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Northern Ireland Assembly

Tuesday 21 April 2020

The Assembly met at 10.30 am (Mr Principal Deputy Speaker [Mr Stalford] in the Chair).

Members observed two minutes' silence.

Assembly Business

Mr Principal Deputy Speaker: Before we proceed to today's business, I want to record at this sitting, as it was at the first meeting of the Ad Hoc Committee on the COVID-19 response, that all Members will have received a letter from Mr Speaker on 7 April informing them that, due to his medical history, he is among those in the community required to conduct his responsibilities from home for 12 weeks. Although he cannot be with us to conduct business in the Chamber, he will continue to deal with all the normal preparations behind the scenes, such as taking procedural decisions on issues such as questions for urgent oral answer and amendments, and will be contributing to the Business Committee and the Assembly Commission remotely. If Members have any issues that they wish to bring to the Speaker's attention, they should send them to the Speaker's Office in the normal way.

At recent sittings, Mr Speaker has started our proceedings with remarks on the current situation, so let me begin this morning by expressing my deepest condolences on behalf of every Member of the Assembly to all those who have lost their loved ones due to coronavirus. Whether their names and stories have been made public or not, we recognise that they each represent a loss to family, friends and our community in the most difficult of circumstances that words cannot adequately express.

I also repeat the thanks of the Assembly to everyone who is working in the health service and all vital services at this time, as well as to everyone who is observing the requirement to remain at home. All are playing their part to save lives, and I know that that will be the focus of Members' minds as we do our business today. The virus will pass. We will defeat it. The dawn will come again.

In relation to the practicalities of responding to COVID-19 in the Chamber, I ask Members that, when entering or exiting, they do so via the

door closest to their seat, whether that be the main doors, via the Lobbies or the doors by the officials. That approach will also help us to uphold social distancing in the Chamber. I also remind Members that sanitisers are available at the doors.

Committee Business

Mr Principal Deputy Speaker: I advise Members that the nominating officer of the DUP has notified the Speaker that Ms Joanne Bunting has been nominated to fill the vacancy of Deputy Chairperson of the Audit Committee with effect from 16 April 2020. The Speaker is satisfied that the requirements of Standing Orders have been met in relation to the matter.

Executive Committee Business

Private Tenancies (Coronavirus Modifications) Bill: First Stage

Ms Hargey (The Minister for Communities): I beg to introduce the Private Tenancies (Coronavirus Modifications) Bill [NIA 04/17-22], which is a Bill to make emergency modifications in connection with coronavirus in relation to notices to quit to be given by landlords of private tenancies.

Bill passed First Stage and ordered to be published.

Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020

Mr Kearney (Junior Minister, The Executive Office): Go raibh maith agat, a Phríomh-LeasCheann Comhairle.

Mr Principal Deputy Speaker: Order. The Member has to say, "I beg to move".

Mr Kearney: Sorry, I was just about to say that.

I beg to move

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 be approved.

Is rún dúshlánach atá os ár gcomhair ar maidin. I move the motion with mixed feelings. Until very recently, I did not think that, as a Minister, I would propose regulations such as these. The regulations are designed to be preventative. They are being put in place to protect people. Ní mór go mbeidh cosaint an phobail mar phríomhchuspóir dúinn go léir. Supporting measures to close businesses and protect people's livelihoods, while restricting mobility, is a necessary cost that we must all pay to get through this health emergency. We must all put the needs of our citizens first. Important as economic reconstruction will be, economic interests at this time cannot take primacy over public health. The ravages of this terrible disease have dictated the need for legislation to close churches and cemeteries and empty our high streets the length and breadth of the island. Over 2,500 of our fellow citizens have been affected, and, tragically, over 200 have lost their life. Families bereaved in the most trying of circumstances are unable to comfort loved ones who are dying or to mourn them as they would wish. Our health and social care colleagues are heroes who risk their lives daily to win the battle against the pandemic. That is why the regulations are a vital necessity: without them, the battle against COVID-19 would be lost.

The regulations were made and came into operation on the 28 March in the knowledge that democratic scrutiny by the Assembly would follow. Glactar go bhfuil scrúdú na rialachán seo an-tábhachtach. It was not a decision taken lightly. Nor do we take today's proceedings lightly. Through scrutiny, the Assembly must satisfy itself that they are necessary, proportionate and sound.

Regarding the content of the regulations, the approach is very similar to that in other jurisdictions. There are three main sets of restrictions. First, many types of business, particularly those with a retail focus, have had to close or change to a takeaway or a delivery-only mode of operation. Secondly, there are restrictions on gatherings of more than two people, other than for exceptions such as funerals or providing emergency assistance. Thirdly and, perhaps, most profoundly, there

are restrictions on movement, and no one is allowed to leave home without a lawful purpose. There are provisions for enforcement by the PSNI and penalties ranging up to £5,000 on summary conviction.

I will now clarify some of the things that the regulations do and some of the things that they do not do. First, the regulations do not contain a list of essential businesses; rather, they list businesses that must close and types of businesses that must repurpose. For everything else, the Executive's message is reflected in guidance and communications, and our message is clear: where people can work from home, they must; and, where people must come to work, they must be able to work safely.

The restrictions on citizens' movements are also very tight — some might even say, "draconian" — but, for the most part, the intention of the restrictions has been clearly understood and levels of compliance in society have been good. However, there is one aspect that is worth clarifying, and that is the question of whether it is lawful to drive in order to take exercise. The answer lies in the wording of regulation 5, which refers to "the need ... to take exercise". If someone needs to drive to take exercise, they may do so. The PSNI will apply a test of reasonableness to that. A household that has young children or an elderly relative can drive to the local park to exercise safely, or a person with a disability such as autism who needs to drive or be driven to take regular exercise can do so lawfully. However, a long, leisurely drive to a resort or beauty spot must be off limits for this time.

The delayed scrutiny of the regulations has one benefit: we now have evidence to assess how they are, in fact, working. Crucially, we know the answer to two key questions: are the regulations needed, and do they work? To answer the first question, we must look to the modelling work carried out by the expert group led by Ian Young. The modelling group now expects the peak of the outbreak to be less severe than previously expected, but there are still many difficult weeks and months ahead, right across these islands. We need maximised North/South common approaches adopted as well as on an east-west basis. The progress achieved through the restrictions will be lost very quickly if we relax the restrictions that have helped to achieve this compliance. Teip orainn a bheadh ann dá dtarlódh sin. We would fail ourselves and each other, if we did so at this time. The World Health Organization has warned Governments of the dangers that easing restrictions would raise of the spread of further infection. At all times, we should be

guided by international best practice and advice. The regulations are still needed. Ní mór dúinn go léir cloí leis na rialacháin ar bhonn leanúnach.

On the second question, the daily situation reports tell me that the regulations successfully promote social distancing. That compliance is producing tangible results. Confirmed cases and deaths so far are fewer than we feared. The regulations are working, and that credit belongs to all of us who are making sacrifices at this time. Ach bígí cinnte de seo.

There are citizens alive today who would otherwise have died. Consequently, our health service is more than holding its own in this battle. So, yes, the regulations are indeed working.

10.45 am

Aithnítear ualach na n-íobairtí seo. From personal experience, I know very well how much hardship and anguish is being caused to family and friends. The Executive recognise the resulting distress, anxiety and economic harm, but all parties in our power-sharing Government support maintenance of the restrictions at this time. I and Executive colleagues understand how extremely difficult it is that members of our families, individual friends and our community are being denied the solace that moments of reflection at gravesides and places of worship can provide, but that is the price that we must pay because the coronavirus pandemic is an emergency. The fact is that we have not beaten COVID-19. No other interest or priority can take primacy over our public health. There is no room for complacency. We face the possibility of new surges of this pandemic, but, equally, we must be vigilant for mutations of this virus and/or new pandemics. Members, the scourge of lethal pandemics is no longer a reality confined to the outer reaches of Africa or Asia. We are prepared to do all in our power to help businesses, workers and citizens through this. Those efforts will not stop. This battle must be taken forward with a whole-government and a whole-society approach.

This is a very important debate. The regulations require very careful scrutiny. I trust that, having done so, the Assembly will agree with me that they are necessary, proportionate and sound. Dearbhaím do na Comhaltáí anseo go gcoinneofar na rialacháin faoi scrúdú trédhearcach go rialta. I also assure Members that the regulations will be subject to regular reviews, and the second is due by 9 May. There will be ongoing consideration on the potential of

the scope for ending any of the individual restrictions where possible. All Ministers in our Executive agree that these restrictions ought not to be removed a single day before it is safe to do so but, equally, that they should not remain a single day more than is necessary. In the meantime, we must continue to give united political and civic leadership. Molaim na rialacháin don Tionól. I commend the regulations to the Assembly.

Mr Principal Deputy Speaker: I thank the junior Minister for his statement. The Business Committee has agreed that there should be no time limit in this debate. I advise Members that the Business Committee has agreed that, under the current circumstances, Members are entitled to rise in their place if they wish to be called to speak during this debate and any other debate today. The usual ways of getting your name on the speaking list, informing the Business Office or approaching the top Table, are also valid options for Members to use.

Mr McGrath (The Chairperson of the Committee for The Executive Office): Mr Principal Deputy Speaker, I echo your earlier remarks offering condolences to the families of those who have passed away. I also offer our continued best wishes to our brave and formidable forces in our health service sector, who work tirelessly day and night to help to protect our community and care for them.

The Committee for the Executive Office did not have lead responsibility for the scrutiny of these regulations, but I want to outline the very important link that there is between the role of the Executive Office and that of the Department of Health in the fight against coronavirus. The Coronavirus Act gives the Executive Office powers to make directions to compel the closure of certain premises and to prohibit mass gatherings. However, it also gives the Department of Health powers to make regulations to enforce social distancing on people, and that is what we have before us today. Giving the Executive Office the power to make the directions reflects the cross-cutting, sensitive and far-reaching nature of the measures that we have, and it will help to continue to have these rules and will have a considerable impact on how we live our everyday lives for the foreseeable future.

The deliberate overlap in powers between the Executive Office and the Department of Health allows for directions to be made quickly to deal with the most pressing issues, followed by a more considered development of regulations to deal with ongoing issues. In this case, the regulations impose restrictions on people who

are not allowed to leave home without a lawful excuse, on gatherings of more than two people and on businesses. The Health Committee, which has responsibility for the scrutiny of these regulations, considered the statutory rule at a meeting in early April, and I am sure that the Chairperson of the Health Committee will share with us the details of those deliberations.

Due to the timing around the laying of the rule, the Committee for the Executive Office did not have an opportunity to consider the regulations before today. However, the Executive Office provided a comprehensive briefing to outline the background to the making of the regulations and their relationship to the powers of the Executive Office under the Coronavirus Act 2020, and the Committee will consider that at its meeting tomorrow.

I will make the following remarks in my capacity as an MLA. Coronavirus has presented us with massive challenges. Nobody, when they first heard of the virus, could have understood or appreciated the impact that it would have. Certainly, words like "surreal" and "unimaginable" are regularly used to describe the situation that we are in. Who would have thought a few months ago that we would be on lockdown, restricted in what we can and cannot do and in when and where we are able to do these things? The legislation is scary. Ordinarily, it would be bad. It is draconian and anti-human rights, but we are not in normal times. The response to this virus needs to be mammoth, restrictive and even feel at times as though it is anti-democratic, with no normal time to be able to debate or discuss these massive changes to the rules.

The rules are harsh, and, in places, they are somewhat cruel. To cause loved ones to have to die alone, then not permit a funeral, restrict who can attend the burial and then not let the family visit the graveyard is cruelty. However, it is necessary in order to stop the spread of the disease, and that will save lives. It is cruel, but it is necessary.

People are still dying in our communities. The threat from coronavirus is as serious as ever, and if we let our guard down, we will be opening ourselves to the unnecessary loss of loved ones. In recent days, I have certainly seen a lot more movement in our community, and many people are calling for parks, cemeteries and recycling centres to be reopened. Any decision to relax the restrictions that we are operating under or to change the interpretation of those restrictions has to be underpinned by medical and scientific evidence. When Ministers are appearing on radio shows,

on television or at press briefings, they need to explain the rationale for those decisions, including any change that there is to medical advice. The Executive must ensure that they appropriately communicate with the community and let people know why things are happening and why things are not happening. If closing recycling centres is saving lives, let us explain that. People will listen to reason, but they need to hear it, and there can be nothing wrong with clarity. Decisions cannot be taken on the basis of simple lobbying; they need to be underpinned by scientific fact.

There also needs to be a road map for us to get out of the clutches of this virus. It is not a tap; it cannot be switched off. It is not seasonal; spring and summer weather will not reduce the impact, and the virus certainly is not going to be going away on its summer holidays. It is here until we manage our way out of it, and that will require the Executive to have a detailed plan, to communicate that plan and to make sure that everybody stays onside with that plan.

I know that people are finding lockdown extremely difficult. I understand those concerns, fears and anxieties, because we are all feeling them, but the cost of loosening the restrictions cannot be the lives of the people whom we care about. In the absence of clear medical advice, we cannot change the guidance because people do not like being cooped up anymore. We all have that feeling but it must be underpinned by the scientific facts.

Successful countries, such as New Zealand, Germany, South Korea and others, have common traits: testing, community tracing and working out who has, who has not and who has had this virus. When we know all of that, we will contain it better. When we get the vaccine, we will control and eradicate the virus, and all the rules and regulations will not be needed any longer. I cannot wait for that day, and I know that many people feel the same, but patience is needed. Sticking to the rules will save lives. It is better for us all to stick to the rules for a while than be one of those family members who loses a loved one and cannot go to the funeral, or worse still, be the one who is being buried. Let us stick to the rules, plan for the way out, communicate it to everyone and be prepared if this should happen again.

Mr Principal Deputy Speaker, we accept and support these rules but we wish that we did not have to.

Mr Gildernew (The Chairperson of the Committee for Health): Ba mhaith liom cúpla focal a rá ar dtús mar Chathaoirleach an

Choiste Sláinte. I would like to start my contribution by expressing my sincere condolences to those who have lost a loved one during this difficult time. I know that is shared by party colleagues and all members of the Health Committee. It is not easy to lose a loved one at any time but it is, perhaps, particularly difficult at this time of social-distancing and lockdown measures.

The Health Committee considered the Health Protection (Coronavirus, Restrictions) Regulations at its meeting on 2 April. The Department advised the Committee that, due to the serious and imminent threat being posed by the incidents and the spread of coronavirus, the Department was unable to submit an SL1 policy proposal, and that, to allow public health measures to be taken, the regulations were made without a draft being laid and approved.

We heard evidence from the Chief Environmental Health Officer in the Department of Health. The Department advised that the regulations cover three main areas: restrictions on businesses permitted to remain open; restrictions on the movement of people; and restrictions on social gatherings. Committee members raised a number of issues, including the importance of comparative information on similar measures in the South of Ireland and effective and ongoing North/South cooperation. I welcomed, in this respect, the memorandum of understanding that has been signed by the Chief Medical Officers, North and South, which aimed, where possible, to ensure cooperation and harmonised messages, and highlighted that cooperation is important to ensure that regulations do not present barriers or blockages in dealing with the COVID-19 crisis.

Committee members also sought assurances that the regulations would not disrupt the manufacture or supply of essential products and goods, especially medical and other supplies. We were advised that, subject to advice on maintaining social distancing, the rule did not require the closure of manufacturers. We discussed enforcement powers being given to the PSNI and were assured that the police have powers to disperse gatherings.

Concerns were also raised about the safety of employees in businesses that remain open and members asked whether those businesses that fail to put in place social-distancing measures would be required to close. Members flagged concerns that some businesses are reported to be operating without social distancing or PPE. The Committee was advised that it remains the responsibility of business owners to ensure the health and safety of their staff, if their business

remains open, and the need for all workplaces to strictly adhere to guidance from the Public Health Agency and the Health and Safety Executive.

Members were further advised that the Health and Safety Executive and the environmental health departments within councils each have responsibility for different aspects of this and that. Complaints may be made to the relevant body. We were also informed, however, that under the rule, only the PSNI are given relevant enforcement powers but that designation of other bodies was under active consideration. I would be grateful for an update from the junior Minister on this matter.

11.00 am

Members raised the important issue of communicating the regulations to ethnic minority communities, for example in the form of leaflets in other languages. The chief environmental officer undertook to feed that back into the system and to act upon it.

