for their actions, while ignoring the policy decisions and wider structural obstacles that have prevented us from beating the virus, such as the disastrous track-and-trace system and the shambolic mismanagement of restrictions. The big parties are lining up to blame another surge on ordinary people for mixing over the Christmas period. You can already see the blame starting. However, that is not good enough, because the deadly context that we are entering is one that they have created.

Consider this, as the restrictions were eased last week — as I have said, we still have not discussed them — COVID cases per 100,000 of the population were at a significant high when compared to previous weeks. That indicates that the Executive's pre-Christmas circuit breaker was an abject failure by all accounts, as some of us predicted it would be. It further indicates that the Christmas period will likely be followed by another period of restrictions, as others have alluded to, and that is because of their precise failure to get the virus to manageable levels. All of this was utterly predictable.

The Executive were warned about such a scenario by Gabriel Scally, who said that reopening in December would mean that:

"in January and February we may well be burying some relations".

What shocking stuff. Some MLAs are fond of quoting Mr Scally — sometimes after the fact — but they seem incapable of following his advice when it matters. If there is a spike early next year, it is not good enough for the Executive or Ministers to blame that on people visiting their families over Christmas, not when they have permitted such actions. Ministers reopened workplaces and caused surges, presided over another failed circuit breaker and threw workers and businesses under the bus, and if they want someone to blame for the next surge, I suggest that they look in the mirror. The Executive have presided over an omnishambles, including how quickly they lifted restrictions in the summer,

danced along to the tune of the Tories throughout the pandemic and issued mixed messaging, confused messaging and downright baffling anti-scientific messaging. That is not the fault of the public; it is the fault of Executive Ministers in this Building.

The so-called circuit breaker that ended last week has been an unmitigated disaster. We have seen not only a failure in health terms but more job losses because of the uncertainty. The stop-start attitude towards restrictions and the inability properly to track, trace and control the virus and work towards creating a zero COVID situation has resulted in a disastrous health and economic scenario. Even when the circuit breaker was in place, as I said, the infection rate was shooting up. Rather than taking stock of the situation, slowing down and saying, "Let us look at this and respond accordingly", as other countries have done, the Executive have opened up the shutters to the virus. What disgraceful stuff.

As one scientist, Mr Einstein, said many years ago:

"Insanity is doing the same thing over and over again and expecting different results."

I suggest that there are not many Einsteins currently in the Stormont Executive. In the absence of any lead from the Executive, people have again been forced to act themselves, including some bar owners who are able to close over the Christmas period or are doing so for health and safety reasons.

Mr Buckley: I thank the Member for giving way. He paints a picture of a utopia, whereby Government closes the entire country down, so keeping infection rates under control, while not mentioning the need for personal responsibility. Under his scenario, if the Government adopted an approach whereby a lockdown closed the entire country and people did not take personal responsibility — what then?

Mr Carroll: It is not utopia. I will give the Member two words: New Zealand. That example could have been followed, but it was not. He claims to be against the strategy of going in and out of lockdown but is pursuing and defending the strategy, which, by definition, means going in and out of lockdown. He fails to grasp the point.

People have been forced to act because the Executive have failed to act. Principals and teachers, in the absence of any real action at all from the Education Minister — much like earlier

this year — have been forced to close schools in order to protect pupils and staff. While it may be fashionable or easy to blame everyone else, the Executive and their approach cannot be let off the hook, especially as we see what will happen over the next few weeks. By all accounts, another dangerous surge seems to be on the way. I hope that that is not the case.

Mr Allister: Some Members have rightly said that there is something farcical about this debate. Here we are, a legislative Assembly, being asked to approve legislation that is already dead and gone. It does not matter whether or not we approve the legislation. That is the very essence of the farce.

I am sure that the regulations could have been before us last week with the others that we debated. I would have thought that the regulations that are now ruling us could be before us today. As a Member pointed out, the current regulations will run their course during recess, and we will be invited to debate them at the end of January. That is why a debate such as this is fast losing traction. It is why far fewer Members are speaking today: they recognise the futility of the exercise. It does not reflect well on this House and on those who set the business of this House that this is the persistent arrangement that we have in respect of these regulations. I will, therefore, keep my own remarks quite brief.

5.15 pm

There is one issue that I want to draw the Minister out on, if I can. Under these regulations, churches were closed. There was very little indication in the public domain of scientific or other advice indicating that churches were such a problem that they had to be closed. I want to know why it was that, essentially without notice and apparently without much indication of churches being a difficulty, and in the face of many indications that several churches were taking conscious, effective steps to reduce their numbers, to have social distancing and to do all the right things, nonetheless they were visited with a punitive measure that would have come if they had done nothing. Why were churches closed during that two weeks? What was the advice that gave rise to that?

Now, when churches are reopened, it is in circumstances where there is an added restriction, which did not exist before, in that you now have to wear a mask, not just going to and from your seat but while you are in your seat throughout the service. Why is that,

because the social distancing within the buildings is the same as it was before? To my knowledge, there has been very little indication that churches have been a significant problem, so why this added, suddenly announced, restriction? It is one thing, in terms of comfort and durability, to wear a mask going in and out of a shop or going in and out of a church, but it is quite another thing to be asked to wear a mask for the total duration of a service where one generally is not moving about. What is the rationale and the reason for putting that punitive measure upon churchgoers? That is something that we need to hear from the Minister.

The only other comment that I want to make is that the regulations that have just passed drew their own opprobrium. In my constituency, I can think of a couple of devoted toyshops. That is all that they do: they sell toys. They were forced to close, but you could buy some of the same toys in Tesco. Why was there this disparity, which, in fact, punished the small independent trader and advantaged the large supermarkets and international traders? That caused a good deal of resentment, particularly amongst those who had spent money and scarce resources on preparing and readying themselves, only to be slapped in the face with these regulations.

Going forward — whatever forward entails — I trust that the Minister and the Executive will temper these issues with a greater degree of what would appear to many to be common sense than heretofore.

Mr Deputy Speaker (Mr Beggs): I now call on the Health Minister, Robin Swann, to conclude and make a winding-up speech on the two motions.

Mr Swann: Thank you very much, Mr Deputy Speaker, and I thank the Members for being in attendance today and for their contributions to the debate.

I appreciate the willingness of the Assembly to work within unusual processes, whereby the role of legislative scrutiny is being applied after the event. In this case, the scrutiny takes place in respect of regulations that have already expired, as many Members have said. Nevertheless, I believe that it is important that this scrutiny takes place in order to examine and comment upon measures that have been taken.

On the timing of this debate, I will not defend where we are today, but I will explain, from what I know, why we are debating the regulations today. The debate is being held at the earliest opportunity available to my

Department. The regulations were laid before the Assembly on 27 November and 30 November respectively. The Examiner of Statutory Rules reported on them on 9 December, and the Committee moved quickly to scrutinise them on 10 December, so today is the first opportunity for them to be debated. The timing of the debate is a matter for the Assembly, given the Assembly's requirements for the input of the Examiner of Statutory Rules and the timing of scrutiny by the Health Committee.

If there is another way in which the regulations can be brought forward and debated, I am up for that. As I said earlier to Members, in the past nine or 10 months, I have been in the Chamber more than any other Minister. In today's opening comments, I provided an update on the new variant of COVID. I brought that update to the House first, not to the media or anywhere else, because I think that this is the proper place for such an update. If there is another way in which we can debate the regulations and have meaningful and democratic input, I am up for that, and Members know that.

Mr Wells: Will the Member give way?

Mr Swann: I will.

Mr Wells: As someone who has sat in the Minister's chair and who is glad that he is not sitting in that chair at the moment — I have thought of that many, many times over this last while — I accept —.

Mr Deputy Speaker (Mr Beggs): I encourage the Member to speak into the microphone.

Mr Wells: Sorry about that.

As someone who has sat in the Minister's chair and who is very glad that he has not been sitting in his chair for the last month, I accept that he has been before the Assembly far more than any other Minister and, indeed, has made himself available to the media far more than any other Minister. He is to be congratulated on that. Given that we are going into recess, can he guarantee that, if a problem arises with the vaccine and the new variant, he will immediately issue a written statement to Members to update them on such a worrying situation so that we can hear that directly from him before it appears in the media or on Twitter or Facebook?

Mr Swann: I will issue a written statement. The Member will be aware that, on a number of

Fridays, I issued written statements to update Members on where we were, and I was criticised by Members for doing so. I will issue and have issued written statements. Can I guarantee that Members will know before the media or Twitter finds out? I cannot give that guarantee. I cannot even give that guarantee about an Executive meeting, so I cannot give it to the House. If I could give that guarantee to the Member, I would do so. I will update Members. As I have said, I will provide current and regular updates to the House and the Committee on the variant and the vaccines. I think that I am due at the Health Committee just before Christmas, and that will be my twelfth attendance at that Committee this year.

Things move fast in the current context, and the observations and concerns of Assembly Members are taken on board as we develop policy and work on the next set of amendments. I will explain the process — I have had this conversation with the Committee Chair, whose duty it is to scrutinise the regulations — which is that the regulations come forward as a result of policy development by the Executive, not solely my Department, although I take great pleasure in coming here to have such debates and answer Members' questions. I believe that the public must have confidence that the Executive are not acting without scrutiny, and, for that reason, I am happy to respond to a number of questions and comments raised by Members during the debate.

In response to the Committee Chair's comments, I thank the Committee for its engagement with my officials and other officials in scrutinising these regulations. If there was a way in which they could come forward earlier, at policy development stage, I would support that, but the policy is developed by the Executive, not solely by my Department.

Mr McGrath: Will the Minister give way?

Mr Swann: Yes.

Mr McGrath: I appreciate the Minister's remarks about coming to the House to give updates. Nobody could fault the Minister of Health for the number of times that he has made himself available for that. Does he accept that two separate things might need to happen: updating the House and scrutinising the decisions that have been taken?

Scrutiny of the decision can be done in Committee, where experts can be called in. That takes time, but the update to the House could be done by ministerial statement by any

of the Ministers at the next available time, after which all Members could seek the clarity that they need. Seeking clarity is often not about scrutinising the impact but about getting an update and asking questions. A response to an official email can take weeks to come back, when all that we are looking for is a quick update. The processes of updating the House and scrutinising the policy could be helpful.

Mr Swann: I agree with the Member. If I recall correctly, and I stand to be corrected, when the regulations were brought in and announced by the Executive on the Thursday, I came to the House and made a statement on the Monday morning. As I have said, this is the place where the questions should be asked and answered.

I move on to the contribution from the Deputy Chair of the Committee, Ms Pam Cameron, about the vaccine. I believe that it was Mr Chambers who spoke about the light that the vaccine brings. Let us not lose the hope and positiveness that the vaccine brings. I know that I mentioned the new variant in my opening statement, but we do not know where that stands yet or how successful the vaccine will be against that variant. We do know, however, that the vaccine is effective against the current variant that we are battling.

As of close of play yesterday, we had vaccinated 1,700 individuals, including vaccinators, healthcare workers, and care home residents and staff. From a standing start, from when we received the go-ahead for the vaccine and then received the vaccine, the programme is now well under way. As the Deputy Chair of the Committee indicated, we received further deliveries of the Pfizer vaccine over the weekend. We now have stock of 50,000 vaccines, which is enough to vaccinate 25,000 individuals without waste.

Mr O'Dowd: I thank the Minister for giving way. You said that 1,700 vaccines were administered over a seven-day period. Will there be an increase in the numbers who are vaccinated within a one-week period?

Mr Swann: I gave an update to the House during a debate a couple of weeks ago on how the vaccination programme would work. We have started off by vaccinating our vaccinators. That programme ran over the weekend in a number of trusts. It started last week in the Belfast Trust, because of the logistical supply and management of the vaccine. It requires a pharmacist to be present to dilute it and draw it up. The other trusts are moving into care homes today. I spoke to the chief executive of

the Northern Trust, who had teams out vaccinating care home residents and staff this afternoon. The multiplier effect will kick in from today. As I have said, I am willing to provide written updates on how the programme is progressing. It is my intention that it will become another part of the public dashboard on display so that people can see the progress that we are making. It takes time to develop that and to validate the information that is displayed.

The Deputy Chair commented on the value of our healthcare workers. She knows that well, having family members who have been on the front line from the start and who continue to be there. Other Members have indicated the support that we need to give to those workers. The best present that we can give to any healthcare worker this Christmas is to play our part, reduce the number of contacts that we have and break the chains of infection so that they can have an easier time over the festive period.

I will move on to comments from —.