Finally, the question of procedures at ports and airports was raised in terms of addressing the risk of further transmission of the virus from cargo or passengers — another issue that has come to prominence recently as flights are carrying seasonal workers from eastern Europe. The Committee was advised that airports would be treated as workplaces when it comes to social-distancing requirements, but I think that questions remain over the approach to individuals arriving on flights from elsewhere.

Due to the urgency of the situation, the Committee was unable to take the views of other Committees with regard to the cross-departmental elements of the regulations, as it would normally do. The Committee therefore agreed to consider only the health aspects of the regulations.

Members acknowledged the unusual nature of the regulations and the restrictions contained therein, but broadly supported the need to implement such measures in the current circumstances. The Committee noted that the regulations provide that the Department of Health must review the need for the restrictions and requirements imposed by the regulations at least every 21 days, with the first review being carried out by 18 April 2020, and that the regulations will cease to have effect after a period of six months.

It is crucial that we learn and implement the lessons from the start of this outbreak. We must do that swiftly to ensure that mistakes are not

repeated and to prepare for further phases or surges of this virus. The Health Committee will continue to play its part in that process. The Committee agreed that it was content with the health aspects of the regulations.

I will now add some remarks as Sinn Féin's spokesperson for health. It cannot be said enough that we live in unprecedented times. The scope of the provisions within these regulations shows the extent of the measures deemed necessary to tackle COVID-19. They say that a week is a long time in politics, but it appears to be an absolute age during this pandemic.

There are many parts of the regulations that I could discuss at length, whether it be the make-up of the list of underlying health conditions or the provisions on public gatherings, especially the needed changes around funerals and wakes, which have a special place in our community life in Ireland, both in the towns and, perhaps especially, in rural areas like my own. However, I will focus on the key aspects of the regulations: the powers to restrict movement and travel.

The need to reduce unnecessary travel and social interaction is a key response that is backed up by international evidence from the World Health Organization, the European Centre for Disease Prevention and Control and many others. Restrictions on travel and movement are one of the most noticeable measures to reduce social contact. The WHO indicates that these measures are effective but have a cost. They also lose their benefit if they are not coordinated across the entire island. Effective implementation and coordination across the island is essential, especially as part of a future review of the regulations.

I believe it is worth noting that the measures were already largely observed in the North ahead of the Executive, with many schools effectively closed, events cancelled and families already self-isolating. We are only now starting to see the benefits of that. Essentially these measures are designed to keep the public safe, but they are also — and this is an important point for the public to remember — vital in keeping front-line workers and staff safe. It is brilliant for us to clap for health and social care workers on a Thursday night, and very well deserved, but we are hearing ongoing concerns about access to PPE and difficulties in testing, so one of the best things that the public can do at this time is to stay at home in order to protect and not overburden our health service. I look forward to the time when these measures are no longer necessary, when we have the testing

and contact tracing systems in place to do as the global experts say — to test, isolate and trace — but we are not there yet.

In a recently published guidance document, the World Health Organization advises a number of steps that need to be in place to deal with the situation. The first is that transmission is controlled. The second is that capacity is in place to detect, test, isolate and treat every case and trace every contact, and that outbreak risks are minimised in special settings like health facilities and nursing homes, about which we are all gravely concerned.

I want to quote a clear message from the WHO guidance that is important to remember:

"To prevail against COVID-19, we need an approach that unites in common cause every individual and community, every business and non-profit, every department of every government, every non-governmental organization, every international organization, and every regional and global governance body, to harness their collective capacity into collective action. Everyone has a crucial role to play in stopping COVID-19".

There is a saying that night is darkest just before the dawn, but let us be very clear: we are not through this yet, and, for that reason, Sinn Féin supports the regulations. Bígí slán uilig ag an am seo. Be safe and take care.

Ms P Bradley (The Chairperson of the Committee for Communities): I join other members in the House this morning in offering my sincere condolences to the many families out there who have lost someone that they love dearly. I also join the Chair in his remarks that death at any time is very difficult, but given the numerous restrictions that we have at the moment, it is most certainly an awful lot more difficult at this time. I also offer my heartfelt thanks to all those people in health and social care who are doing an absolutely wonderful job and also those essential workers who, behind the scenes, are carrying out many aspects of daily living in Northern Ireland that go unnoticed, so a massive thank you to them.

I rise to speak on behalf of the Committee for Communities. While the Committee has not formally discussed the regulations, its members have been aware of those aspects that relate directly to the Department for Communities and the nature of my comments as Chair of the Committee.

The restrictions outlined in the regulations undoubtedly curtail the normal activities associated with everyday life. In effect, these regulations put an end, temporarily, to those activities for the majority of people. However, it is reassuring that the people of Northern Ireland have responded with great understanding of the crisis we are in and the actions we must take collectively to emerge from the crisis as soon as we can with as few fatalities as possible.

It is not an understatement to say that adherence to the regulations will save lives, and the Executive have gone to some lengths to emphasise that. However, people need to be reassured that the restrictions in the regulations are not just essential but proportionate and that there are clear criteria and processes in place that will allow for those restrictions to be relaxed at the appropriate time. Therefore, it would be helpful if the Minister would clarify how the process of review takes place and against what criteria. That will be increasingly important as the public health impact of the virus in respect of decreasing infections and deaths appears to decline and the focus turns to restoring greater normality to all aspects of our lives. That will be particularly important to our economy, so we need clarity on the evidence required to support a decision to terminate a restriction or requirement. Perhaps the Minister can shed some light on that.

The economy has been significantly impacted, perhaps none more so than the hospitality industry, which plays a huge role in the wider tourism industry. Indeed, that is evident under schedule 2, which lists the businesses subjected to restrictions or closure. My party colleague the Minister for the Economy has taken decisions to support those businesses and that process is now under way. So, while the regulations are extraordinary in the extent of the restrictions, we should remind ourselves and wider society that the Executive have tried to balance those with support for industry and the individual.

The Committee for Communities also notes regulation 5 — restrictions on movement — which provides a reasonable excuse for a person to leave their place where they are living. The regulations state that a reasonable excuse includes:

"to access critical public services, including—

(iii) services provided by the Department for Communities;"

The junior Minister will be aware that those services have been significantly curtailed in order to minimise the need for a person to leave their home, but given the wide range of services provided by the Department for Communities, it would be useful if clarity were provided on what services the Minister had in mind when including that reference in the regulations.

We all look forward to the day when the restrictions and requirements imposed by these regulations are lifted, but it is important, as progress is made towards that goal, that we are cautious, that we do not take action too early and set back the achievements that we as a society have made together.

Mr Nesbitt: I thank the Minister for the statement, which offered much-needed clarity on the regulations and some of the rules that apply to them; for example, the circumstances under which it is permissible to drive to a venue for exercise and when it is not. However, I think there is still some inconsistency, and I invite the Minister to address, for example, rules on visiting cemeteries.

For some time, I have observed how a supermarket near here has been applying social distancing, beginning with restricting the number of shoppers in the supermarket; making sure that those in a queue maintain social distancing by marking the pavement in two-metre lines; and having a one-way system up and down the aisles. That is all very good, but it is not being enforced, and I do not see how it could be enforced.

What if a shopper is half way down an aisle, turns and goes back because they have forgotten a good? Nobody is saying, "You can't do that". Other people are going down the aisle the wrong way and nobody is preventing that. If a shopper stops to load their trolley, do the shoppers behind them all stop, each two metres apart? No, they overtake, passing each other, on all those occasions, much closer than two metres, and yet we permit that, every hour and every minute of every day, while we do not allow people who are grieving to visit the grave of their loved one. The testimony of those people is heart-wrenching; the impact on their mental health is clear. We say, "Go to a park, because it is good for your physical and mental health", but when it comes to someone who is grieving — the most natural human condition — we say, "I'm sorry", as the Minister said, and I believe I quote him:

"that is a price that we must pay".

I do not think that it is. I know that I could visit my father's grave at Roselawn Cemetery and the Roselawn authorities could ensure that social distancing is maintained in a way that is not maintained in our supermarkets daily, hourly and minute by minute.

While I welcome the Minister's statement, I think that we could do more to be consistent, be empathetic and to recognise our common humanity, and I would welcome his addressing that point.

Ms Bradshaw: Mr Principal Deputy Speaker, I very much concur with your sincere words regarding our collective sympathies and thanks to those working to fight COVID-19.

On behalf of the Alliance Party, I will make a few remarks about the health protection regulations. I support them, though naturally with the reluctance that many of us in a liberal democracy feel. I want to emphasise that the aim is to stay home and stay safe.

The powers conferred allow our Ministers to respond proportionately to deal with all public health aspects of planning for and dealing with COVID-19. They are far-reaching and go beyond what we would normally be comfortable with, but the evidence clearly shows that they are necessary. The regulations are fundamentally about enabling social distancing, and we can say with some certainty that they are starting to work. That demonstrates that the vast majority of people are not only adhering to the rules but are respecting the urgency and severity of this pandemic that we are all living through.

I would, however, like to take a moment to recognise that there are many in our society who are legitimately struggling with the lockdown. I want to make it clear that these regulations are designed to help them. Prime among those struggling are those who are suffering abuse at home — children, women and men — and despite the PSNI, Victim Support and many voluntary organisations standing ready to intervene, communication with the outside world may be virtually impossible. These regulations are about staying at home, but they are also about staying safe. If people are not safe in their home, they are entitled to seek support and to move somewhere safer under regulation 5(2)(m), which clearly states that a reasonable excuse for travel is:

"to escape a risk of harm."

I also want to include in this group children who are being denied access to one of their parents. There is evidence that some people are exploiting the pandemic to frustrate court contact orders.

However, again, the regulations very clearly and very rightly state at section 5(2)(j) that there is a reasonable excuse for travel for:

"children who do not live in the same household as their parents, or one of their parents, to continue existing arrangements for access to, and contact between, parents and children".

Some parents have contacted me — and, I am sure, others in the Chamber — who are in complete despair that their court contact orders are being frustrated. It is essential for children's well-being that the situation is not used as a legitimate mechanism by which to damage loving parent-child relationships.

11.15 am

We should also be aware that the regulations exist in the context of guidance from the Government which allows people with disabilities to travel for the purpose of exercise, as junior Minister Kearney said earlier, where there are specific requirements, including more than once a day. We must also recognise, however, that, for many residents who are still stuck at home, outside exercise is not suitable. They are missing their normal, structured daily activities. Unfortunately, their lives are being so negatively affected during the pandemic. We in the Chamber — I hope that Members will agree with me — give thanks to them and their carers for adhering to the stay-at-home regulations.

Lastly, the regulations are also clear that people should not have to leave home to work except where it is really necessary. Sometimes, that is the case, but even if someone cannot stay at home, they must be able to stay safe. Be they healthcare workers, shop workers or factory workers, their safety must be paramount and relevant adjustments made to their workplace and equipment in order to make that so.

Like others, I look forward to the day when we debate how we step down and move away from these regulations and lockdown. For now, we have to stick with the guidance. It is essential, therefore, that we ensure that the regulations are about both staying home and staying safe. That is our aim for us all.

Mrs Cameron: First and foremost, I want to take the opportunity, like others have done, to express my deepest sympathy to the families of all those who have lost their lives to the coronavirus in recent weeks. To lose a loved one at any time is very difficult. In these circumstances, it is all the more traumatic and difficult to process. It is also appropriate to recognise those who have lost loved ones through conditions that are unrelated to COVID-19, as their grief is no less in these most trying times. Of course, we think of all those who are mourning today. They are in our thoughts and prayers at this time.

The regulations that have been brought in by the Executive have been largely proportionate and justified in the battle that we all face against COVID-19. These are not normal times: these are exceptional times that demand exceptional measures from the Government. The regulations demand much of the people of Northern Ireland. It is very important to state that. They make the trip to Granny's on a Sunday impossible. They close the family business that has been passed down through generations. They make the farewell to a loved one through the normal process of grief — a funeral or wake — impossible for family circles, friends and communities across Northern Ireland. Life has changed for this period, and changed utterly, yet the price is worth paying so that more families are not grieving today and tomorrow, and so that the incredible health service and the heroes who deliver it can save lives.

I want to commend the people of Northern Ireland for their response to the regulations. In recent weeks, we have seen the collective will of the community to beat COVID-19 by staying at home, practising social distancing and being good neighbours. The response has united people young and old, from the schoolchild who misses their friends and is missing class — or maybe not — to the care home resident who is missing that cherished family visit. We must also commend all those who have kept Northern Ireland moving. I have already mentioned the heroic healthcare workers. I must also pay credit to many others, including retail workers, farmers, postmen and postwomen, refuse collectors, the PSNI, prison officers, and delivery drivers. They are heroes all.

I wish to raise several specific issues on which I would encourage action. Many in the House will know that an issue close to my heart is that of the rights, well-being and care of those living with autism. Lockdown poses huge challenges for those with autism and their families. I urge the Executive to build on last week's initiatives

by making clear the regulatory provision that specifically meets the needs of those with autism. I am glad to have received communication from the Department of Health saying that clarity will be given in the coming days.

Another issue that I wish to raise relates to the regulations around funerals. Funerals are a part of the grieving process. As I said earlier, for many, the opportunity to attend a funeral or service of thanksgiving is being denied at this time. That sacrifice is being made. Sadly, we have witnessed a small number of people ignoring the regulations by being part of funeral gatherings that go well beyond what is permitted in the regulations. It is important that the unified voice of the House tells those people that they are not above the law and that they do not have the right to do that which families grieving as a result of COVID-19 have sacrificed. I urge the PSNI to bring to justice those who flout the rules, for everyone's benefit.

While we ought always to have these regulations under review as the situation evolves, they are necessary. Let us continue to stay home, protect the NHS and save lives.

Mr Sheehan: From a political perspective, I would never want to introduce such restrictions on people's freedom of movement. However, as many colleagues have stated, we are living in extraordinary times.

On a personal level, as someone with young children — two daughters, aged eight and four — we are involved in the GAA as a family, we enjoy our walks on the beaches and in our parks and forest parks, and the idea of having to continue to stay at home as the evenings get brighter brings many challenges. However, those challenges pale in comparison with the challenges that our healthcare workers currently face, and would face to an even greater extent if we were to relax the restrictions now. We are told that we are in the surge period. Ceasing the restrictions that facilitate social distancing at this time would be, in my view, irresponsible.

The economic challenges that we face as a society will undoubtedly be huge as a result of this global pandemic, and we will need to support workers and business to rebuild in the time ahead. However, we need to keep our eye on the ball. This is a public health crisis, first and foremost. Early, decisive action, as recommended by the European Centre for Disease Prevention and Control and by the World Health Organization, such as closures and the cancellation of sporting and other

events, has been effective, but we still face challenges.

We need to increase testing in the community and in vulnerable settings such as care homes. We need to ensure that front-line workers have the PPE that they need to carry out their vital work in a way that protects patients, their families and themselves. We need to carry out proper contact tracing. Test, trace, isolate. The first of three criteria set out by the World Health Organization for lifting the restrictions is that transmission is controlled. The second is that the capacities are in place to detect, test, isolate and treat very case; and to trace every contact. The third is that outbreak risks are minimised in special settings such as health facilities, nursing homes and anywhere where there are groups of vulnerable people. We need to build our capacity to meet World Health Organization criteria before we ease restrictions.

On 12 March, the British Government and Public Health England decided to end all contact tracing, and a similar decision was taken here. Yet the countries that have been most successful at combating this virus used that combination of measures: testing, tracing, isolating and social distancing.

I understand that many feel apprehensive about the severity of the restrictions being placed on society. However, before we begin to ease these restrictions, we have to ensure that we build the capacity to continue to fight this virus. If we do not know where it is through community testing and contact tracing, how are we going to be able to fight it? There have been many commentators — and I am not talking about barroom commentators, or barroom epidemiologists or experts in bars on infectious diseases. I am talking about well-respected experts in their field, such as Gabriel Scally, who has been commentating regularly in the media and is an expert in public health. We need that combination of measures: of testing, widespread community testing and contact tracing, and then, isolation and social distancing. Until then, these restrictions will continue to save lives and that must be everyone's priority.

Mr Buckley: Like others, it is only appropriate that I begin my paying respects to those who have lost loved ones at this time, both through the tragedy of contracting COVID-19, but also those that have lost loved ones as a result of natural causes at this time. They are being denied the right of the basic grieving process. It is only right that this House recognises that and thinks of them in our deliberations here today.

I also want to put on record my thanks to the medical professionals for the way in which they have dealt with this public health crisis. They are, indeed, a credit to us all. They are a credit to our health service and, as time goes on, we will learn to value that service and those people in a way that is befitting of what we have been through.