Mr Givan: Thank you, Minister, for giving way. Forgive me, but I should have asked to come in sooner, as this is on the vaccination issue. I welcome the progress that the United Kingdom has made in being the first country in the world to roll out the vaccine, from which Northern Ireland has been able to benefit.

As we build up our resilience and protect the most vulnerable, cross-border travel from North to South clearly has implications whilst the Republic of Ireland is yet to roll out a vaccination programme. Is there any indication as to when the Republic of Ireland will start to carry out its vaccination programme?

5.30 pm

Mr Swann: I thank the Member for his question. I cannot give any firm update; it is not information that I have to hand. The European Medicines Agency (EMA) is due to give the go-ahead for the Pfizer vaccine, I think on 29 December. I hope that, if that approval is given, the Republic of Ireland will start its vaccination programme, using the Pfizer vaccine or any others that come to hand before that.

Ms Hunter, in following her predecessor's role on the Health Committee, has big shoes to fill. I thank Colm for his contribution over the past few months in holding my Department and officials to account in a constructive way, which he always did. I hope that the Member is able to follow on in that regard. One thing that she has

already brought to the House is her passion for mental health and how she has presented that.

This morning, I visited Holywell Hospital to show the staff our thanks and appreciation for the work that they have been doing these past months. They are the front line that is already there and is often forgotten about. When we think about mental health, we think of the challenges in the community and for GPs but often forget those who are staffing mental health facilities on a full-time basis, supporting some of the most vulnerable. It was an honour, and a humbling experience, to see the work that they are continuing to do, day in and day out.

With regard to Mr McGrath's comments on our assessment process, I covered that. I would just caution him: I know that he likes to use illustrative language such as "hokey-cokey". I do not think that lessening or lightening the seriousness of this virus is the right thing to do. I am not criticising him for it, but we just need to be careful around our words.

Ms Bradshaw commented on what we saw at the weekend with regard to face coverings. I was amazed and shocked by what I saw in the Abbey Centre. I am challenged as to how the owner of the facility and the managers of the facilities did not have those structures in place. I was reassured by the retail engagement group that is headed up by the junior Ministers, the engagement by the Economy Committee and the work that has been done by the retail sector that there would be things in place to prevent us from falling into what we saw a few weeks earlier outside the same shop, only it was outside on the streets of Belfast — that it would not happen again. It is about taking on those responsibilities. Some of the commentary with regard to how others saw that, especially on social media over the weekend, puts it into stark reality. How necessary are a pair of pyjamas when it comes to putting yourself or your family members into that challenging situation?

Mr Chambers said that anyone who ignores these restrictions does so at their own peril. I think those were his actual words. One of the things is that we ignore the restrictions at someone else's peril, because if we ignore them, there is the opportunity for someone else to become infected and end up in hospital. That is some of the selfishness that we need to challenge.

I take on board Mr Carroll's comments —

Mr Chambers: Will the Minister give way?

Mr Swann: Certainly.

Mr Chambers: Minister, the Chief Medical Officer, Dr Michael McBride, said at a press conference in this Building recently that just because you can does not mean that you should. Does the Minister agree that those words will carry a huge significance in the coming days?

Mr Swann: I do. I always take the advice of the Chief Medical Officer with great value and cognisance. Those words have resonated and have been used by myself and, I think, the First Minister as well, because it is about self-responsibility. I agree with Mr Buckley on what we can do and what we should do. This is not a challenge to Mr Carroll, because I would not do that, but just because the Executive have put relaxations in place, it is not about looking for someone to blame in the future. It is about enabling people to have their own level of sensibility and seriousness about and observance of what they can do, should do and should not do. The concern, especially about the guidance for over Christmas, was that, without a structure, people would simply revert to a free-for-all in the number of people they have in a house. The relaxations are there as a framework that people can work to; they are not something that they have to abide by.

Clare Bailey commented on where we are, and she criticised the Executive. I have said in the House many times that it is not easy for a five-party Executive, with the different political outlooks that we have on many things. However, one thing that I am assured of is the consistent message that has come from my Department and the healthcare workforce across Northern Ireland. In fact, earlier today, the chief executives of all six health trusts issued a statement on their concern about that. Their message is consistent with anything that has come from me, as the Health Minister, from the Chief Medical Officer or from the Chief Scientific Adviser about how dangerous the virus is, how dangerous it continues to be and the steps that we can take to break the chains of infection.

Mr Wells: Will the Minister give way?

Mr Swann: Certainly.

Mr Wells: Ms Bailey also raised a very important point about what is likely to happen on 4 January. Given his understanding of the situation and the advice that he has been given by the Chief Medical Officer and the Chief Scientific Adviser, what is his best educated

guess about where we, as a Province, will be on the first Monday in January as far as restrictions are concerned?

Mr Swann: I was just about to come to that comment. I did not know what I was going to say, but I was just about to come to it [*Laughter.*] I say with all respect that Members know me well enough. The Member for South Down indicated the number of times that I have come to the House and the number of times that I have made myself available to the media. One thing that I have always done is have those conversations in the Executive first and then communicate them. It is challenging. As I said, it is challenging that, often, when we have those conversations in the Executive, some in the media are able to put them on Twitter before I have taken a note of what we actually agreed.

Do I think that we will be facing further restrictions before this year ends or at the start of the new year? Over the next week, we will assess how effective the two-week circuit breaker has been or whether it has had any effect at all. We can see how it has slowed the infection rate and plateaued the number of inpatients that we have, but it has not lessened the pressures on our health and social care staff across the system. Going back to the World Health Organization guidance and advice, you utilise a circuit breaker in order to alleviate the pressure on your healthcare system. The Member will know, because he has sat in this seat, the pressures that we face at this time of year anyway, never mind in the middle of a pandemic and what could be a further wave.

Mr Buckley: I thank the Minister for giving way. On the point about the reinfection rate etc over Christmas, first, I know that he will agree with me that personal responsibility will be paramount in that time. The Government enter a contract with the people, but it is the people who must exercise restraint when it comes to the restrictions that are in place. In light of where the R rate is at the moment, the developments in and our knowledge of test and trace now, is the Minister able to elaborate to the House where the main sources of infection and the increases in the R rate are?

Mr Swann: I thank the Member. He will be aware that one of the changes and advancements that we have made in our test, trace and protect system is the ability to look back. On 16 November, we started to ask people who have tested positive where they have been over the last seven days rather than

just the last 48 hours. When we received the presentation from the Public Health Agency on Friday, the First Minister, the deputy First Minister and I visited our test, trace and protect offices in County Hall in Ballymena to see further guidance and information about where the outbreaks had occurred. They occurred in various settings, including churches, gyms and the retail sector. They were all proportionate with the time and where the restrictions fell. The First Minister and the deputy First Minister received the same update that I did so that we could validate the information and make it public, as we do not want to send out a false sense of that information or to present it in a non-useful way to the public. They should see the evidence of where outbreaks are occurring in schools and churches.

Mr Allister mentioned churches and church settings; we have had outbreaks in churches and church settings. That is why there was a step to introduce the two-week circuit breaker for churches and places of worship as specific locations that had not been included before. That is coming from the Public Health Agency system. I do not want to put churchgoers off engaging with our Public Health Agency, but one of the things to have come clearly through from our systems, and which has been indicated before, is that — I am thinking about how I can put it sensitively and in a politically correct way — when a contact tracer contacts people who have been at church in the previous seven days, they are more likely to say that they have been in church, if the Member gets my drift. The contact tracers have indicated that there is an openness and honesty that —

Mr Allister: Will the Minister give way?

Mr Swann: Yes.

Mr Allister: The Minister seems to be confirming that going to church may, in fact, do you some good. *[Laughter.]*

Mr Swann: I wholeheartedly agree with the Member. I have never met anyone it has harmed, although some in the House might benefit greatly by listening when they are there.

I hope that that clarifies some of the reasons why the two-week circuit breaker was in place.

On face coverings, one of the challenges —

Ms Bailey: I thank the Minister for giving way. Minister, there will be a mass shift of people trying to come home for Christmas from other countries. I know of people who will have to be

tested clear in the country that they are in and get a certificate before being allowed to travel. Under the test, track and trace system here, will we ask for and look at those certificates on entry? Will we test people who leave here to travel elsewhere?

Mr Swann: I thank the Member. I will come back to her once I have dealt with Mr Allister's contribution. He asked about face coverings. One of the things learned from international advice, and from looking at other practices, is that the aerosols generated by singing have caused outbreaks in churches. The advice in other places, which we have adopted, is that wearing face coverings all the time is a better management tool than putting them on and taking them off. For the sake of the hour that someone is in church, we should try to minimise the risk and allow churches to go ahead with their services as much as possible.

Mr Wells: Will the Minister give way?

Mr Swann: Yes.

Mr Wells: If the Minister had attended a Baptist or a Free Presbyterian church, he would know that it certainly would not be for an hour; it is more likely to be two hours. It is a bit of an inconvenience to wear a mask for that length of time. I do not know what church he attends, but if he is getting only an hour, he is being short-changed.

Mr Swann: I will come — *[Interruption.]* And we wonder why there are so many Protestant denominations in Northern Ireland. As a Presbyterian, if you cannot get three points into a sermon in an hour, there is something — Sorry. I will not go any further; I am probably in enough trouble.

5.45 pm

Maybe I will not answer all the Member's concerns. However, the junior Ministers are leading engagement with the leaders of the main Churches. From feedback that I have had, I believe that the junior Ministers understand fully the passion and feeling of the main Church leaders when that decision was made. The Member will know that it is not something that I would do, nor a recommendation that I would bring forward, easily.

Ms Bailey asked about travel. We have set our regulations on international travel depending on the country that someone comes from rather than the test on arrival. One thing that we have not done yet, although we have explored and

are looking at it, is the commercial nature of testing on arrival; those who can afford to fly could pay for their own tests or get priority access to National Health Service testing because they can afford to fly. That is not something that would sit comfortably with me. That is why we have maintained and followed the route of assessing the country from which someone travels and the risk there, and, depending on that, whether we deem it necessary for them to undertake 10 days of isolation. That is done on an international basis by the Joint Committee on Vaccination and Immunisation (JCVI). That country analysis is used in the same way across the four nations.

Mr McGrath: Will the Minister give way?

Mr Swann: Yes.

Mr McGrath: We know that the travel sector has been hit greatly by the pandemic. In London, Dublin and other places, someone can now isolate for five days on their return and get a test and release. Can the Minister give us any indication of when that system might be brought in here? At some point in the future, when we are over the worst of this but there are still some restrictions, that may unlock and open some routes and help the travel industry, which, at this stage, feels that it has been left behind somewhat.

Mr Swann: As I said, we are observing that. It has just recently started in England. As that is a commercial transaction, it would be neither pillar 1 nor pillar 2 testing by the National Health Service. A commercial transaction would take place. We have concerns that it would start to use up testing capacity for what is a commercial transaction rather than one of a health nature. We are keeping an eye on that.

I think that I have covered most of the concerns.

Mr Carroll: I thank the Minister for giving way. Does he know when the House will discuss the latest regulations that are in place? If cases go up early in the new year, will he and his Department be willing to reconvene the Assembly to discuss that? Whilst people deserve a break, the worst possible thing would be for this place to be closed if there was a massive spike in cases. Has the Minister considered or taken a view on that?

Mr Swann: I have never been reluctant or hesitant to bring forward recommendations to the Executive. With regard to the seriousness of recalling the House to assess further

restrictions or regulations that need to be brought in, I will leave that in the hands of the Speaker and Members. Under Standing Orders, 30 Members can recall the House. I believe that it is in the gift of the First Minister and deputy First Minister. I do not believe that it is in the gift —.

Mr O'Dowd: Will the Minister give way on that point?

Mr Swann: Yes.

Mr O'Dowd: The Minister is quite correct about the process that he has outlined. The Business Committee, which sets the business of the Assembly, has already taken that into consideration. It is aware of that and is prepared to recall the Assembly if needs be for any matter of business that arises over the break.

Mr Swann: I thank the Member, who is a member of the Business Committee, for that clarity. As I was about to say, I do not believe that the Ad Hoc Committee on the COVID-19 Response still has the facility to do that. The Member will know that I will do that if needs be. I will also commit to providing written statements, if necessary, to ensure that Members are kept as fully up to date as possible.

Mr Gildernew: Will the Member give way?

Mr Swann: Certainly.

Mr Gildernew: As a follow-up to John O'Dowd's question earlier, I am concerned about the roll-out of the vaccinations. The Minister said that 1,700 were done over a seven-day period. The first delivery of 25,000 vaccines will, I presume, do 12,500 people, given that it is a split dose. At that rate, we would be looking at some six weeks. I presume, therefore, that there will be significant scaling up. How long does the Minister expect it to take to do the first 12,500 vaccinations?