I welcome the opportunity today to review these regulations. It is important that this Assembly has the opportunity to debate them, given the quick pace at which they came through the House. There has been limited scope and time for Members to have their say on how this pandemic has unfolded throughout our community, and indeed how these regulations have affected our community. That being said, given the time that we have had, there has been much reflection on what has been successful — the Junior Minister made reference to that — and other areas that perhaps need further work.

I want to focus particularly on three key elements. I listened to the Chair of the Committee for the Executive Office, Mr McGrath, who said that the regulations that are in place are cruel but necessary. While I agree, for a large part, with the sentiment of that, some particular references and restrictions are both cruel and unnecessary, and perhaps, in part, counterproductive.

I talk in broad terms, but I want to cover the scope of mental health and the cause of those who are suffering at this time, which is something that the Assembly has really taken to its heart since its reconstitution and re-establishment. The omission of mental health conditions in the definition of a vulnerable person in the regulations, at 1.(2), is something that gives me great concern. Mr Nesbitt has rightly outlined one of the key restrictions that has had a devastating impact on mental health — and it is something that needs urgent review — namely that of access to graveyards, and particularly urban cemeteries. For many, the most basic form of grieving is to visit the grave, whether that be to place flowers or for quiet times of reflection. For many, it is a private, dignified act of remembrance. I feel that the regulations that are in place are cruel and unnecessary in that regard.

Mr McGrath: Will the Member give way?

Mr Buckley: Yes, I will in just in a moment.

I want to bring to Members' attention the recent media reports that talked about an elderly gentleman from County Antrim who wanted the

opportunity to go and place flowers on his loved one's grave. She had passed away a year ago, and it was coming up to the anniversary. The gate was locked, so he attempted to climb the fence, impaling himself on the railing as he attempted to place flowers on his loved one's grave.

I am sorry, but I do not see how that regulation is necessary. If we can place and society can place social restriction measures on shops, as has been alluded to, or on walking space, surely to goodness we can place adequate restrictions in a graveyard. Let us remember that people go to visit loved ones at gravesides not for mass gatherings but for quiet times of personal reflection. Yesterday, I had an email on that very issue. It was from a gentleman who, quite briefly, got to the point:

"Please, sir, show some compassion and reopen our cemeteries. I had a bad breakdown last week. I am ready to end it".

That is getting to the point. While we put regulations and restrictions in place to save life — I recognise that in its entirety — we run the grave risk of taking life through the restrictions that we have put in place, if we do not act sensibly.

11.30 am

Mr McGrath: I thank the Member for giving way. Like others, from my family perspective, I have more immediate family members in a graveyard than out of the graveyard and know its importance. Does the Member accept that we do not want this to become divisive? We are all looking in the same direction, which is to get the cemeteries open. We are all in the vein of looking for that, and we have been stating that it is about getting the scientific evidence to say that it is OK. That could, I feel, be sorted out by today or tomorrow. It is about underpinning. If you start to change rules, people get confused. Scientific evidence is the way forward. If we could get that open, I do not see it taking any great length of time.

Mr Buckley: I concur with what the Member said about graveyards. I have no doubt that, if Members reflect on the point, there should be unanimity in the House about how we deal with the matter. Let us face it: I take your point about scientific evidence, but, if we have a situation where, for example, off-licences can be open and people can queue in a socially restrictive manner to access that service, common sense alone would tell you that the same rules should apply to a cemetery. That is logic. Nobody

should be against the principle, if it is done in the correct manner. Let us face it: those who attend cemeteries do so with the right frame of mind — personal, quiet reflection. I ask the Assembly and the junior Ministers to please take that point on board.

The next point that I will raise is about parks. The junior Minister clarified a point about travel for immediate exercise, and I welcome that clarity. That is important and needed at this time. I want to focus on parks that are in an urban setting. It goes back to my point about being cruel, unnecessary and, in some ways, counterproductive. Those who live in the countryside have access to some beautiful rural roads in fine weather and can walk the roads with less traffic in a quiet, peaceful manner and socially distance, but, for those who live in urban settings, it is quite different. What we now have is people taking to the high street to walk up narrow streets, much closer to one another than if they were able to access the green, open space in their town centres; in this instance, I think of Lurgan Park, for example. I realise that it is the responsibility and remit of the council, but the point stands: while the gates are closed on Lurgan Park, we force people to move in restricted places on our pathways and streets, while closing the open space that could provide them with an opportunity for daily exercise at social distance. My friend Ms Cameron raised a point about autism. I pay tribute to her, because I know that it is issue on which she has lobbied heavily. She has been a champion in the House for those with autism. For children with autism and their parents, having access to urban parks is essential to the mental health not only of the child but of the parent. That point should be taken on board.

Lastly, I want to talk about waste management, because it is an issue that, reflecting on the regulations in place, we need to explore. It deserves further discussion. We have an increase in fly-tipping and an increase in waste lying in our streets and in our backyards. For those who have no access to refuse disposal, we are creating another public health emergency. There is an increase in vermin and in the potential risk to individuals and young people. That is something that the Assembly and Executive really need to bear witness to. It is important to have a unanimity of message across the board. We see now that some councils are adopting a different approach. I go back to the principle that, if council staff or, indeed, any other staff can apply social distancing measures, they should do so.

Those are simple elements of the regulations that I wanted to highlight. Getting back to my litmus test, I feel that a lot of the restrictions have been cruel but necessary. That is without doubt. I welcome them. I voted for this legislation and the restrictions, but I now look in further depth at specific regulations that have been counterproductive. I have highlighted three of them. I appreciate the junior Ministers' time and ask them to reflect on those points.

Ms Anderson: I speak in favour of the Health Protection (Coronavirus, Restrictions) Regulations.

When I last spoke in the Chamber on the regulations, I sent my sympathy to the 10 people who had died across Ireland and the 17,000 who had died across the world. Here we are, only a few weeks later, and I send my deepest sympathy to the 894 people who have died across this island and the 170,000 who have died across the world. Even as we let all that sink in, no-one in the Chamber — I have listened to all the MLAs thus far — is enthusiastic about having to support such restrictions on our society. In normal circumstances, I would speak loudly against such restrictions at every opportunity, in Committee and in the Chamber. Ideally, this is not how we should or would legislate. However, as my opening remarks show, these are not normal times, and extraordinary measures are required to tackle a deadly global pandemic.

The public health crisis has resulted in having to put the economy to sleep in order to save lives. Had the restrictions not been introduced, the human cost at this stage would be greater. We cannot become complacent, and we must listen to the best scientific advice. We should reflect on the advice of the director-general of the World Health Organization last week at the COVID-19 briefing. He set out the criteria for lifting restrictions, and we simply do not meet them yet. We need to continue with the restrictions in order to break the chains of transmission. I commend all those in places like my home town, Derry, who continue to abide by the public health advice and adhere to the restrictions. They have kept the death toll down. Without doubt, a small number all over the North are ignoring the restrictions. They put others in danger. My appeal to all of them is, "Please stop it. Stop it".

This is an incredibly hard time, particularly for our amazing healthcare and front-line workers. They put themselves in harm every day in every way. The best way in which we can show our appreciation is staying at home and respecting the restrictions. It is, however, not the only way

we can show our appreciation. This deadly virus has infected every level of society, regardless of age or sex, but the evidence shows a stark reality: we are not all in this together. Low-paid workers such as bus drivers, nurses, agency workers, domiciliary care workers and shelf-stackers are those most likely to become infected, because they are more exposed. The pandemic has shown that many of the lowest-paid workers are society's key workers. They are our front line in responding to the deadly pandemic. Without them, it would be impossible to enact these regulations to save lives. Those workers deserve a fair, decent and enhanced salary; they deserve union representation; and they deserve secure employment. We do not have to wait until all of this is over to give them that and more.

As I said, the measures are draconian but necessary. People accept having their civil liberties stripped away in the expectation that politicians such as us will do everything in their power to save lives. On that note, I have been dealing with a family in Derry: the father is critically ill with COVID-19, the mother has been infected and they have three children. The father is in an ICU. The family sought the life-saving and specialist treatment of an extracorporeal membrane oxygenation (ECMO) machine, a state-of-the-art oxygenation treatment. When I raised the possibility of purchasing a machine for the North, which the family offered to crowdfund, I was told that there was a specialised unit in England that provided the service. I say that in the context of our civil liberties being removed and the expectation that people have of us politicians to save lives. When I challenged how COVID-19 patients could travel on a plane to England with nurses, who would, undoubtedly, get infected en route — the patient would probably die — I got a more substantial reply to confirm that the trust was looking at how people in the North could access that life-saving ECMO treatment in the South of Ireland. Nothing has yet materialised. Whilst it may be too late for that Derry father, it is not too late for others.

Most reasonable people do not understand why, on this island, we do not have an all-Ireland human health strategy to deal with this deadly pandemic, given that we have an all-Ireland animal health and welfare strategy. The pandemic neither knows nor cares about borders. We should trace, track and isolate on an all-island basis. I leave it there.

Mr Blair: I thank the junior Minister for moving the motion. I associate myself with the remarks of sympathy that have been made for those

who have been bereaved and those who suffer. I also offer our support to our excellent and valued front-line services.

11.45 am

The Minister convincingly described the terms of the regulations and, understandably, outlined some of the frustrations around them. He, then, rightly, reminded us of the fact that those regulations are in place to save lives. Further to that, perhaps, I will reflect a little more on the Chair of the Executive Office Committee's remarks, in which he mentioned the need for consistency of messaging in relation to the regulations and the public health and public safety relevance of that messaging and how we put that out. I want to concentrate on that messaging and the consistency of its delivery across our public services.

It might be possible to find restrictions in every aspect of the regulations that cause difficulty for an individual, for a sector or for a group. If we take, for example, the restrictions laid down by local councils on their services and the difficulties that that creates for ratepayers, we must immediately relate that to consistency of messaging so that ratepayers understand the link between those restrictions to restrictions on movement and the generally accepted, publicly important issue of social distancing. There are signs, at this stage, that social distancing is having an effect, though it is far too early to be confident, let alone complacent, in that regard. We need to be very careful about conversations in the House around the relaxation of regulations.

We have already mentioned cemeteries today. I am very mindful of the sensitivities and the real grief of people in and around that issue. I include in that some Members of the House who have been bereaved recently. That subject was also being broadcast on the airwaves as I travelled here today, so I accept that that is in the news. Access to parks was on the news over the weekend. As we entered the weekend, recycling centres were a news topic. We have to be aware that the mixed messaging that is emanating from those conversations is not conducive to clear guidance. It creates grey areas and uncertainty, and has the potential to put already stretched public services under further pressure.

For those reasons, while I support the motion, I ask that the Ministers who are present take with them today if they can, first, a request for consistency of messaging that is steered, of course, by professional health and scientific advice and, secondly, full explanation,

whenever possible and as regularly as possible, as to the reasoning behind the restrictions and the regulations. Thirdly, I ask them to make every effort to ensure consistency in delivery across government and different levels of government and in local government. If that requires liaison with the Society of Local Authority Chief Executives (SOLACE) or the Northern Ireland Local Government Association (NILGA) or any other body, so be it. In supporting the motion, I make those requests.

Mr Allister: None of us are particularly comfortable with the regulations, nor should we be. They are in the main necessary, though they are not perfect. As time goes on, we will need, proactively, to address the imperfections.

Mr Nesbitt and Mr Buckley have put their finger on one of the most poignant inadequacies in the regulations, which is the quite distressing situation that people are forbidden by law to visit the graves of their loved ones in a cemetery. Mr Buckley pointed out that the regulations preserve the rights of people to go to an off-licence but they prohibit a citizen to go to a graveyard. You can go to the enclosed space of an off-licence, but you cannot go to the open space of a graveyard. How preposterous is that? Yet, that is what these regulations provide for. Graveyards are not the gathering places of large numbers — outside of funerals, which are separately taken care of. They are solitary places where people go, often individually. On the radio this morning, we heard a former Member of the House, Kieran McCarthy, talking about being unable to go to visit the grave of his daughter. They are solitary visits in the main. They are not rowdy, rumbustious situations that get out of hand. They are singular, but they are critical to the grieving process and indeed to the mental health of many. Though, apparently, we have passed the first review of these regulations, they still maintain this outrageous restriction on any member of the public going to the grave of a loved one. If there is any compassion, that needs to be addressed. Yet, we are told that, on Friday, the Executive could not agree on that. My goodness. The junior Minister finished his remarks by talking about united leadership. If we cannot even get leadership on an issue as elementary as that, what hope is there for us?

When I read the regulations, I have a query for the junior Minister, presumably Minister Lyons, to respond to. Within these regulations, who has the authority to change that? I read in regulation 2(3):

"As soon as the Department of Health" —

not the Executive Office, the Department of Health —

"considers that any restrictions or requirements set out in these Regulations are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Northern Ireland with the coronavirus, the Department of Health must publish a direction terminating that restriction or requirement."

The restriction or requirement that I am referring to is that which is found in regulation 4(8), where it says:

"A person who is responsible for a crematorium or burial ground" —

and it is burial grounds that I am talking about —

"must ensure that, during the emergency period, the crematorium or burial ground is closed to members of the public, except for funerals or burials."

That is the restriction that is giving the difficulty. If I read regulation 2(3) correctly, the Department of Health could remove that restriction. Can the junior Minister specify whether it is correct that the Department of Health, and therefore the Minister of Health in his own right, could remove the restriction affecting burial grounds in 4(8) and that it does not require Executive permission? If that is so, I urge the Minister of Health to do it and do it now, because it is most grievous to many. If the Minister of Health cannot do it and it requires the Executive, it will be a test of the humanity of that Executive as to whether or not they do it. It really is beyond belief that that restriction exists while you can queue up and mingle in the closed environment of an off-licence or supermarket, but you cannot go to the open environment of a graveyard. That issue really needs to be addressed and to be addressed quickly.

I will make a few other comments. Some parks have reopened, and I do not take issue with that. Again, they are open spaces where social distancing applies. The People's Park, in Ballymena in my constituency, was opened. The throughput has been 15 people an hour. What is wrong with that? Some of the medical experts say that being out in the open air is the best possible provision that you can make for respiratory problems, so why should people not be in parks and why should they not drive to be

in a park? I noted that the junior Minister said in his opening statement that there was nothing to stop you driving, within reason, to a park. I hope that the PSNI were listening, and I hope that we will not have a repeat of an Assistant Chief Constable making a fool of himself on the radio by blatantly misinterpreting the regulations. Anyone who reads them would surely know that, in regulation 5, there is no restriction on driving to a park for exercise. It is quite clear:

"For the purposes of paragraph (1), a reasonable excuse includes the need—to obtain basic necessities, including food".

You can walk and you can drive. To take exercise, you can walk or you can drive. To seek medical assistance, you can walk or you can drive, and yet, we have had the folly of a senior police officer telling the public that you cannot drive to take exercise. It does not say that and it does not do anything for public confidence when an Assistant Chief Constable cannot adequately read the regulations, so I am glad that that matter was spelled out today.

Other issues that still require definition and refinement are the important issues related to the opening of manufacturing and other factories. It is still opaque. It is still whatever you want it to mean and it should not be like that. Three weeks ago — more now — the Executive feuded over what factories could be open and what factories could be closed. To try to square that circle, the Economy Minister established a stakeholders' forum. For three weeks, the mountain laboured and, at the end of it, it brought forward a mouse. We are no further forward. Again, take it to mean what you want it to mean, and that is a lamentable failure of the Executive. The junior Minister need not talk about united leadership if Ministers in the Executive cannot agree that if a factory can operate social distancing, it can and should be open. At the end this, we have to have an economy. Therefore, the common sense that is so often missing needs to be applied.

The danger with the regulations is that, in some ways, we get used to their abnormality. They are abnormal restrictions. We must not, as politicians and as a House, get used to them as the norm. We must re-establish the rights of people to go about their daily business as they see fit. We must lift the hand of government from oppressing in that manner. Yes, we must do it when it is safe to do so, but there are some things in here that I, Mr Buckley and Mr Nesbitt have referred to that are utterly oppressive and utterly unnecessary and should be removed forthwith.

12.00 noon

Mr Carroll: We are weeks into this crisis, and it is scandalous, to say the least, that the Executive have only now put out legislative guidelines on which businesses can and cannot open. Once again, the Executive have followed the Tories' snail's pace, waiting for them to act while leaving small businesses and their owners in limbo; allowing big businesses such as Bombardier to do what they like; and, worst of all, putting the lives of workers at risk. So slow have the Executive been to act that we have seen workers forced to walk off the job because of a lack of PPE or a lack of social distancing in place. They were forced to take action because Ministers would not.