Mr Swann: With regard to my answer to Mr O'Dowd's question, I will also say to the Member that what we did at the start was to ensure the logistics. Remember that the vaccine itself presents severe logistical challenges because it has to be stored at -70°C. The vaccine came in batches of 1,000, so we had to work out how to split that. We are the first part of the United Kingdom to get the vaccine into care homes. Our plan for the first batch is to do the entirety of our care home

sector, including residents, at least once by the end of the year. That is a major logistical challenge in itself, so I ask the Member not just to take what we have done in the past few days, because that was about setting up systems and processes and making sure that our vaccinators were vaccinated first.

Today is the first main day of vaccination. We will be able to get an assessment of that tomorrow, and we will provide an update sooner rather than later on how we are progressing with the initial batch. As I said in response to the Deputy Chair, we now have 50,000 vaccines in place. We are hopeful that more will become available towards the end of the year, so that supply line will continue to produce.

I think that I have covered everyone's queries or comments. There were challenges at the start about the usefulness of this debate and the time spent in the Chamber, but our engagement has allowed Members to raise questions and get some answers, but perhaps not the level of detail that they would have liked.

We all have a responsibility to help to curb the spread of the virus. We do that — I repeat this — by maintaining social distancing; maintaining good hand and respiratory hygiene; wearing face coverings; self-isolating immediately if we experience any symptoms, including a new persistent cough, a fever or a loss or change of smell or taste; seeking a test if we experience any of those symptoms; downloading the StopCOVID NI app; and complying with the restrictions. By following that advice as we go about our daily lives, we can protect ourselves and others from serious illness, protect our health service and our economy and help to avoid further prolonged and more stringent restrictions.

Mr Deputy Speaker (Mr Beggs): I confirm that the Ad Hoc Committee can meet if a Minister informs the Speaker that they wish to bring a statement to the Committee. It is within our provisions to arrange such a meeting quickly, and — who knows? — if it is needed, within the next number of weeks.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 17) Regulations (Northern Ireland) 2020 be approved.

The Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 18) Regulations (Northern Ireland) 2020

Mr Deputy Speaker (Mr Beggs): The motion has already been debated.

Resolved:

That the Health Protection (Coronavirus, Restrictions) (No. 2) (Amendment No. 18) Regulations (Northern Ireland) 2020 be approved. — [Mr Swann (The Minister of Health).]

Mr Deputy Speaker (Mr Beggs): I ask Members to take their ease for a few moments.

The Maximum Number of Judges Order (Northern Ireland) 2020

Mrs Long (The Minister of Justice): I beg to move

That the Maximum Number of Judges Order (Northern Ireland) 2020 be affirmed.

Mr Deputy Speaker (Mr Beggs): The Business Committee has agreed that there should be no time limit for this debate.

Mrs Long: The draft order will amend section 2(1) of the Judicature (Northern Ireland) Act 1978 to increase the statutory limit of High Court judges from 10 to 15. That legislative change will not, by itself, increase the number of judges who sit on the High Court bench. The draft order is, however, intended to allow for the future appointment of part-time judges and to create sufficient headroom for the addition of judges should pressures emerge.

A primary duty of my Department is to ensure that the High Court is, at all times, properly resourced to be able to meet its business needs. Both the Historical Institutional Abuse Redress Board and the newly constituted victims' payment board have appointed members of the High Court bench as presidents. That will inevitably impact on the availability of High Court judges to deal with High Court business. The Lord Chief Justice will want to make a case for additional High Court appointments to meet the capacity need. Allowing for that possibility requires an increase in the overall maximum. Creating sufficient headroom within the statutory limit will also allow for changes to the High Court

complement to be made more efficiently without the need for repeated draft orders. It is also hoped that increasing the overall complement will more readily allow for future creation of part-time positions on the bench, adding to the potential pool of applicants for the High Court. Ideally, that will further increase diversity at that tier. Any increase in the actual High Court judicial complement will still have to be supported by individual business cases, taking into account the overall volume of High Court business whilst ensuring that funding is available for the additional salaries and pensions.

I thank the Justice Committee for its careful consideration of the draft order, and it is with the Committee's support that I bring this before you today. I commend the draft order to the House.

Mr Givan (The Chairperson of the Committee for Justice): I am pleased to speak briefly to the motion on behalf of the Justice Committee. The Minister outlined details on the statutory rule before us, which will increase the maximum number of High Court judges from 10 to 15. That will allow for headroom for the addition of judges that may be required due to unforeseen circumstances. For example, the president of the Historical Institutional Abuse Redress Board is a member of the High Court bench, which has decreased the number of judges who are available to deal with High Court business. The rule also will allow for the appointment of part-time judges, which could potentially increase diversity at that tier of the judiciary, and the Committee would welcome that.

At its meeting of 22 October, the Committee agreed that it was content with the proposal to make the rule. The statutory rule was subsequently considered at the meeting of the Committee on 3 December, when the Committee noted that the Examiner of Statutory Rules had no comment to make by way of technical scrutiny and agreed to recommend that the statutory rule be affirmed by the Assembly. I therefore support the motion on behalf of the Committee for Justice.

Ms Rogan: This statutory rule will increase the statutory limit on the number of High Court judges from 10 to 15, which will allow for the appointment of part-time judges. As has been said, that will allow for headroom where judges are required for unforeseen pressures and circumstances. We have read and heard statistics being rehearsed over the last number of months that have made it clear that COVID has increased the backlog of cases that are

waiting to be heard across all court divisions. Although that increase is concerning, concern about the backlog of cases waiting to be heard existed prior to COVID. There is a major need to increase the speed at which cases are heard and progressed, and key to that could be increasing the number of High Court judges who are available for trials.

6.00 pm

The statutory rule will not, in itself, increase the complement of High Court judges; it merely increases the statutory limit. I encourage the Department to carry out further work to examine whether there is scope to increase the High Court judicial complement and to assess the impact that that would have on the speeding up of justice. The Department needs to do all that it can to recruit additional judges to ensure that the diversity of the judiciary is increased.

My party supports the motion.

Mr Allister: The Minister points out that the order increases the saving but not the number of appointments. I presume that the situation will prevail that, for any additional judges above 10, a business case will need to be approved by the Department. However, an increase of 50% is substantial.

I did not follow the Minister when she said that it would enable the appointment of part-time judges. Back in January, we appointed, I think, eight or 10 part-time judges, so that facility exists. What is the juxtaposition between the order and the appointment of extra part-time judges?

Some of the legacy issues giving rise to increased pressure are being dealt with by County Court judges. Is the Minister minded to increase the number of appointments in that domain and, if so, to what extent?

The Minister mentioned diversity. That causes me to draw attention to the composition of the Court of Appeal in Northern Ireland. It is permitted to have four holders: the Lord Chief Justice and three Lords Justices. At present, there is a vacancy. However, at present, the court, in its community background, is exclusive to the Catholic community. If that situation existed in reverse, there would be uproar from some quarters. There would be cries of "Sectarianism", cries about human rights and cries of "Imbalance". Yet, we have a situation where, in our Court of Appeal, there is not one member — it is the highest court in this jurisdiction, subject only to the Supreme Court

— from the Protestant community. We talk about diversity, but does the Minister have a view about that? If my information about the vacancy is correct, the appointment that is to be made — I am not faulting the person at all professionally — will mean that there are four persons from the Catholic community and none from the unionist, Protestant community. Is that healthy in terms of ensuring respect across the community? If diversity applies, why does it not apply in the Court of Appeal in Northern Ireland? All of that is said without questioning the professionalism or dedication of the members; it is said in the context that this is a divided society and there is therefore a legitimate expectation that the Court of Appeal should reflect the entire community.

Mrs Long: I thank the Members who have commented on the motion. As you know, the draft order is before the House following consultation with and the approval of the Justice Committee and the Northern Ireland Judicial Appointments Commission (NIJAC). It provides for an increase in the statutory maximum number of High Court judges from 10 to 15. I just want to touch on some of the points that have been made.

I thank the Chair for the Committee's scrutiny of the draft order and, indeed, a number of other orders that have been brought to it over recent months. It is very much appreciated that that has happened in a timely fashion.

There are a number of things that I would like to say about diversity in response to the comments made by Ms Rogan and Mr Allister. First, I want to clarify the rationale, which Mr Allister raised. Creating extra headroom now would allow for any future unforeseen pressures on the High Court bench to be dealt with more efficiently. That quite clearly requires a business case to be made, however, and it would not be automatic. Lifting the threshold to 15 therefore does not mean that we will have 15 High Court judges. It simply means that we will have the capacity to do that without having to return to the Assembly to make legislative change.

As I said, it also allows for the future appointment of part-time judges, who could be added to the potential pool of applicants for the High Court, thereby increasing diversity at that tier. A part-time, pro rata judge would count as one judge within the statutory maximum. Were you therefore to have a part-time judge, that judge would take up a full one of those places. That would require us to have more flexibility were we, for example, to replace one full-time

judge with two part-time judges, because they would count as two extra judges.

Mr Allister: Will the Minister give way?

Mrs Long: Yes.

Mr Allister: I cannot remember whether it was eight or 10, but did we not appoint part-time judges for a period of three years back in January? If they count pro rata, we are then already touching the quota. If an uplift in the quota was needed in order to appoint part-time judges, how did that happen, or is an uplift not needed to appoint part-time judges?

Mrs Long: For clarity, Mr Allister's point is that the part-time judges whom the Department appointed were temporary judges but that pro rata appointments would be made by the bench and go through NIJAC's procedures and would be permanent. As well as that, they would be reduced-hours positions, so that shows the difference between the two. A part-time, pro rata judge would therefore count as one judge, and that is why we would need the extra headroom: in order to multiply. Those who were appointed by the Department are temporary, so that is one of the reasons.

When it comes to judicial diversity, it is important to make the point that, when NIJAC makes its appointments, whether it be to the judiciary generally or, indeed, when it comes to issues such as the Court of Appeal, those appointments are made solely on the basis of merit, and it is correct that it ought to be so. We should, however, look at what barriers there may be to people entering those competitions to become judges or other members of the judiciary and progressing through the ranks. One such barrier may be the lack of flexibility around working, and that is one of the reasons that we are looking at the creation of part-time judges.

I thought that it would be important to give an overview of the diversity issues that we have, particularly around gender breakdown, in the judiciary in Northern Ireland. Across the salaried judiciary, from the Lord Chief Justice to the coroners, the headline figure is 40 males and 23 females. When that figure is broken down, however, there are quite significant differences across the hierarchy. The Lord Chief Justice is male, as we know. There are two Lords Justices of Appeal who are male, while the third position is currently vacant. There are eight male and two female High Court judges. There are 11 male and seven female County Court judges, and two vacant

positions. There are 12 male and seven female Magistrates' Court judges. There are one male and two female district court judges; three male and four female masters of the High Court; and two male and one female coroners.

Breaking the figures down by age shows that there is a range of ages. If we look in particular at lay magistrates, however, the youngest are in the 40-to-44 age bracket. That continues up to the 65-to-69 age bracket, because, as the Member will be aware, lay magistrates have to retire from the judiciary at the age of 70, although I believe that that may be under review. Increasing judicial diversity here is important, and it is the role of the Northern Ireland Judicial Appointments Commission to promote it. That is an outcome that I fully support. I take on board people's concerns that they need to see a reflection of their identity and background at some level in the court system among those who are their peers as jurors, but they also need to see that reflected among those who represent the court itself. That is an important outcome.

To that end, it is hoped that the creation of additional headroom now through the draft order will allow for the future appointment of part-time judges, which may add to the potential pool of applicants.

Court advocacy is not an essential requirement for High Court appointments. The Northern Ireland Judicial Appointments Commission is keen to attract applicants from a broad range of skilled lawyers, regardless of professional background.

In closing, I will outline the qualifications needed to be a High Court judge, because there may be people out there who feel that only certain people can apply for the role. A High Court judge must be either a member of the Bar of Northern Ireland of at least 10 years' standing or a solicitor of the Court of Judicature of at least 10 years' standing. Therefore, experienced people in legal practice have the ability to apply, and I encourage them to apply when such vacancies come forward. It is hugely important that we have a diverse judiciary, but also that we have an effective judiciary that is based on appointment on merit.

I commend the order to the House. I believe —.

Mr Givan: Thank you, Minister, for giving way. I had not planned to comment more widely on judicial appointments, given the limited scope of what we were doing, but Mr Allister has raised an issue.