I raise the deeply concerning issue of Bombardier in particular. This new law sets fines and provides for potential prosecutions for people in gatherings of more than two. Can we expect that, for forcing non-essential workers to gather en masse, Bombardier will receive hefty fines for putting workers at risk? I doubt it, yet I see nothing in either the Government's specification or in the legislative changes that indicates that building aeroplane parts is an essential service at this time.

Why therefore does Bombardier feel that it is able to announce that it will reopen very soon? Is it the case that a Minister on the Executive has given Bombardier the go-ahead to reopen and designate its work as essential? If that is the case, we urgently need the Executive to come clean. The Minister will be responsible for risking the health of our communities in favour of a quick buck for Bombardier bosses. Much was said about the actions of individuals during the debate, but there was not a single comment about Bombardier.

I want to speak too about construction sites, which have been publicly shamed for opening and forcing workers on-site while the Executive have turned a blind eye. It is shameful that profit margins and the economic interests of bosses here seem to be elevated above the health and needs of our communities. Every day it seems that I am contacted by workers or employers who are totally baffled by the guidance here; who have no idea what their rights are; and who are terrified that they are bringing this virus home to their family. They needed protection from the Executive for months but have been left in limbo. They deserve better.

Mr Lyons (Junior Minister, The Executive Office): I welcome today's debate and the thoughtful and sincere contributions from the Members who spoke. This is the first time that we have had to take legislation through the Assembly on behalf of the Executive Office. Just a few weeks ago, it would have been unthinkable that we would be introducing regulations that have such far-reaching consequences for almost every aspect of the lives of our citizens.

The regulations are detrimental to our economic well-being, restrict our civil liberties, and separate us from our friends and our families, but they save lives. In ordinary times, these restrictions would be abhorrent to all those who value the freedom to get on with our lives in the way that we want, without interference from the state, but, sadly, they are necessary as we fight this invisible and deadly enemy. Thankfully, people have been adhering to the rules put in place, out of respect for one another and our NHS.

I thank everyone for doing their bit and helping us to stop the spread of the virus. I know that it has not been easy. I have heard the stories of the heartache that people are facing. From those who cannot be with their elderly relatives. From those who have had to miss out on attending the funeral of their loved ones. From those who are fearful about their economic security or their businesses that have had to close. I know that it is not natural for us to stay apart from each other in this way. We are, mostly, social beings who thrive on interaction. However, I hope that people will be able to take some comfort in the fact that their sacrifices are helping to keep people alive, and that is why we have to stick to the rules that we have: we need to maintain social distancing, as difficult as that may be.

I want to turn to some of the points that Members made. It is clear that there were recurring themes woven through many of the contributions. Those included: the unprecedented nature of the regulations; the courage and selflessness of health and social care staff and the many others working in public services and businesses to keep things going; the importance of supporting the bereaved and the vulnerable; and the need to turn our minds to recovery.

The Chair of the Committee rightly pointed out the cross-cutting nature of the response to COVID-19 and the need for a joined-up approach across all Departments. I can assure him that the Executive Office and the Department of Health will continue to work

closely on the matter. He talked about the possible relaxation of the restrictions. Obviously, the first review was considered by the Executive, and no changes were made at that time. The next review will start to look at the timescale for easing some of the restrictions to get more of the economy working again and to ease the burden on citizens. The decision obviously calls for careful judgement. Easing the restrictions too early risks a resurgence of the outbreak, while prolonging the restrictions for too long would damage the economy and civic society. We will be guided, as ever, by what the science tells us about our success in tackling the outbreak and the level of risk. The Member is right to say that we need an evidenced-based, carefully communicated strategy when that time comes, and I can assure him that work on that is under way.

Mr Allister: Will the Member give way?

Mr Lyons: I will give way to the Member.

Mr Allister: What does the science tell the junior Minister about it being OK to utilise the closed space of an off-licence but it being wrong to singularly utilise the open space of a cemetery? Can he expound on that science, please?

Mr Lyons: I am going to come to that point when I address the comments that were made by Mr Buckley, Mr Nesbitt and Mr Allister.

In response to Colm Gildernew, regular reviews of the regulations will, of course, include looking at best practice in other areas. He referred to businesses operating safely. The engagement forum that was established by Minister Dodds produced a code of practice in relation to that.

Mr Gildernew also referred to enforcement by district councils. That will be kept under review. There are no plans to designate councils. However, if and when the Executive conclude that some of the restrictions can be lifted safely — for example, more retail businesses and public services being allowed to open — the need to involve councils will become stronger.

Paula Bradley, speaking as Chairperson, asked how and when the relaxation of the restrictions will take place. As I have said, that will call for careful judgement and ensuring that guidance from the scientific advisory group on emergencies and the modelling group is taken into consideration. She also referred to the classification of essential or critical services. Now, this is not defined. As you will be aware, the regulations do include some that would be

considered essential services; it is not a fully comprehensive list. However, if we believe that the provision needs to be broadened, we will bring forward an amendment.

I want to come to the comments made by Mike Nesbitt, Jim Allister and Jonathan Buckley about cemeteries and graveyards. They made very powerful points in their contributions on this issue, and we do recognise the sensitivities around it. I have been contacted by a number of constituents, and, indeed, by people outside my constituency, who are having an incredibly tough time as a result of this regulation. I am well aware of the pain and the suffering that some people are going through. This is not just people who have been recently bereaved — we all know that the pain of bereavement can remain acute for many years after a death.

I was contacted by the father of a four-year-old girl who died a number of years ago. Her mother is a nurse in our health service, and some of the only comfort that she can get is by visiting her daughter's grave on her way to and from work, so I have huge sympathy for that family. I heard of somebody else, who, for the past 50 years, has visited the grave of her mother on her birthday, and she is finding it exceptionally difficult that she cannot do that. I do not want people to think, for one moment, that I am not aware of the sensitivities around this. I am extremely sympathetic to the points that were made.

Mr Allister asked about the scientific advice that is available. Obviously, we will be asking the Chief Medical Officer, and others, about their advice. However, we need to ask ourselves some common-sense questions as well. Can social distancing be maintained? Is it likely that this will increase the spread of the virus? We also need to look at the number of people who might be expected to be in a cemetery or at a grave, and we can assume that that would be a very small number.

We also have to take into consideration the health, including the mental health, and well-being of individuals. All those things will be taken into consideration. I promise Members that we will look into this and that we will take all those things under consideration. Ultimately, however, it will be a decision for the Executive to take.

Mr Nesbitt: Will the junior Minister give way?

Mr Lyons: I will give way to the Member.

Mr Nesbitt: I appreciate not only your comments but your tone. I am not a scientist, but, respectfully, if you give me a scale map of, for example, Roselawn cemetery, I will show you a way to ensure social distancing not of two metres but of 20, how many people can access the cemetery at any given time, and a one-way system that guarantees that people do not overlap and cross as they do in a supermarket aisle. I think that that could be done today.

Mr Lyons: That is, obviously, what we will be taking into consideration as well. I thank the Member for his comments. I realise how sensitive this is, and I know that nobody in the Executive wants to cause undue harm or pain at this time.

I want to move on to —.

Mr Allister: Will the junior Minister give way?

Mr Lyons: I will give way to Mr Allister.

Mr Allister: The junior Minister says, "We will do this; we will do that. We will take all these things into consideration". Have the Executive already discussed this issue and decided to make no change? Can the junior Minister be forthright with us on that? If the Executive have decided to make no change to the regulations on cemeteries, could he please explain it to us?

Mr Lyons: Obviously, Mr Principal Deputy Speaker, such discussions are internal to the Executive, and it is not appropriate for me to talk about them at this time. However, not only have the regulations to be reviewed every three weeks, but they can be reviewed at any time.

12.15 pm

I agree with Paula Bradshaw about the difficult situation that many find themselves in as a result of domestic abuse or the difficult circumstances that they might find themselves in because of having to stay at home. I fully agree with the Member that it is right that those people can leave home if they need to get help. I was also reminded of the comments made yesterday by the Health Minister in relation to the need for people to continue to access medical help if they need it. That is really important. We are obviously seeing a huge reduction in the number of people accessing health services at this time — for example, in emergency departments — but people should go to get support and help when they need it. That should not stop simply because of COVID. I also agree with what the Member said about

parental rights or responsibilities and the rights of children to have contact with their parents.

Pam Cameron made the key point that it is not the regulations that save lives but the fact that our citizens are observing them and, in addition, the courage and the professionalism of those who work in our health service. I want to put on record once again our thanks to all of those in the health and social care sector who are doing so much to look after us and to protect us at this time. I also pay tribute to our pharmacists. Our pharmacists can often be forgotten about, but they are just as much on the front line as many others in the healthcare sector. I also pay tribute to all of those key workers out there who do so much, including our farmers and all of those in agri-food and processing and those in haulage and transportation. They do so much to make sure that we continue to have food and all of the other supplies that we need. I also thank Mrs Cameron for her work on autism and reassure her that the PSNI have assured the Executive that they will take a reasonable, proportionate approach to enforcement and one that recognises the particular needs of people with autism or, indeed, other conditions.

Mr Sheehan spoke in some detail in regard to the need for PPE, and that is absolutely right and appropriate. He spoke about the need for testing and resumed contact tracing. Of course, winning the war against COVID-19 will require winning more than one battle, but planning for that future phase is now under way.

Mr Buckley made comments around cemeteries, and I have addressed those issues. He made comments in relation to parks, which are not covered in the regulations. It is up to those who operate parks, but we have heard his comments. Additionally, he made comments about household recycling centres. Councils have taken different approaches to that. We recognise the need for commonality, but the DAERA Minister intends to bring forward more information on that later this week.

Martina Anderson rightly emphasised the stress and difficulty that this causes an awful lot of people. She raised a matter specific to one constituent. I am sorry to hear of the suffering that that family faces at this time. It is not a matter for the regulations, but I will ask the Health Minister to reply to her in relation to that.

Mr Carroll raised an issue around Bombardier. I think that the Member has not understood the regulations in that regard. There is no restriction on manufacturing companies such as Bombardier operating; however Bombardier, like all companies, must ensure that its

employees can work safely and that the enforcement of statutory duties in health and safety legislation is maintained. That is already there in current legislation, and that needs to be adhered to.

I think that I addressed the issues that Mr Allister raised in relation burial grounds. On the matter of authority to change regulations, the Member is correct: the Department of Health can terminate any restriction in the regulations. However, the Minister of Health, recognising the cross-cutting and sensitive nature of the regulations, had referred the matter to the Executive for consideration.

I apologise to Mr Blair. I had not forgotten about him; I just left him to last. He made an important point about the need for consistent and clear messaging: I completely agree with that. Certainly, we say that the regulations need to stay in place. Of course, there will always be reviews, and, of course, there may always be things that we need to tidy up or clarify. However, I hope that the message goes out from here very clearly today about the need for the regulations and their importance. I assure the Member that there is regular and ongoing dialogue with SOLACE at this time.

If any Members feel that there are points that I have not addressed, I assure them that I can, of course, respond in writing in the days ahead.

Making such regulations, by any standard of normal democracy, is a necessary but deeply uncomfortable course of action for us to take. Today, in the Assembly, we must do this uncomfortable thing. The alternative is far worse, for it would involve the needless death of thousands of our fellow citizens and overwhelm our fantastic health service and the first-class staff who work in it. We need to have the courage to do that which is unpalatable to prevent much worse consequences, and that means that I am in the strange position of seeking the approval of the Assembly for legislation while longing for the day when it can be repealed. The regulations will be repealed at some stage. Let us remind ourselves that this is only temporary; we are asking people to adhere to the restrictions not for ever but simply for a period that will end. That is why it is so important that we adhere to them and that we remember that it is only for a short time. We will be able to look forward to a time when the restrictions will be lifted and citizens can once again enjoy the freedoms that we cherish. We can look forward to a time when we can support the vulnerable, comfort the bereaved and properly mourn the departed, and we can look forward to a time when we can celebrate the

heroes who have done so much for us. In short, we can look forward to a time of normality.

Be under no illusion that, when normality returns, we have a lot of work to do. First, we must rebuild our economy, learning the painful lesson that our economy can be shaken up very easily in a short time, so building future resilience must be central to that. Secondly, we must rebuild our health and social care service. The response of that service and everyone who works in it has been truly magnificent, so, in return, we must nurture and transform it, investing in its capacity and its resilience and, above all, investing in its people to show how we value them. Until then, we need the regulations in order to protect that service and to protect us all. Therefore, I commend the regulations to the Assembly.

Question put and agreed to.

Resolved:

That the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 be approved.

Mr Allister: On a point of order, Mr Principal Deputy Speaker. Any Parliament or Assembly worthy of the name takes a serious view of a Minister misleading it, and it is such an episode that I want to draw to your attention. On 23 March, the deputy First Minister, no less, told the House that the Executive had signed a contract for PPE, implying that it was with China and causing great hope and expectation amongst our hard-pressed National Health Service workers. It turned out there was no such contract. I say that on the basis of what her colleague the Finance Minister, Mr Murphy, told the Finance Committee on 8 April, which was that no contract had been signed. He did not know why the deputy First Minister had claimed that and, I say, misled the House. Yet, today, we had a debate where there was an opportunity for the deputy First Minister, under Executive Office business, to come to the House to correct, withdraw and apologise for misleading the House, but it is clear that she has not done that. That is why I left it to the end of the debate to raise the issue that, on 23 March, in response to Mr McNulty, she said

"Just this morning, we signed a contract that will see additional PPE brought in." — [Official Report (Hansard), 23 March 2020, p24, col 1]

She had previously told Mr McGrath,

"At a meeting this morning, we were told that, through Finance, we have been able to secure a contract". — [Official Report (Hansard), 23 March 2020, p15, col 2]

None of that was correct. The House was misled by a senior Minister. I ask you, as the person occupying the Speaker's Chair today, to take action on that. I respectfully suggest that the appropriate action would be to refer the matter to the Standards and Privileges Committee.

Mr Principal Deputy Speaker: I thank the Member for his point of order. Matters relating to conduct in the Chamber are covered in Standing Orders 65, 69A and 70; in particular, 69A relates to the power of the Commissioner for Standards, who has responsibility in this area. I suggest to the Member that he should write to the Speaker's Office and seek a ruling on the matter. I am sure that it will be issued to him in a very short time. I hope that that satisfies the Member.

Mr Allister: Further to that point of order, if you are suggesting that the matter could be referred to the Commissioner for Standards, I have to respectfully suggest that it could not.

Mr Principal Deputy Speaker: There isn't one.

Mr Allister: Well not only because there isn't one but because his powers are restricted to the actions of MLAs, not Ministers. Indeed, now that you have given me the opportunity, I hope to bring legislation before the House that will plug that lacuna. The actions of a Minister — it was a Minister acting as a Minister who misled the House — cannot be investigated by the standards commissioner. I certainly think that the Standards and Privileges Committee is the right place for this to be inquired into. If you require me to write to the Speaker's Office and put in writing what I have said here — it will appear in the public record, so it seems a bit unnecessary — I will do it, nonetheless.

Mr Principal Deputy Speaker: The Member is very obliging.

Discretionary Support (Amendment No. 2) (COVID-19) Regulations (Northern Ireland) 2020

Ms Hargey (The Minister for Communities): I beg to move.

That the draft Discretionary Support (Amendment No. 2) (COVID-19) 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.

Ms Hargey: The regulations are brought in under article 135 of the Welfare Reform (NI) Order 2015. They will amend the Discretionary Support Regulations 2016.

As Members will be aware, my Department recently introduced enhancements to the discretionary support scheme. They included the introduction of a new living expenses grant payment to help people who find themselves in a crisis situation as a result of COVID-19. I am pleased to advise that my Department has moved quickly to introduce that new element of discretionary support. The first living expenses grants for people affected by COVID-19 were made on 25 March. That was a day after the amendment to the regulations was approved. I thank Members for moving so quickly to ensure that support could be provided to vulnerable people. I can advise that almost 1,300 living expenses grants for COVID-19, for approximately £219,000, have already been issued. That indicates £175,000 awarded to more than 1,000 households in the week ending 17 April; indeed, in the past month, my Department has awarded over £1 million in emergency financial support to more than 5,000 households.

12.30 pm

I have previously explained that I am determined that my Department will do everything that it can to help people who have been diagnosed with COVID-19 or have been advised to self-isolate. This includes considering further amendments to the discretionary support scheme that will have immediate benefit and can be introduced quickly. The amendment that I am bringing forward today in the Discretionary Support (Amendment No. 2) (COVID-19) Regulations 2020 will achieve these aims. It is a relatively straightforward amendment that will immediately allow more people on low incomes, including people who are subsisting on social security benefits, to access discretionary support.

Entitlement to discretionary support is determined by the level of income that a person has. This means that people in low-paid employment may be eligible to receive support.

The amount of income received must be below the annual income threshold, which is a prescribed amount set with reference to the national minimum wage's over-25 rate and automatically adjusted whenever the rate increases. Under the existing legislation, the income threshold increased to £18,137 from 1 April this year. However, even with the planned increase, the annual income threshold will be below the level of the benefit cap for couples or people with children, which is £20,000. That means that many people, particularly families, who have their total benefits reduced by the benefit cap, cannot receive help from discretionary support, which is unacceptable. I am therefore proposing that the annual income threshold be increased to more closely align with the level of £20,000. In the crisis that we are all facing, this means that more people on low incomes will be able to access emergency financial support. This will include the new living expenses grant for people affected by COVID-19 that the Assembly recently approved.

The new income threshold is considered to be appropriate as it is the maximum level of benefits that the Department will normally pay. Aligning discretionary support to this amount will mean that more people in receipt of income-related benefits will be able to access emergency support. However, I will seek to allay concerns that some Members may have that we are allowing unrestricted access to grant payments that may be seen by some as a drain on public-sector finances. I can provide an assurance that, while these regulations will mean that more people will be eligible for discretionary support, that does not mean that they will receive payments. This scheme is there to provide emergency support in a time of crisis for an individual or any member of their immediate family. These conditions must still be met before a payment will be issued.

The legislation that Members are asked to approve today will amend the formula update to calculate the annual income threshold. Rather than using the current calculation of 40 hours per week over 52 weeks, it will be changed to 45 hours per week over 52 weeks. I believe that this approach is preferable, and it will increase the income threshold to £20,405 from 1 April 2020. It will more closely align to the £20,000 benefit cap level, while retaining the link with the national minimum wage. The effect of this will be that any future increase in the national minimum wage will automatically result in an increase in the income threshold. The introduction of this amendment to discretionary support, alongside changes introduced recently, will undoubtedly maximise the emergency financial support available to people on low

incomes, and I firmly believe that it is the right approach to take at this time.

Ms P Bradley (The Chairperson of the Committee for Communities): I will make a few comments on behalf of the Committee. The Committee considered the SL1 for these regulations at its meeting of 6 April and was supportive of the regulations' being made. The Committee is actually scheduled to consider the statutory rule tomorrow, so has not had the opportunity to come to a formal Committee position on them. However, I have contacted the members of the Committee and they have agreed that they are content to support these regulations as long as the Minister can give assurances that the policy has not changed since the Committee's consideration of the SL1. Notwithstanding that, it is worth noting that the Committee recognised the necessity of helping as many people in need as we possibly can during this crisis. Raising the income threshold to just over £20,000 brings it in line with the benefit cap, which the Committee views as a reasonable approach to ensure that more low-income households can access support. Discretionary support has been one of the Department's key mechanisms to provide that support, and the House has seen a number of regulations directly relating to discretionary support.

It is worth reminding the House that a previous set of regulations provided a non-payable grant to successful applicants for short-term living expenses where they or any member of their family has been diagnosed with the condition or has been advised to self-isolate, and repeated applications can be made.

Given the nature and extent of the crisis, it seems almost impolite to ask about cost, but scrutinising the cost of such proposals, even under the current, difficult circumstances, is necessary. The Committee asked about costs relating to the regulations under consideration, but the Department advised us that it did not have reliable estimates for the cost of implementing the regulations. It is, however, logical to state that when you increase the income threshold and, therefore, widen the eligibility for discretionary support, the cost will go up. We do not know the number of claims that will be made, and, therefore, we do not know what the overall costs will be. The Committee, therefore, noted the need to monitor the number of applications for discretionary support so that, where necessary, further bids for funding can be made to the Department of Finance. I thank the Minister for her update on some of those figures today.

While not directly related to the content of the regulations, it was also reassuring that the Department is redeploying staff to discretionary support and universal credit to ensure that payments are made as quickly as possible to those people in need.

The Committee also raised concern about how information about the range of grants and loans under the wider umbrella of discretionary support will be conveyed to applicants to ensure that they apply under the scheme most appropriate to their needs. On that issue, the Department agreed to consider how best to disseminate that information to applicants, other than directly, and how to make that information as clear and understandable as possible to applicants and MLAs. Perhaps the Minister can advise whether progress has been made on that.

Lastly, I pass on the Committee's recognition of the immense amount of work that our officials on the policy and legislation side and on the operational side have carried out to ensure that people are getting the support that they need. I should also add that we thank the staff of the arm's-length bodies who come under the remit of the Department. The Committee wrote to the Minister on that issue last week, but I think that it is important that we put it on record in the House. With that, the Committee for Communities is content to support the motion that the House approves the regulations.

Mr Principal Deputy Speaker: Before I call the next Member to speak, I remind Members of the convention that maiden speeches are heard in this House without interruption.

Ms Ennis: This is not my maiden speech.

Mr Principal Deputy Speaker: According to the Speaker's Office, it is. I beg your pardon. I was supplied with a list by the Speaker's Office. You cannot get the staff these days. It is desperate. I apologise.

Ms Ennis: What is the world coming to? I am sorry to disappoint. You will have to wait a little longer.

A Member: So we can intervene. *[Laughter.]*

Mr Principal Deputy Speaker: I am sure that it will be grand.

A Member: Will the Member give way?
[Laughter.]

Ms Ennis: It will be worth waiting for, I assure you.

I concur with the sentiments expressed by the Committee Chair and welcome the decision to bring forward this additional enhancement to the discretionary support fund in response to the COVID-19 crisis. The Minister is again to be commended on her swift and decisive action and for utilising all means in her Department to support people during these very challenging times.

Increasing the income threshold for eligibility to the fund to £20,000 will enable more people on low incomes to access the fund if they are experiencing financial hardship. I urge the Minister to make sure that the opportunity to apply to the discretionary support fund, along with the new criteria, is communicated clearly and repeatedly for those who need to hear it and that award decisions can be made quickly to ensure that the financial support can be got to people without delay. I know that the Minister will do her utmost to ensure that that happens, notwithstanding the serious challenges that we face in the current environment.

I also commend the people working in the Department in the jobs and benefits offices, on the telephone lines in the independent advice sector, to name a few, who are managing calls from people who find themselves needing advice and support at this very difficult time. It is up to all of us to do what we can and to do it as quickly as we can to help reduce risk to vulnerable people.

These are indeed unprecedented times, and there is an onus on this Assembly and particularly on Ministers to bring forward any and all measures that will support people, particularly vulnerable people, at this time. I support the motion.

Mr Durkan: I echo the remarks made by the Committee Chair and Ms Ennis. I welcome this and other moves by the Minister throughout this crisis. The Minister thanked Members for allowing this to happen so quickly. I thank the Minister for her effort in that regard. She has demonstrated not only great effort but great empathy, which is evident in many of the aspects of her and her Department's response to the crisis.

The points have already been made by the Committee members and others, and I think it is vital that, although the Minister has outlined statistics that demonstrate that there is awareness of the support and accessibility to it, I think that we need to do more to increase

awareness of it and ensure that there is signposting to it when people in desperate circumstances are having other doors slammed in their face.

The resource issue is also very important, and I am glad that the Department is sending troops to that aspect of the service to ensure that there is sufficient staff to respond to demand. However, it is vital that the staff who are deployed to that area are sufficiently trained and informed so that they are able to deal with this in an expedited and sensitive fashion. This is an extremely difficult time. There are many vulnerable people out there, and this has made them even more vulnerable. There are people who would never have classed or thought of themselves as being vulnerable who are now vulnerable, and it is important that they know that there is support available and that they are able to get it as quickly as possible.

Ms Armstrong: I thank the Minister for bringing forward the amendment to the discretionary support regulations. As the Chair said, the Committee has already agreed that it is important and needed. So many in our society have found themselves in financial difficulty due to this pandemic. Discretionary support was set up, as we know, to help people who live in Northern Ireland with additional short-term financial support for living expenses. The amendment is very welcome, as it will increase the income level, allowing more people to access discretionary support, especially those, for example, couples with children, who have been affected by the benefit cap.

However, as Mark Durkan MLA said, this will bring a greater number and different types of people into the realm of claiming support. The Northern Ireland Annual Survey of Hours and Earnings (ASHE) 2019 bulletin by the Northern Ireland Statistics and Research Agency (NISRA) states that the types of people who will be brought in to this category are: skilled tradespeople; plant and machine operatives; administration and secretarial staff; staff in caring, leisure and other service occupations; and sales and other customer service staff. As I know, from having been Infrastructure spokesperson, there are quite a number of self-employed taxi drivers and people in the building trades, so we can expect an influx of people who can now apply because their average annual earnings will fall into the qualifying levels.

We are expecting this increase to happen because, as we know, for self-employed people, the HMRC online application is not yet open, and payments for those people will not be

made until at least June. So, many people across Northern Ireland who never thought that they would be in receipt of benefits are finding that they have no option but to apply and seek that support. I ask the Minister to enable joined-up working by ensuring that self-employed people now applying, or who could apply, for discretionary support are advised by the Department for the Economy through its website, nibusinessinfo.co.uk, that this is now available to them, because, when you are not used to dealing with benefits, you would not even think of going to the Department for Communities' website. I want to make sure that people who have been innovative and have set up their own businesses are not left behind and their families are not left in severe financial hardship because of something that is outside the control of all of us.

12.45 pm

I would also like to note that, while it is not clearly stated in the legislation, it states on the website that students can now avail themselves of discretionary support. I want to thank the Minister and her Department for that. Many students lost the jobs that they needed to help them to meet their living expenses. Previously, benefits were available only to a few students who met an exception. Now, access is being given to support at a time when there are very few options for students to earn an income.

We know that there will be an influx of people who seek that support. As others have mentioned, the cost of the amendment will be quite large. It is expected to be so because people need help. Can the Minister ensure that the figures are included in the budget that will be presented to the Committee in the future?

I want to take the opportunity to thank her and her staff. When we talked about the coronavirus, of course the people who provide care such as the nurses, doctors and everyone in the health service were being recognised. However, we knew that the second wave of people who would be under pressure would be the Minister's staff and the people who look after the money and benefits in society. I must pay tribute to them. They have been under enormous pressure and have dealt with it with dignity. I want to thank them for that.

As others have said, it is important, at this stage, that we ensure that all those wonderful pieces of help that the Minister is bringing forward are communicated clearly to people, so that they know what is available, how to apply and how to ask questions about it. It is discretionary support. Can the Minister explain

how she will ensure that her staff are supported to make fair and transparent decisions throughout this difficult period on a scheme that will be needed by an awful lot of people in Northern Ireland?

Mr Buckley: I welcome the Minister's opening remarks. By and large, I concur completely with Committee members' remarks. Indeed, the Chair has outlined some of our broad concerns. We are all acutely aware of the dangers of the virus and, indeed, the extreme nature of its transmission. In these times, I want to salute the emergency services, who continue to play a vital role in reducing the risk to citizens across the country.

I also want to put on record my thanks and appreciation to the many staff in the Department for Communities who play such a crucial role at this time. I extend that to the many other key workers, particularly the council workers who continue to carry out essential services. In the Department for Communities, I am thinking in particular about the many dedicated workers, as has been outlined, in jobs and benefits offices across Northern Ireland. They face their biggest challenge to date in dealing with the many worried and anxious workers who fear for their families' safety in these grave times of economic hardship.

There is a need for urgent support and guidance now and, equally, when this period of destruction is over — and it will end. The community will need the Department more than ever before. Recently, I read with some alarm that a local economist had estimated that a potential 132,000 jobs could be lost as a result of COVID-19 in Northern Ireland. We may not see that coming through now, but there will come a time when the pressure on the Department and, in particular, those staff will be quite considerable. It is up to us, as the Committee, to support them. I know that the Minister will continue to do that in her role.

We know that the Department for Communities has carried out schemes to provide people with essential non-perishable goods. I also want to pay tribute to those who are not within the broad remit of the Department and have also provided food; many people in the community, from farmers to those who work in delivery and transport, food production, factories and, indeed, food retail. From the farmer to the truck driver, we are for ever thankful for their work in these hard times. Communities are indebted to those people. I ask that we continue to show them patience and understanding throughout this period. Front-line essential workers face the

most insurmountable pressure. It is crucial that we support them as best we can.

I support the discretionary support regulations that have been brought to the House by the Minister, albeit in far-from-ideal circumstances, as was outlined by the Committee Chair. As a member of the Committee for Communities, I, along with other members, have been afforded little to no opportunity to scrutinise the regulations that are before the House. I know that these are the times in which we live, and I welcome the essential asset of speed in getting that targeted help to the people who are most in need. However, I must say that, as an elected representative, operating in such a fashion goes very much against the grain.

I am relieved that the Assembly can still meet, that we can still put questions to the Minister and that we can help to improve the situation that we face. That said, as I mentioned before, I am on record as stating at the Committee my desire to work alongside the Minister in these deeply uncertain times. Extraordinary times call for extraordinary measures. For that cooperation to happen — this has been mentioned as one of the Committee's key concerns — I urge the Minister and her Department to continue that ongoing engagement with the Committee. I welcome the fact that we had a conference call with the Minister and her departmental officials. I found that a particularly useful way for Committee members to feed into the process our key concerns, many of which have been addressed in what the Minister has brought forward. I know that Committee members will continue to put their concerns on record.

In essence, for all those who are eligible, these amendments are to be welcomed. They will go some way to easing the fears and concerns that the vulnerable in our community face. However, on the back of the regulations, I have a number of questions, which, I trust, the Minister will, potentially, address. Some have been mentioned. As the Chair stated, we do not easily mention cost in these times. We understand that many people need support, and need it now, but it would be wrong of us, as Members, not to think of the economic impact of the measures. I recognise what the Minister said about the cost, and I urge her to keep it under constant review. We have, it is fair to say, widened the net for discretionary payments, but we and the Department are uncertain of their total cost.

I also want to put on record my concern about the administration of support and the pressure on staff. Will the Minister outline how this

discretionary payment can be swiftly applied in the most appropriate manner? Maybe officials from other places in the Department could be directed to help, given that we expect a huge influx of applicants for the payment.

My thoughts are primarily with those who have lost loved ones. I cannot begin even to imagine the pain that they have been going through having, as mentioned, been denied such basic functions of life. In the past two weeks — the Minister will recognise this — I have been moved by the charitable nature of our community that has been manifest by neighbours, sports clubs and various organisations that fall under the Minister's remit. As this crisis unfolds, the Minister will have to give considerable attention to those organisations. I recognise that, in many cases, there has been some movement on providing payments. We must, however, explore how we can reach those organisations that, essentially, are not being reached. I want to mention two of them.

I welcome the coronavirus community fund that the Minister released. It is an essential tool to enable community groups to access funding in order to help those in need in their community. However, the Minister will recognise, as indeed will other Members, that, over the course of COVID-19, we have seen a massive influx of those who have been involved in community activism. They are not joining the normal community groups that are already constituted and in place. They have set up their own groups, which are much more targeted and, in some cases, much more effective at reaching those who are not within the remit or grasp of constituted community groups. They have been unable to access grant funding because they are not constituted community groups and do not have bank accounts. I ask the Minister to look at ways in which we can reach such organisations, specifically those that were set up specifically with COVID-19 in mind. I think that, if we can reach them, and they, in turn, can reach their community, we can lessen the impact that many face at this time.

I also want to mention charities, many of which face a devastating loss of income. I think particularly of the good work that is going on with a lot of charities in our communities, and I have taken the example of Portadown YMCA in my constituency. It has led from the front, collecting perishable and non-perishable goods to deliver and distribute to the community. Has the Minister given any consideration to a form of hardship grant that could help to alleviate the pressures that charities face at this time? They are still providing a valuable service. We are

indeed, quite rightly, targeting those that we know are vulnerable, but there are also others that are particularly vulnerable at this time who, perhaps, do not fall under the specific discretionary support that was mentioned. Nonetheless, it is important that we, as Members, raise this with the Minister, and perhaps we can look at a broader remit for the support package. That being said, I support the regulations.