The Committee wishes to have the Lord Chief Justice come before it, as he has in the past, in his role as chairman of the Northern Ireland Judicial Appointments Commission. The Minister may recall that, back in 2013, Judge Desmond Marrinan came before the Committee and made very serious allegations about his failure to be appointed. He highlighted his view that it was not a fit-for-purpose body because it is chaired by the Lord Chief Justice, unlike in England and Wales, where it is chaired by a layperson. Has the Minister looked into the way in which the Northern Ireland Judicial Appointments Commission is constructed and at the postholders of that organisation? That is something that I am keen to pursue, albeit I have not brought it before the Committee yet. It may be an area where Mr Allister's complaint could be looked at in more detail.

Mrs Long: First, we will have to separate the issue that Mr Allister raised from any suggestion that either the current chair of the Judicial Appointments Commission, or the wider Judicial Appointments Commission, are responsible for any imbalance or have failed in their duty to apply processes on merit. Most Members will agree that merit is an important principle. It is certainly one that I believe in and support in respect of how we deal with diversity. It is often in supporting people to be able to come forward and apply where the weaknesses lie.

As Minister, I have not taken a particular interest in NIJAC and the appointment of judicial office holders, beyond the conversations that I have had with the current Lord Chief Justice about the demands that are being placed on the judiciary at this time and how we can be of assistance. If the Chairman of the Committee wishes to take that forward as something that the Committee is interested in, he is of course at liberty to do so.

Without further ado, I commend the draft order to the House.

Question put and agreed to.

Resolved:

That the Maximum Number of Judges Order (Northern Ireland) 2020 be affirmed.

The draft Carriage of Explosives (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

Mrs Long (The Minister of Justice): I beg to move

That the draft Carriage of Explosives (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

Mr Deputy Speaker (Mr Beggs): The Business Committee has agreed that there will be no time limit on this debate. I invite the Minister to open the debate on the motion.

Mrs Long: This draft rule is made under the powers conferred by the European Union (Withdrawal) Act 2018. It addresses deficiencies in Northern Ireland domestic legislation which implement EU laws that have arisen as a result of the withdrawal of the UK from the European Union. The rule also makes provision in consequence of the 2018 Act and restates domestic law in a clearer and more accessible way. It makes necessary amendments to the Carriage of Explosives Regulations (Northern Ireland) 2010 to ensure that there continues to be a functioning legislative and regulatory regime for the carriage of dangerous goods in Northern Ireland.

6.15 pm

In this case, the regime covers the transport of class 1 dangerous goods, explosives, explosive substances and articles by road and rail. The regime for the transport of dangerous goods in the UK and Northern Ireland is derived from the United Nations subcommittee of experts on the transport of dangerous goods. The UK is a signatory to the European agreement concerning the international carriage of dangerous goods by road, known as ADR, and to the equivalent for rail, the regulation concerning the international carriage of dangerous goods by rail, known as RID.

The United Kingdom is committed to the ongoing implementation of those requirements. ADR and RID do not automatically have legal force and were implemented in the EU by the dangerous goods directive. In Northern Ireland, the Carriage of Explosives Regulations (Northern Ireland) 2010 implement the dangerous goods directive for class 1 dangerous goods and, by consequence, implement the requirements of ADR and RID. The dangerous goods directive is not one of the specified EU regulations in annex 2 to the Northern Ireland protocol, and it will not continue to extend to Northern Ireland after the transition period.

The draft rule is, therefore, required in order to correct Northern Ireland legislation that is for the carriage of class 1 dangerous goods and that would otherwise cease to function properly at the end of the transition period. The amendments make sure that the 2010 regulations will continue to function as before by ensuring that the regulatory framework for the carriage of explosives by road and rail will remain in place on implementation period (IP) completion day.

The amendments that are made by the rule will revise references that are predicated on the UK being a member state of the EU, retain the power for the Department of Justice to grant authorisations, apply existing derogations that are approved prior to the protocol completion day and issue new exceptions.

The rule is subject to the draft affirmative procedure, as the function of the EU is now exercisable by a public authority in the UK, namely the Department of Justice, which falls within paragraph 1(2) of schedule 7 to the European Union (Withdrawal) Act 2018. The draft rule provides that the Department of Justice may issue new exceptions from the requirements and prohibitions of the carriage of dangerous goods by road and rail. Formerly, it was the European Commission that authorised new derogations from the dangerous goods directive. Northern Ireland, as well as the rest of the UK, will continue to work to the same requirements and standards in the carriage of dangerous goods underpinned by the ADR and RID agreements. The requirements for those involved in the carriage of class 1 goods by road or rail in Northern Ireland are not being changed by the draft rule.

I thank the Justice Committee for its careful consideration of the draft rule. It is with that support that I bring the rule before Members and commend it to the House.

Mr Givan (The Chairperson of the Committee for Justice): I am pleased to speak briefly on the motion on behalf of the Committee. The statutory rule that is before us, as the Minister indicated, ensures that the Carriage of Explosives Regulations 2010 will continue to operate at the end of the transition period for the United Kingdom's exit from the European Union by ensuring that the regulatory framework for the carriage of class 1 goods will remain in place. The 2010 regulations implemented the EU's dangerous goods directive, so far as it concerned class 1 goods and, by consequence, implemented the requirements of the international carriage of dangerous goods by road and the international

carriage of dangerous goods by rail, which is part of the convention of the international carriage by rail and to which the UK is a signatory.

The dangerous goods directive is not listed in annex 2 to the Northern Ireland protocol so will not extend to Northern Ireland at the end of the transition period. Instead, the United Kingdom is committed to the ongoing implementation of the requirements of ADR and RID, which predate EU membership and the dangerous goods directive. The rule does not change the requirements for those involved in the carriage of explosives by road and rail in Northern Ireland.

(Mr Speaker in the Chair)

The Committee first considered the proposals for the rule on 5 November and agreed to request some clarification of whether it was anticipated that there would be any remaining gaps in the carriage of dangerous goods at the end of the transition period. In its response, the Department clarified that it has responsibility for class 1 goods only. The proposed SR will ensure that regulations continue to function as before, with no gaps being identified.

The Department also advised that the Health and Safety Executive for Northern Ireland (HSENI), which is an agency of the Department for the Economy, is responsible for the remaining classes of dangerous goods legislation. The HSENI proposes to make a similar EU exit SR for classes 2 to 9 that, subject to completion, should ensure that there are no gaps in the regulatory framework for the carriage of dangerous goods.