Mr Carroll: I have no doubt that everybody will support this motion today, but I must point out that it does not go far enough. I also draw attention to how the Executive, in my view, are dragging their heels on announcing serious, wide-ranging measures to help the unemployed, those on benefits and those who are most vulnerable in our society. Across Europe, indeed even across the water and south of the border, where we are governed by dangerous Tories in Britain, and Fine Gael, who are practically Irish Tories, we have seen Governments forced to take measures, which are out of step with their economic thinking, to support workers and the unemployed. However, there has seemingly been little to no independent thinking or action from the Executive.

This crisis has seen thousands of unemployed people joining the queue for universal credit. I do wonder if the parties in this Chamber that voted through universal credit now regret their support for welfare reform, while thousands of their constituents, and mine, turn to food banks and community food parcels for support.

This legislation was due to come to the House a few weeks ago, but the Minister removed it from the agenda. It is now back and, from what I can tell, without wide-ranging changes or changes that, in my view, are good enough. The reality is that the real obstacles for people accessing discretionary support are issues like the amount of debt they have and whether they can claim it when they first apply for universal credit. Discretionary support is very restrictive, and while it seems to me that the increase in income thresholds will extend to those workers who have been furloughed, I cannot see who else it will benefit, such as those trying to survive this crisis on meagre universal credit payments.

While I welcome the fact that those who are self-isolating can now access a grant three times in a twelve-month period, that does not go far enough, in my view. There needs to be a greater emphasis and moves towards paying the unemployed, increasing universal credit,

increasing housing benefit as well as scrapping the benefit cap and other draconian measures.

I want to highlight to the Minister the issue of loans. Because they are deducted from benefit payments, some people find themselves crippled with discretionary support loan repayments and other repayments. Debt repayments should be cancelled immediately for people struggling, in this current environment.

Finally, will the Minister tell the House the breakdown of grants and loans that have been awarded by her Department since this crisis began some weeks ago?

Ms Hargey: There are a couple of issues that have been picked up, all of which are important. First, the issue of finance, which I covered a couple of times in Committee and during a ministerial statement a couple of weeks ago. There was an underspend, initially, in contingency fund arrangements that we had within the Department. Therefore, the contingency fund, along with a bid of £5 million that we have made to the Department of Finance for this financial year, means at this point we are confident that we can meet the need that is there and there are mechanisms in place. This is a discretionary grant and it will be monitored on a regular basis by our staff. I have a weekly meeting with social security staff to ensure our staff resources, to make sure we are protecting those most in need and to make sure that the system is functioning. So, this is kept under constant review.

I will echo the words of those in the Chamber who have thanked the staff. We have one of those people here — not to redden David's face — who, amongst others, went above and beyond. In fairness, they normally do because they really believe in meeting the needs of people at the grassroots. Therefore, I just want to reiterate those words about our essential front-line staff who are delivering essential front-line services. The public have seen that, as have those people who are availing themselves of the support.

1.00 pm

As for the process itself, discretionary support is a manual system, and that is one of the difficulties — information has to be physically put in manually. In some ways, that slows it up. We have redirected staff in the Department. Again, I touched on that a couple of times at the Committee and in the Chamber. We have come away from other duties around collecting other

payments and stuff and have redirected people into universal credit, in particular, because of the massive influx of over 50,000 new applications. We have also redirected people into discretionary support.

We have broken down the processes that are needed, so that not everybody needs to have the full training in discretionary support. We have broken down how the process is managed to ensure that we are speeding up the processing times. There is now also an online application, so that people can fill in and return the application online.

All the new changes have been introduced over the last couple of weeks, and, indeed, the online application form is available on nidirect as well.

I go back to the financing. Those who were in employment or self-employed can avail themselves of this. I will look into the communications issue more broadly, but particularly for those who maybe have not interfaced with the social security system before. I will look to see what we can do about ensuring that people in the business community also have the relevant information, where they now have to engage.

We have seen social security measures introduced to the business community, as well, of up to £400 million in support so far. Looking at £1 million in financial support has to be taken in that wider context. I think that we are putting the money here, through discretionary support, to those at the bottom end and the coalface who really need it the most. If we can de-risk or give social security protections to business, we can certainly do it for those who are most vulnerable and need it the most.

It was touched on again and again, and I read this in the Assembly a couple of weeks ago: students can avail themselves of this. That is because I have declared this an emergency. That, therefore, allows students to be included. Again, from that meeting, I asked for that to be communicated to the unions, over the last couple of weeks, as well.

The criterion for this part on COVID is that it is for those in crisis. It is important that it is not just a one-off grant. Applying for the grant is not limited to three times. You can apply for this grant more than once, on multiple occasions, if you are in crisis and display that you are in crisis and need the help and support.

There is also regular contact with the independent advice sector. There are weekly

engagements with them, because they know. Obviously, we do not want anyone not to have the information about the support. We are trying to get the information out there as much as possible, through our own jobs and benefits work and, importantly, through working with the independent advice sector. Again, I commend that sector's work. The COVID community helpline, for example, is being managed by Advice NI, with many of the independent advice organisations that, again, are going above and beyond their normal duties to respond to the health emergency that we all find ourselves in.

There is an issue about those who have come onto the social security system and where they go to next. What will come of the unfolding situation? Indeed, as well as responding to the direct emergency and trying to deal with people in the here and now, staff in our security team have already started to put plans in place to look at interim, next steps and what we need to do beyond that and, importantly, at trying to get people back into the job market, particularly those who can move quickly enough.

We will continue to update the Committee and the Chamber on those next steps, as we start to move through that. I am committed to going back to the Committee and having engagement with it. I meet Paula, the Chair, or speak to her on the phone weekly, and we spoke yesterday. I am keen that any written questions from the Committee are responded to as quickly as possible, because it is a fast-changing situation and I see the importance of updating the Committee and the Chamber.

The issue of the community and voluntary sector is an important one. As somebody who is a community activist herself, I see that. We have established the community and voluntary sector emergencies leadership group, which includes regional organisations such as NICVA and those at the grassroots such as neighbourhood renewal areas. I know that work has been done and they will be looking at how we can support the sector as we move through the crisis and out at the other end. Indeed, we are looking at that, but I moved quickly in March to ensure that we paid their grants upfront. I did all I could, and used the economic levers in my Department, to make it easier for people to avail themselves of those grants, ensuring that cash flow could continue. However, no doubt, there will be a job of work beyond this.

I will look at the issue of unconstituted groups to see what we can do. Money from the COVID community support fund has primarily gone through the local councils. Maybe there are flexibilities that can be looked at. Perhaps, if it is

not financial transactions, some of the services or resources could work with those groups. That is on the understanding that safeguarding and protecting procedures will have to be in place.

The amount of activism has been unbelievable. Not surprising, but unbelievable. Church groups, Gaelic clubs, rugby clubs, football teams, or just residents of a street getting together and really looking after one another. That has been really good, and I imagine, and hope, that that will continue beyond this crisis. How we support that type of activism at the grassroots will be important. As we develop strategies around anti-poverty and tackling inequality, we want to be able to rely on those people to work with us in the time ahead. We will be looking at that.

I worked with the AERA Minister on the initial funding that we put through Community Foundation NI (CFNI). There was a restriction on the religious groups, for example, which could apply to that fund because CFNI do not fund religious organisations. We have tried to look at flexibilities that we can build in. DAERA put funding towards that, particularly in rural communities. That is something that we continue to work on.

Mr Buckley: I thank the Minister for giving way and welcome her desire to look at some element of flexibility within the Department. I suggest that there is potential room for flexibility within that scheme. At the moment, you are right. If administered through councils, only "constituted community groups" may access the funding. They can work in conjunction with another group, but sometimes that is where barriers start to come up. They are not always connected in the same way or they may have a different remit or focus. Potentially, a way in which this might be accessed is through businesses, for example. In my constituency, rural businesses have worked alongside some of those groups to deliver groceries and essentials. Potentially, they can access this funding and use the community, albeit not a constituted group, to get involved in the delivery of those goods. That is the type of creative thinking that I would like to see from the Department.

Ms Hargey: No problem. We are willing to look at all options. The important thing is that the resource and need is met at the grassroots. Obviously, that would take different solutions in different areas, depending on the local need. That is the importance of working with councils, those organisations and individuals at the grassroots, to ensure that we are meeting that

need. I am more than happy to look at all those issues in the time ahead.

The issue of charities is not directly related to discretionary support, but I thought I would answer it. Obviously, additional moneys will be coming in. My officials are in discussion with Finance as to how we best support charities in this period. In particular, there will need to be attention given to hospices, so that those who have end-of-life caring responsibilities are supported. It is an extremely sensitive issue. I hope that there will be a conclusion to those discussions as soon as possible, and then that will be released.

There are other issues regarding broader welfare reform changes. As has been rehearsed, I am not a supporter. We can get into a broader political debate on the constitutional issues on the island, the fact that we are in power-sharing arrangements and that we get a block grant and do not have our own fiscal levers, but I do not think it helpful to get into all those issues today.

My remit, in bringing forward the legislation is to do all I can to protect the most vulnerable. I come from a working-class community and I am acutely aware of the issues within those communities. I want to bring more changes in looking at those issues, not just in the midst of this crisis, but looking at this more broadly. We are talking about discretionary support, now, in the context of COVID-19, but a review of discretionary support within the Department is ongoing. I will be bringing forward broader changes to reflect that in the time ahead.

I say again to Members: if you have suggestions or ideas, my door is always open. You do not have to wait until you are in the Chamber to come to me to make a point. You can always come to speak to me; I am more than willing to sit with anyone. If there is an unmet need, and we can change the system to respond to that, I am more than willing to engage with anyone to attempt to meet that need in the time ahead.

Question put and agreed to.

Resolved:

That the draft Discretionary Support (Amendment No. 2) (COVID-19) Regulations (Northern Ireland) 2020 be approved.

Mr Principal Deputy Speaker: The Business Committee has arranged to meet at 1.00 pm today. I propose, therefore, by leave of the

Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be a motion on accelerated passage for the Private Tenancies (Coronavirus Modifications) Bill.

The sitting was suspended at 1.11 pm.

2.00 pm

On resuming (Mr Deputy Speaker [Mr Beggs] in the Chair) —

The Private Tenancies (Coronavirus Modifications) Bill: Accelerated Passage

Ms Hargey (The Minister for Communities): I beg to move

That the Private Tenancies (Coronavirus Modifications) Bill proceed under the accelerated passage procedure.

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

Ms Hargey: I welcome the opportunity to address the Assembly on this motion. The use of accelerated passage is not something to be sought routinely, nor do I take it lightly. When taking forward draft legislation, my preference is to have full Committee procedure to enable clause-by-clause scrutiny of the resolution and of any issues there and then to the Committee's satisfaction. However, in the case of this proposed legislation and the current public health emergency, there are compelling grounds for a departure from the normal procedure and the use of accelerated passage.

The Bill is necessary in order to extend the notice to quit period from four to 12 weeks before the date at which it can take effect during this unprecedented public health emergency. As Members will be aware, mortgage lenders have provided buy-to-let landlords and homeowners with the ability to apply for a three-month holiday on their repayments. The Bill intends to ensure that tenants in the private rented sector are also provided with some protections during the crisis. It will also reduce the movement of people between households, allowing shielding of vulnerable people, self-isolation and social distancing in line with the Chief Medical Officer's recommendations.

I will now explain to the Assembly, as required under Standing Order 42(4), why I am seeking accelerated passage and the consequences of it not being granted. I am asking Members to agree to accelerated passage of the Bill because the crisis has happened quickly and we need to respond. The Bill is required as soon as possible in order for it to have any tangible benefit for those who are living in the private rented sector. That sector is the fastest-growing type of housing tenure, with around 18% of the total housing stock and approximately 134,000 properties. Without accelerated passage, there is a risk that the Bill will not be enacted before the summer recess. As I have said previously, that could cause an increase in homelessness, undue stress and worry for tenants. It would totally negate the reason for bringing the Bill were it to be passed after the worst of the crisis was over.

In accordance with Standing Order 42(3), I appeared before the Committee for Communities on 6 April to explain the need for accelerated passage for the Bill and to outline the consequences of it not being granted. I thank the Chair and the members of the Committee for their recognition of the need to expedite the Bill and for their support in seeking Assembly approval for accelerated passage. Members will have the opportunity to raise issues around the detail of the Bill during Second Stage. In the interim, I seek the support of the House for the use of the accelerated passage procedure. I look forward to hearing Members' comments.

Ms P Bradley (The Chairperson of the Committee for Communities): The Committee for Communities was briefed by the Minister at its meeting on 6 April on why the Bill was required to proceed under accelerated passage. Members recognised the urgent need to put measures in place that would ensure that tenants in the private rented sector are protected, at least in the short term, from the possibility of eviction. The impact of the crisis on the economy has left many people with a significant reduction in income. That causes an immediate concern for people in the private rented sector as to how to pay their rent while they seek to obtain financial support through the benefits system or other means, such as the furlough scheme.

Accessing support takes time — sometimes longer than we might consider to be reasonable. In addition, the Committee accepted that the possibility of an increased number of evictions was contrary to the public health advice to stay at home and restrict movement. Committee members accepted that

it was necessary to have the legislation in place as soon as possible to provide a breathing space for tenants in the private rented sector. I am sure that we will go into more detail at Second Stage on those and other issues. However, while never the procedure of choice, the Committee supports the motion that the Bill should proceed by accelerated passage.

Ms Ennis: I, too, thank the Minister for her fast and decisive action so far in providing the utmost support for housing providers and the community and voluntary sector. Amongst other things, that has resulted in a significant reduction in the number of people sleeping rough on our streets. As the Minister said, homeowners and landowners alike have availed themselves of financial protections such as domestic household rates having been frozen for a period of three months. Many banks have issued mortgage holidays whereby mortgage repayments have also been frozen for three months.

Minister, this was mentioned in the earlier debate — and I appreciate that it is not your remit — but you will recall that, at the last meeting of the Communities Committee, members' main concern was the continuing millstone of students having to pay for student accommodation that is not being used, while letting agents and landlord enjoy a rates holiday. Quite frankly, that is a disgrace. I urge the Minister for the Economy, if she has not already, to work with you and Executive colleagues to find a solution for students and their families. I thank the Minister, on behalf of the hundreds of students and their families, for raising the issue of student rents and, having highlighted the need to use the hardship fund for students, ask you to address this in the same way that you have regarding supports for people who are already vulnerable and struggling.

I welcome the Minister's decision to increase the notice-to-quit period for private tenants from four weeks to 12 weeks through the use of accelerated passage. That will ensure that private tenants will be protected from becoming homeless in the most critical period of this health emergency. Government guidance states that no one should move home in this period as it may assist the spread of the virus and put undue pressure on our public services.

In normal circumstances, we would, of course, scrutinise the Private Tenancies Bill in the Committee. However, we all recognise that these are extraordinary times, which puts an onus on political leaders to act and to act fast

and urgently. It is for that reason that I support the motion.

Mr Durkan: I thank the Minister for coming back. I will save my commentary on the intention behind the Bill for the debate on the Bill itself. I echo the Chair's sentiments that the use of accelerated passage is far from ideal, but it is fair to say that the circumstances that we find ourselves in are even further from ideal. Failure to get the legislation through in an expedited fashion could be disastrous. Therefore, Minister, you have the support of the SDLP.

Ms Armstrong: While the Alliance Party will absolutely support the Bill, I will say, as others have, that accelerated passage is not something that we would have wished to have happened. There are certain things missing from the Bill. If there had been more time and more scrutiny, we might have been able to do something with the retrospective aspect of the Bill, for instance; as we know, people who have been notified of evictions are outside the Bill. Accelerated passage is not the way that we would prefer to go on this, but time is of the essence. I thank the Minister for her work in taking this forward quickly. Here is hoping that it gets passed and that we have it in place before the end of April.

Mr Allen: To echo the comments of my Committee colleagues, the Ulster Unionist Party does not support accelerated passage routinely or lightly. However, given the nature of this, the exceptional circumstances that we find ourselves in and the fact that the Bill will not take effect until it receives Royal Assent, there is a necessity to deploy the Bill by accelerated passage, so we will reluctantly support that. We would have liked to have had more time in the Committee to scrutinise the Bill and, indeed, as my Committee colleague outlined, other measures could have been included in the Bill to safeguard others. However, we will support the motion.

Mr Deputy Speaker (Mr Beggs): Before we proceed to the Question, I remind Members that this motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That the Private Tenancies (Coronavirus Modifications) Bill proceed under the accelerated passage procedure.

Private Tenancies (Coronavirus Modifications) Bill: Second Stage

Ms Hargey (The Minister for Communities): I beg to move

That the Second Stage of The Private Tenancies (Coronavirus Modifications) Bill be agreed.

Mr Deputy Speaker (Mr Beggs): The Second Stage of the Bill has been moved. In accordance with convention, the Business Committee has not allocated a time limit to the debate. I call the Minister to open the debate on the Bill.

Ms Hargey: Thank you very much, and thank you to the Chamber, given the urgency of the unprecedented public health emergency.

The Private Tenancies (Coronavirus Modifications) Bill responds to the coronavirus outbreak here. The public health advice is clear: stay at home, protect our key workers and save lives. Responding to the public health advice requires people to have a secure home to reduce the effects of the COVID-19 pandemic, for themselves, their families and others. This is a fundamental necessity to allow the Government to properly manage the emergency situation. Although social distancing, shielding of vulnerable people, self-isolation and quarantine are key ways to stop the spread of infectious diseases, vulnerable people who have been told by their GP to stay at home for the next three months to protect themselves, could get a letter through their door today, and some of them have, telling them to leave their home in four weeks' time. That is just unacceptable. The difficulties that it would cause them are unacceptable. The stress that it would cause them is unacceptable. The risk to their lives is completely unacceptable.

I consider the Bill necessary to prevent the spread of coronavirus and to provide private tenants and renters with additional support during the COVID-19 period. As was stated earlier, the private rented sector has around 18% of the total housing stock, with approximately 134,000 properties. Private renters continue to be a group facing significant concerns and anxiety during this period, particularly due to the loss of employment.

There has been support to allow buy-to-let landlords to avail themselves of a three-month mortgage holiday, and I have announced that private renters can get assistance to pay their rent through universal credit and discretionary

housing payments. There are also various economic support schemes, such as the furlough scheme, and those will take time to make payments. Tenants need to know that they cannot be evicted while waiting on those payments to be made. In these extraordinary times, where a number of people will temporarily struggle to pay their rent, through no fault of their own, they need certainty in the meantime that their homes are safe and that their landlords cannot move to evict them. The legislation will mean that no renter in private accommodation will be forced out of their home during this difficult time. This emergency legislation has urgent priority so that landlords will not be able to start proceedings to evict tenants for a 12-week period and, as a result, no renter needs to be concerned about the threat of immediate eviction.

It might be helpful for Members if I take a few minutes to outline the Bill's key provisions. The Bill has six substantive clauses and it temporarily modifies article 14 of the Private Tenancies (NI) Order 2006 that prescribes the length of notice to quit period by reference to the duration of the tenancy. It applies a 12-week notice to quit period for all tenancies during the emergency period. The effect of that is that for tenancies of fewer than five years, the notice to quit period has been increased by eight weeks to 12 weeks. For tenancies that are between five and 10 years, the notice to quit period has been increased by four weeks to 12 weeks. For tenancies of more than 10 years, the notice to quit period remains the same. The Bill clarifies that the extension of the notice to quit period will only apply to landlords.

Due to the uncertainty surrounding how long the coronavirus pandemic might last, the Department wishes to protect tenants from eviction during the emergency period. That ends on 30 September 2020 and is considered a reasonable period of time. The Bill gives the Department discretion to specify a shorter or longer period for the end of the emergency period, by regulations and subject to negative resolution for up to two years. The legislation will mean that no renter in private accommodation will be forced out of their home during this difficult time.

The legislation will help reduce unnecessary pressures on the healthcare, social care and local authority systems that are caused by homelessness. It will ensure that tenants are protected, particularly in these times, when their income stream may be vulnerable and they will be worried about their health and well-being and that of their loved ones.

2.15 pm

Ms P Bradley (The Chairperson of the Committee for Communities): I will make a few comments as Chair of the Committee for Communities.

Prior to the current crisis, one of the most important issues that our society faced was how to solve the homelessness problem. One element of an effective response to the problem of homelessness is prevention. The impact of the current COVID-19 crisis is wide-ranging and includes the potential to put many more people at risk of homelessness, particularly those in the private rented sector who may have lost their job. The Minister has introduced the Bill to make sure that that risk is minimised. It is also important for Members to note that 18% of the population live in the private rented sector, in 134,000 properties, so many thousands of individuals and families are potentially at risk of eviction if support is not forthcoming. Of course, it is also the case that everyone has been told to stay at home in order to restrict movement and therefore the spread of the virus. The Bill will ensure that people in the private rented sector can stay in their home for longer. It will allow people to self-isolate where necessary, thereby adhering to public health advice.

It is worth clarifying that existing legislation in Northern Ireland does not contain grounds for eviction but rather requires landlords to give tenants notice-to-quit periods. That provides context to the approach taken by the Minister. Extending the period of notice to quit from four to 12 weeks is therefore a proportionate response to the crisis and is comparable to the three-month mortgage holiday of which buy-to-let landlords and homeowners can avail themselves. However, introducing the concept of proportionality also raises the question of how we determine when the provisions are no longer proportionate. For example, if the three-month mortgage holiday is not extended, will it be proportionate to extend the notice-to-quit period? That is of particular relevance to landlords whose rental income is their income. In addition, the Committee recognises that there is a range of options in place to support income levels. They include the furlough scheme, where people will receive 80% of their salary; the self-employed scheme; access to universal credit; the discretionary housing scheme, whereby people who apply for and receive universal credit will have their rent paid for 13 weeks; and the recently enhanced discretionary support scheme. It is therefore important, as the recent guidance for private rented landlords and tenants issued this week highlights, that tenants engage with their

landlord and come to an agreement on the payment of rent. Where tenants are able to pay or partially pay their rent, they should. The legislation is to protect people in actual need, not to provide an excuse for private tenants to stop paying their rent altogether.

The principles underpinning the Bill — preventing evictions and ensuring that people adhere to public health advice — are welcomed by the Committee. The Bill will provide a breathing space specifically for tenants while they work through the process that will allow them to access financial support. It will also give space to all those involved in the private rented sector to allow them to get a sense of how big an issue this is and to put in place measures over the coming months to address it. On that point, it is important to bear in mind that, at the end of the crisis, some tenants may be in significant rent arrears. That raises the possibility, even though the legislation postpones evictions in the immediate term, of there still being the potential for an increased number of evictions to take place in the next year, as the crisis subsides. The Committee was advised that the Department is continuing discussions with the Courts and Tribunals Service on the issue so that there is not a default to landlords seeking court orders to evict tenants, thus increasing the number of homeless in Northern Ireland.

The Committee therefore recognises the need for the Bill and the need to progress it through the House as quickly as possible. That is why we agreed to accelerated passage. That is important, as there is no retrospective element to the Bill. Its provisions will come into operation only the day after the Bill receives Royal Assent. The Committee expects the Department to continue to monitor the impact of COVID-19 on tenants and landlords in the private rented sector and to respond with policy and legislation on the basis of evidence and discussions with relevant parties as the crisis progresses. The Committee, as ever, stands ready to assist and advise the Minister.

Ms Ennis: Social tenants residing in Housing Executive or housing association tenancies have been given assurances of no eviction due to COVID-19. Therefore it is only right that tenants in the private rented sector are not the only section of society to be excluded from protection of shelter. To exclude them, as the Chair said, is to exclude 134,000 households and families. I ask Members to consider how many in those households have family members who are at high risk and are shielding and how many members of those families have

lost their jobs or earnings, possibly forcing them into rent arrears through no fault of their own.

An extension of the notice-to-quit period will make a real difference to families under stress who are worried about losing their home. The Assembly must ensure protections for all citizens during the crisis, including those in the private rented sector. Every Minister should use the power afforded to them at this time to mitigate the hardships that people face as a result of the global pandemic. Every Minister should think about how they can use their Department to make life easier for citizens and to give people a break at this time. Some are doing that and leading by example; others hide behind the need for legislative amendments and an unwillingness to stretch themselves and meet the crisis head-on. This Minister — the Minister for Communities — has shown that it can be done.

In order for the Bill to have any use for those it is intended to help, it needs to pass and it needs to pass quickly. It is in that context that I ask Members to support the Bill.

Mr Durkan: I too support the Bill. Members will be all too aware, some more than others, of the scourge of homelessness and of the devastating impact that it has on families and individuals financially, emotionally and psychologically. The threat of homelessness, therefore, is at any time unpalatable, but the threat of homelessness at this time is completely unacceptable. I take the opportunity to commend the great work of the Department, the Northern Ireland Housing Executive and, most of all, the homelessness sector, which has been most hands-on in its approach to tackling the crisis. We have seen the tremendous results from their work, and they deserve all our praise.

Clearly, the intention of the emergency legislation and its accelerated passage through the Assembly is to mitigate the threat and to give tenants in private rented accommodation one less thing to worry about at a time when people have so much to be worried about. The legislation is not perfect. That is not merely a political view; it is a view shared by some of the most empathetic experts in the field of housing. They have looked, I suppose, at measures in other jurisdictions. In the Republic of Ireland, for example, issuing notices to quit has been banned altogether. I think that there is a similar approach in Scotland. Therefore, I would like to hear from the Minister — I have already heard — some clarification, for the benefit of the House, of how or why that cannot be done here.

There is also the question — Kellie Armstrong touched on it in the previous debate — of the retrospectivity element of the legislation. There is a fear that, even now, some landlords may — I know that some already have — try to issue notices to quit in advance of the legislation receiving Royal Assent.

At the other end, it is vital that the legislation have the flexibility to extend beyond the specified date in the Bill. Should we need to, we must be able to go again, in the event of another deadly wave of the virus.

The communication of what the Bill does and what it means for tenants and landlords needs to be clear and concise. I appreciate the guidance that was issued by the Department last week. However, without willing or wishing to sound overly critical — I am certainly not criticising the Minister — I think that it is fair to say that it was pretty clunky.

Some will see what is in the Bill or, rather, what is not in the Bill as an opportunity to make amendments that, if successful, would catch some of those who have fallen through the various safety nets that the Executive have thus far put in place. Students, for example, were referred to. Many students are tied into tenancy agreements that they are no longer availing themselves of. Most of those who had part-time jobs have lost them due to the ongoing crisis, and many will have moved back home to their parents, who themselves are experiencing hardship. The returning students will have put an additional financial burden on those households as well. I appreciate that the Department for the Economy has responsibility for universities and Minister Hargey told us in Committee of her efforts to work with Minister Dodds's Department on the development of the existing student hardship fund, but we need to hear more about that. Those affected need to see the fruit of that labour and collaboration, and they need to see it soon. If there is none, we must look to the Department for Communities for either a new mechanism of support or to allow students to access existing support from which they are currently excluded. I recognise that the discretionary support that we spoke of earlier is open to students, but, despite efforts to get it out there, awareness remains low. I am not sure that people are being signposted to it before having other doors closed on them or as they have other doors closed on them.

While the temptation will certainly exist for Members and parties to use the Bill as a catch-all or, at least, a catch-more, soundings suggest

that any attempt to do so could well delay the legislation going through and, ultimately, defeat its purpose of helping people to keep a roof over their head at this extremely stressful time. It would be most useful, therefore, if the Minister could give insight into what other work is being done and assurances that it will be done, so that Members do not feel the compulsion to amend and, in doing so, do not inadvertently delay or even jeopardise this extremely important legislation.

While the focus of today's debate is clearly the need to protect tenants, we must also consider landlords. The Chair of the Committee touched on that; I also raised this in Committee. The vast majority of our landlords are small or single-property landlords; they are not all big, bad Ebenezer Scrooges. The vast majority of landlords are responsible and reasonable, and this situation has caused them headaches and considerable heartache as well. Yes, they do have hearts. Many can and will avail themselves of the mortgage holiday, but that option is not open or available to all for whom rental income is their only source of income. Landlords need to know what support they can avail themselves of. I know that work is being done with the Landlords Association (LANI), and we would like to hear a bit more about that. It has been said before in the House that we cannot allow the perfect to be the enemy of the good. The legislation is not perfect, but it is good and it will do good. We support the Bill.

Mr Allen: I declare an interest as a private sector landlord. My Committee colleague across the way has raised a number of important matters that I was going to raise too, but I will not rehearse them.

I welcome the intention of the Bill and, indeed, the fact that the Minister came before the Committee on 6 April to engage with us, as she outlined earlier. I thank the Minister for her extensive engagement with the Committee and, indeed, all Assembly Members throughout the course of the pandemic. She has kept us updated, and she has worked constructively with Committee members to ensure that we safeguard and protect the most vulnerable in our society.

As has been outlined by Members and the Minister, the intention behind the Bill is to increase the notice-to-quit period from four to 12 weeks for those in the applicable category. At this worrying time for us all across society and across the world, individuals should not be worrying about whether they have a roof over their head. It is imperative to do this; in fact, it is the right thing for us to do to ensure that we

take every proportionate step to make sure that tenants have a roof over their head and do not have that additional stressor over them. As the Minister alluded to, support packages have been announced by various Ministers and, indeed, the UK Government that will potentially support landlords.

We hope that that will be commuted in most cases to tenants, but, unfortunately, as with everything, there will always be those bad apples and there will always be those who will be affected by that.

2.30 pm

It is important to note that the vast majority of the private sector landlords — 18% of people here live in 134,000 private sector households, which was outlined — are very good and very responsible, and, in most cases, they carry out their duties as they should — but there are those who do not. The Bill is required to safeguard those who may be at risk of eviction during this period. It is proportionate and reasonable, and, indeed, I look forward to continuing to engage with the Minister should there be a necessity to extend the Bill, although I hope that there is not. Thank you, Minister, for your engagement, and we support the Bill.

Ms Armstrong: Thank you very much, Minister. As I said in the previous debate, Alliance certainly supports the Bill going forward. Yes, it has not gone forward in the way we would like; we would like more time for consultation. That is one of the things that I would like to raise, and others mentioned it. We have good and bad landlords in Northern Ireland. We also have good and bad tenants in Northern Ireland.

Through this bill, the landlords, will be required to ask for at least 12 weeks' notice before they can evict someone from a home, so the notice to quit period has become longer. However, the Bill will not become an Act for another couple of weeks; it will be six to eight weeks from the start to the finish of this process. I think there was a little bit of time for consultation, and I would love to hear whether there has been any feedback from the Landlords Association of Northern Ireland on this.

I note, Minister, that you included clause 2(3)(b), which states that there will not be an extension to the period for those people who engage in:

"serious anti-social behaviour after this Act comes into operation."

I think we need that protection. It is for not just the landlord so that they can evict bad tenants, but for the other tenants who are living with and near the people who are causing such difficulties. I am sure many of us have had reports from citizens and residents who have been in contact during the lockdown period to report the house parties and different things that have happened when people have assumed that this is a holiday period as opposed to a killer pandemic. So, we need to hear from the Landlords Association.

I would also love to see this being not just for the pandemic period but for longer. In that, I would also love to see not just the 12-week period but other criteria for landlords to consider before they choose to evict someone. For instance, how many weeks are outstanding for that person? How much do they owe? Has any partial payment been made? Has there been any formal negotiation between the landlord and the tenant before they get to this stage? There are other things that we could have brought in, but I appreciate that we are where we are at this stage.

There are some tenants, like the students we talked about, who are on fixed-term contracts, and it is not so much that landlords are asking them to leave their property; they are demanding payment. That is one of the things that the Bill does not cover. It is the pressure being put on some landlords by bad tenants and the pressure being put on some tenants by bad landlords. That lack of relationship is causing so many problems.

As others said, we have very good landlords in Northern Ireland. Eighty-four per cent of landlords have only one or two properties, so they may well be availing themselves of other business supports; for instance, the rate relief was mentioned, as was the mortgage break. They may even access the small business loans. You would not know what they are all getting, but for a landlord to attack, bully and put pressure on a tenant so that they pay up money that they do not have because they are out of a job, have been furloughed or have not got their payments yet is very sad to hear.

I know that the 12-week period was chosen because that is the original shielding period. I am hoping that I am completely wrong on this, but if the shielding period has to be extended, and I really hope it does not, we will have to see an amendment to the Bill. I know that the ability to do that is in the Bill for you. I am hoping that, come 30 September, we have a period when

this is no longer needed, but at least it will be in place.

There are many landlords who are under pressure. Those landlords cannot afford to pay their bills, as my colleague Mark Durkan MLA highlighted. We have to remember them too. In order to keep them and to help them to be good landlords, it would be good for them to know that they are getting support. So, I ask you to speak to the Minister for the Economy to see whether that £10,000 small business support grant can be extended to those landlords who are providing good houses and good homes.