Having considered the additional information provided by the Department at its meeting on 26 November, the Committee agreed that it was content with the proposal to make the rule. The statutory rule was subsequently considered at the meeting on 10 December. The Committee noted that in her report on the rule, the Examiner of Statutory Rules had highlighted a minor drafting error that the Department of Justice had undertaken to rectify. The Examiner was otherwise content with the technical aspects of the rule, and the Committee agreed on 10 December to recommend that the statutory rule be affirmed by the Assembly. Therefore, I support the motion on behalf of the Committee for Justice.

Ms Rogan: The purpose of the rule is to correct legislation that would otherwise cease to function properly at the end of the Brexit

transition period. The proposed rule will ensure that the Carriage of Explosives Regulations 2010 will continue to operate as before by ensuring that the regulatory framework for the carriage of class I goods will remain in place. The regulations relate to health and safety protocols for the transportation of dangerous goods. Therefore, it is only right that those involved in such transportations are offered the same protections post-Brexit to allow the safe and secure transport of dangerous goods. Given that dangerous goods are not listed in the Irish protocol, as well as the need to ensure the continued alignment with the technical regulations at the end of the Brexit transition period, my party will be supporting the statutory rule.

Mrs Long: I thank Members for their consideration of the draft rule. In particular, I thank the Chair, Paul Givan, and Committee member, Emma Rogan, for their comments.

The rule is being made to address deficiencies in Northern Ireland domestic legislation that implements EU law and which have arisen as a result of the UK's withdrawal from the European Union and thus to ensure that the Carriage of Explosives Regulations (Northern Ireland) 2010 continue to function appropriately in Northern Ireland at the end of the transition period on 31 December 2020. The proposed draft rule is essential to ensure that we continue to have an effective regulatory framework for the carriage of dangerous and class 1 goods by road and rail following the end of the transition period.

There are no implications for the cross-border transport of class 1 goods. The same international agreements for the carriage of dangerous goods by road and rail will continue to apply on both sides of the border in Ireland. The regulations are essential for the foreign transport of class I dangerous goods. They reassure our trading partners that exports of dangerous goods from the UK will be transported safely in accordance with the international carriage of dangerous goods by rail, by road and the UN model regulations and, thus, they ease the passage of those goods.

The requirements for those involved in the carriage of dangerous goods and class 1 goods by road and rail in Northern Ireland are not being changed by the draft rule. Therefore, I hope that the Assembly will join me in supporting the regulations. I commend the draft rule to the Assembly.

Question put and agreed to.

Resolved:

That the draft Carriage of Explosives (Amendment) (EU Exit) Regulations (Northern Ireland) 2020 be approved.

I ask Members to take their ease for a moment or two.

The Harbours (Grants and Loans Limit) Bill: Consideration Stage

Mr Speaker: I call the Minister for Infrastructure, Nichola Mallon, to move the Bill.

Moved. — [Ms Mallon (The Minister for Infrastructure).]

Mr Speaker: No amendments have been tabled to the Bill, and I propose, therefore, by leave of the Assembly, to group the three clauses of the Bill for the Question on stand part, followed by the Question to agree the long title.

Clauses 1 to 3 ordered to stand part of the Bill.

Long title agreed to.

Mr Speaker: That concludes the Consideration Stage of the Harbours (Grants and Loans Limit) Bill. The Bill stands referred to the Speaker.

Assembly Business

Mr Swann: On a point of order, Mr Speaker. I made a statement earlier about a new strain of COVID, and I want to update the House, as I said I would. I can confirm that, as of 7 December, there were no Northern Ireland sequences on the UK COVID-19 genomics database to show that this mutation has been present in Northern Ireland. I gave the commitment that I would come back to the House with information, so I wanted to do that.

Mr Speaker: I thank the Minister for advising the House through that update. Thank you very much, Minister.

Committee Business

Criminal Justice (Committal Reform) Bill: Extension of Committee Stage

Mr Givan (The Chairperson of the Committee for Justice): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 11 June 2021, in relation to the Committee Stage of the Criminal Justice (Committal Reform) Bill [NIA Bill 11/17-22].

Mr Speaker: The Business Committee has agreed that there should be no time limit on this debate. I call the Chairperson of the Committee for Justice to open the debate.

Mr Givan: Thank you, Mr Speaker. The Committee Stage of the Criminal Justice (Committal Reform) Bill began on 17 November. The Bill consists of six clauses and one schedule and aims to improve the operation of the criminal justice system by reforming committal proceedings, which is the procedure that determines whether there is sufficient evidence available to justify putting a person on trial in the Crown Court.

As I outlined during the Second Stage debate, delay in the criminal justice system and the time taken to progress cases through the system has been a recurring issue and concern for the Committee since the devolution of policing and justice in 2010. Reducing delay is one of the biggest challenges facing the justice system and has been identified as a priority for the Department, its criminal justice partners and the Criminal Justice Board. Reforming the committal process is a key part of the plan to reduce avoidable delay.

To assist with its scrutiny of the clauses and schedules in the Bill, the Committee issued a call for evidence and is seeking views from a range of key stakeholders. Despite current circumstances and the continued need to adhere to social-distancing requirements, the Committee intends to undertake careful consideration of the Bill and will take appropriate oral evidence on the key issues highlighted in the evidence and raised during the Second Stage debate to ensure that the legislation is properly scrutinised.

On 26 November 2020, the Committee discussed the timetable for the Bill and agreed to seek an extension to the Committee Stage until 11 June 2021. This is relatively short and

focused legislation but is no less important for that, and the Committee will make every effort to complete the Committee Stage before 11 June.

The extension, however, provides flexibility for the Committee to manage the expected heavy legislative programme for it to scrutinise over the next four to six months. The programme is expected to include two or possibly three further justice-related Bills, including the protection from stalking Bill, in the new year, and the miscellaneous provisions Bill, which is expected to be substantial and cover a wide range of justice policy issues. The extension will also provide leeway to deal with other issues that arise unexpectedly and to manage the Committee workload in the current context of COVID-19 issues.

6.30 pm

The Committee will report to the Assembly on the Bill as soon as possible within the proposed extension and the constraints imposed by the workload that I outlined. I commend the motion to the House.

Mr Speaker: No other Members have indicated that they wish to speak.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 11 June 2021, in relation to the Committee Stage of the Criminal Justice (Committal Reform) Bill [NIA Bill 11/17-22].

Adjourned at 6.31 pm.

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