I would also like to pay tribute to the fact that our homelessness figures in Northern Ireland have completely collapsed. With a will, there is a way and our homelessness situation is being resolved. I ask that you, Minister, and your Department, do all that you can to continue that, as a good news story, to make sure that people no longer have to sleep rough or live without a home in our country.

Mr Buckley: I will be brief, because the Committee Chairperson has already outlined many of my points. I understand the context of this Bill with regard to the provisions that have already been put in place for some landlords with the three-month mortgage holiday and, as outlined by Mrs Ennis, provisions for those in Housing Executive properties. Given the fact that the courts are not processing evictions or repossessions, it makes sense that this supporting legislation is in place.

Mrs Armstrong, quite rightly, pointed out something around landlords that I also want to refer to. It is very easy, when legislation such as this comes before the House, to demonise landlords. I understand that and I also understand that there have been some landlords who, in the past, have acted in a totally unbecoming manner to vulnerable tenants and others, but we have to recognise that there are many landlords who are helping people. They have already, before legislation came into place, entered into agreements with their tenants to enable payments in these difficult circumstances.

We also have to note that, as has already been said, for many private landlords this is their only source of income. While they have had access to a three-month mortgage holiday, it does not mean that the financial pressure goes away; it is put on hold.

One of my primary concerns around this legislation is the potential for abuse. The legislation is there to prevent overzealous landlords from acting in an unbecoming way, but

it places more liberties at the hands of some residents that, potentially, could abuse the system. The Department outlines that, if landlords are facing problems with tenants around anti-social behaviour, the only form of redress is to approach the PSNI. That may not result in any action but it would put a lot of pressure on communities that are, potentially, seeing people not abiding by social-distancing practices, neighbourhood parties etc and the landlord has no actual ability to deal with it.

I welcomed the conversation at the Committee on this Bill; I thought it was most helpful. We raised a lot of concern around how to communicate this. Since then, I recognise that there has been communication with the Landlords Association, a wider remit of tenants and with the Committee. That is important because communication is essential. Landlords must be provided with the relevant information so that they know that they are providing and operating within the law.

Another point to bear in mind is that the Department's approach seems to allow for a reasonable period of time for a landlord and a tenant to come to some sort of reasonable agreement with regard to payment. As you and I know, Mr Deputy Speaker, in a lot of these delicate circumstances where the tenant and landlord relationship has broken down, the ability to find reasonable agreement may be reasonable to one party and wholly unreasonable to the other. That can work both ways. I would appreciate it if the Minister could go into a bit more detail as to how we can ensure that there has been reasonable agreement.

The potential need for extension to this measure was mentioned, depending on how the public health emergency progresses. I also have some concern around that because the three-month mortgage holiday may extend to cover that period and then this legislation will mirror that in subsequent action.

Mr Givan: I appreciate the Member giving way. He is right, as are other Members, in highlighting a range of potential scenarios. It is important, and I am sure the Minister can address this, that built-in to this legislation is an ability to bring forward regulations if circumstances subsequently transpire that will not require further primary legislation. The spirit behind this legislation is good and commendable; it is to address those people who have fallen into the cracks. We know people who are in that type of situation, and this Bill will help them. However, it is important that where there is abuse of the system, whether by

tenants or landlords, that that can subsequently be addressed by the Department, and that the Minister has the necessary legislative authority to do that.

Mr Buckley: I thank the Member and agree entirely with his comments. It is important that the flexibility is there to mirror and match the situation that unfolds. My point was to reiterate that, if this public health emergency continues and the three-month mortgage holiday continues, it is literally a pause in payment. The money still has to come when this period ends. I think there is a plethora of consequences, no matter what way you look at this, but I welcome the point that the Member has outlined. That flexibility, and the ability of the Minister to intervene and make changes as needed, is essential in dealing with the fast-changing environment in which we find ourselves.

Mr O'Dowd: I support the Bill and the measures that the Minister has outlined. They are necessary, and this is yet another piece of legislation, policy or initiative from the Minister during this period to help protect those workers, families and other people who have found themselves in significant financial difficulties as a result of the COVID-19 crisis. At the outset of the crisis, I said that the main priority was to save lives, but we also needed to keep food on people's tables and roofs over people's heads. This is certainly one of those pieces of legislation that will keep a roof over an out-of-work worker's head, as well as those of their family and those who find themselves in difficulties.

It has been said time and again that the social housing sector — the Housing Executive and the housing associations — have already put measures in place, and it is only right and proper that the private rented sector also be covered by legislation to protect tenants, and landlords as well. However, it does flag up an issue. For me, it flags up the issue that social housing should not be a commodity that is traded on the open market. We need to go back to a situation where social housing is provided by the Housing Executive and/or housing associations.

There are lots of lessons to be learnt from the COVID-19 crisis. Certainly, there is how to deal with a pandemic in health terms, but there is also how we as a society govern, manage and look after some of our most vulnerable and some of our lowest-paid workers, who we have now found out are essential front-line workers. What this highlights to me is that, in the future, social housing should be provided by social

housing providers other than the private rented sector.

I can use communities in my own constituency as an example. We have communities whose social cohesion has broken down over a number of years. There are a number of factors in that, but one of the factors I often trace it back to is that many of the properties in what once would have been Housing Executive housing estates have become privately rented. I am not disputing that there are many, many good private landlords, but they are not as good as the Housing Executive. They do not have the same social skills and social conscience, in many cases, that the Housing Executive or the housing associations have.

In the past, when a society or a community started to break down, one of the key actions in the past was that you would have brought the housing authority into the area and worked with them and helped with initiatives. You cannot do that with five or six or 10 or 20 private landlords. So there is a lesson for us; another lesson to be learned from this terrible time that we are going through. Social housing should be provided by a statutory body — the Housing Executive, or possibly housing associations.

Mr Buckley: I thank the Member for giving way. While he points out that this may be a lesson to be learnt, we cannot get away from the simple fact of demand and supply.

Without the supply of housing from that private rented sector, a lot of our community who are in need — in particular, social housing need — could end up homeless, as was outlined earlier by some Members. We cannot get away from the reality that the demand and supply is simply not there in the Housing Executive or housing associations. The private rented sector plays a crucial role in supplying housing to those who are in need.

2.45 pm

Mr O'Dowd: I agree with the Member, but we have to create a new reality. That is the argument that I am making, and that is the debate that needs to start. We need to create a new reality. Policy decisions were made in the 80s and late 90s that brought to us to where we are now with social housing. Those policy decisions need to be reversed, and the Executive need to invest significantly in a social housing building programme, which allows for the need to be met by a different sector.

The point that I want to go on to is that some are seeking retrospective legislation. It is very difficult to introduce retrospective legislation and enforce it, but tenants who are facing eviction should be aware of their rights. A landlord simply cannot put you on the street. A landlord cannot go into your house and change the locks. A landlord cannot hand you a letter and say that you have to leave. Tenants should know their rights. Each and every one of us run constituency services, there are housing rights organisations out there and there are many people who can give advice to tenants who find themselves in that position now. There is a legal process that has to be gone through and followed before any landlord can put any tenant out on the street.

Some tenants have found themselves in financial difficulties at this time — and I accept that landlords also face financial difficulties at this time — but they should not be put out on the street during this period. It is inexcusable for that to happen. Landlords should realise that they will not get any new tenants at this stage. No one is moving properties at this stage, so it is best to work with your tenants and find a solution.

Finally, I want to touch on the issue of students. There is a crisis for students in housing and rent and agreements that have been signed up to, but this is not the Minister to solve that problem. That problem needs to be solved by the Department for the Economy or the Executive. There have to be collective roles in a whole lot of those things. As someone else said, we cannot overly delay the legislation. We could table many amendments. I am sure that all the political parties, never mind the Minister, would like to add different bits and pieces to it, but we have to try and solve this problem now and work through other problems as they arise. I support the Bill.

Mr Carroll: It goes without saying that the COVID-19 crisis has been a very worrying time for lots of people in our society; first and foremost, those who have been directly affected by the illness whose health has suffered. This crisis has exposed various sections of our society and the lack of rights and security that exists for them. It has been brought to light as a result of this health pandemic. One of those groups is renters, who are often ignored and disregarded by institutions such as this. We need to ensure that they have cast-iron support and strong rights at this time, as others have mentioned.

While there are some welcome measures in this Bill and moves that we would not oppose,

ultimately, it does not go far enough. The notice-to-quit period should be extended beyond four weeks, but, surely, that should be the state of play already. Too often, we hear stories of renters rushing around trying to find another place to live without adequate time, as, legally, their landlord has to give only four weeks' notice that a property has to be vacated. In many cases, people who have been paying rent on properties for years have been left with little support or leeway when it comes to trying to find a new property. Tenants who enter into a 12-month contract, legally, have to live up to that no matter what, while a landlord can break that term with only four weeks' notice. How is that fair in any way? If the Assembly has the power to stop that, should we not do it permanently? Surely, a suspension of that unfair measure should exist in so-called normal times and not merely be a temporary measure for a pandemic.

There are some specific questions that I want to ask the Minister, and I hope that she can answer them today or very soon before the debate recommences next week. In relation to exemptions, I think we need more clarity and concrete detail about what is required from the landlords' end. Under the exemptions to the granting of the 12-week extension, it refers to:

"a landlord who needs to live in the dwelling-house",

but there appear to be no criteria as to what the landlord needs to present to support that. Will it automatically be allowed on the say so of the landlord, or will there be a process that they will have to complete? I would appreciate a reply on that. Surely if no mechanisms are in place to protect tenants, this process is open to abuse. If a landlord takes umbrage towards a particular tenant, what exists to protect them from this action being used against them? I appreciate that the courts are not currently sitting to enforce evictions, but they may soon be back, and, if so, this legislation could potentially present loopholes.

We also ought to mention what has not been done so far, not only by the Minister but by the Executive as a whole, in relation to housing and supporting tenants at this time. Students have been mentioned. They are correctly following the medical advice and are practising social distancing by staying at home with their families. Surely people here would agree that it is totally unfair and untenable that those students still have to pay their landlord for the remainder of their tenancy. The Minister, in a previous debate, said, or certainly intimated, that she did not have the power to suspend rent

payments in the private sector. Does she support such measures being taken?

We are living through a pandemic, and, surely, we should welcome people following the medical guidance and cast scorn at those who are profiting from the situation. We have a mortgage holiday for landlords, why is there not a rent holiday for private renters. It is especially unforgivable when students who have lost their job are hit with a bill of several hundred pounds every month for rent — what a kick in the teeth for those people. Surely the Executive should bring in measures swiftly to ensure that people are not out of pocket or up to their eyes in debt because they are doing the right thing to protect themselves and their family and correctly following the medical advice.

Additionally, surely we should have a suspension of rent for all Housing Executive tenants as well. Housing Executive tenants are often among the people most struggling to afford the cost of living, which has obviously been aggravated during the COVID-19 crisis, with job losses, salary reductions and some families seeing a great increase in spending on food, electricity, gas and so on.

Mr Givan: Will the Member give way?

Mr Carroll: Briefly, yes.

Mr Givan: I just want to tease out the point that he has made. I have every sympathy with and I agree with helping those who are in real need, facing financial difficulty. Is the Member saying that there should be a universal suspension of all payments of Housing Executive rent, irrespective of the situation that you deal with, as in those who are not impacted financially as a result of what is happening? Should they also get a universal freeze and not have to pay anything?

Mr Carroll: Most Housing Executive tenants are financially impacted by this crisis in one way or another. I gave the Member scenarios where they have been affected. I think measures should be put in place to make sure that they are protected and not financially penalised at this time.

Given that this legislation is not backdated, we need a bit of clarity on, for example, what the position would be if a tenant were to be issued a notice to quit before this legislation comes into force. Again, I appreciate that the courts are not sitting, so tenants cannot be legally evicted, but once the courts sit again, would a landlord have a case to say that a tenant

ignored a notice to quit, potentially affecting their renting future? We need more clarity around that and other issues that have been raised, and I would appreciate it if the Minister could give that clarity today.

Ms Hargey: There have been a lot of questions asked and points raised. Again, I thank Members for that. We are using accelerated passage; it is not the normal timescale. I find that I say that every time I come into the Chamber, but that is obviously due to the circumstances that we are in and the way that I have had to respond to the public health emergency.

The concern around the legislation being retrospective is something that I have looked at, and it is an issue that I want to move on. The concern is the timescale, because there are implications of competing human rights, and there are arguments and debates about whether it is up to the Attorney General or others. We know that it would definitely be open to judicial review. The concern is about the undue delay that it would cause to a bigger number of people who would, then, have those eviction notices looked at. When we have looked at other jurisdictions and devolved institutions, we have seen that they have moved in the same vein to look at the legislation from the point at which it reaches Royal Assent. It is the quickest way that we can find to do that. Of course, we will still look at other ways in which we can support people.

In the interim, I am conscious that people have already been issued with notices to quit. It is disgraceful that a landlord would do that in the current scenario and situation, when, clearly, the public health, political and community message is that people need to stay at home, and should stay at home, in order to save lives. That is why the guidance has been issued. We are saying that there should be no evictions at this point. Even outside the legislation that is being brought forward, the guidance says that clearly. The guidance can then be used in court proceedings. It was touched on that a landlord cannot simply put somebody out: a landlord has to go through due process and legal proceedings. The judge can look at the guidance that has been issued by the Department when he or she deliberates on those issues, notwithstanding the fact that, at present, courts are not sitting for everyday hearings, and will not be over coming weeks.

Those are some of the issues. I wanted to move on the legislation. It is already taking a bit of time because it has to go through different hoops. I want to thank the Speaker's Office for

allowing the two stages to be moved on the same day. I know that that is a first. It shows the seriousness with which people will look at the issue.

We have spoken to LANI and there has been engagement with estate agents and others. Whilst some landlords may not agree with the Bill, people recognise the public health emergency that we are facing and that we have to protect tenants. The fact is that if a landlord were to make somebody homeless and put them out on the street, not only would that impact on the tenant but the landlord would not get a new tenant into their house in the interim. Therefore, I ask all landlords and letting agents to show compassion and flexibility on the issue. The guidance sets out clearly that they must show reasonableness with regard to repayments. They cannot force somebody to pay arrears that they may accrue in this period within the next three or four months: it will take a longer time to do that. Again, for an eviction to proceed, a judge would have to look at what is reasonable and what is not.

The question was raised about Scotland's having a longer extension period. It comes down to a balancing of rights. I do not want to get caught up in a conversation about rights. They are important issues, but I want to ensure that we can protect people as quickly as possible. It would cause undue delay. As I said, if we do not get the Bill through on the timescale for Royal Assent now, it is possible that we would not move on it until after the summer. That is just too late. Evictions are already taking place. I need to move on the Bill now.

Scotland has adopted the same approach. The only difference is that they have brought in six months rather than 12 weeks. However, I have the ability, after those 12 weeks, to extend this for a further six months, if that needs to be done, in consultation with the Attorney General and others.

3.00 pm

Two points about evictions were raised. Under the Scottish legislation, landlords seeking to return to live in their property will have to demonstrate in front of a judge that they have no other recourse or any other property to return to. We did not include that in the first 12 weeks because we do not want there to be a loophole for this to be abused in that period. We know that, as this runs on, there could be competing human rights that we need more time to consider. We just do not have the time

to do all of that now, because we need to ensure that we move to stop evictions as quickly as we can. I will define those two areas further in the next couple of weeks, if we feel that the period has to be extended. This is based on legislation, and the Attorney General has been involved. Even since then, when looking at Scotland, for example, the issue of domestic violence has been raised as an area that might need to be looked at as we draft any future extension to the Bill. All of those issues will be refined more clearly and then brought back here for agreement.

The student issue has come up many times. It is not within my remit. I am the Minister responsible for housing, but the contracts that have been made come under contract law, not housing law. I do not have responsibility for contract law. I have tried to look at everything that I can within my remit and competency, because I recognise the hardship that many students face. It is a common law issue and, therefore, is based in Westminster. I have engaged on the issue with the Department for the Economy and Minister Diane Dodds. I asked for the student hardship fund to be increased, and I know that she is proactively looking at that. She is better placed to respond on that than I am. We continue to meet.

The homelessness issue has come up. Over the past couple of weeks, the figures for street-based homelessness have been good, which must be welcomed. I agree that it should not take a pandemic to resolve such issues. I had wanted to look seriously at homelessness before the pandemic. There is also the issue of hidden homelessness. Thousands of families, including over 21,000, children, are sofa surfing or are in hostels. That feeds into the conversation about public housing: how we value it; should it get a massive investment programme as we go forward; and whether we see it as an essential public service to meet that need. I had wanted and intended to set out plans for how to grow our housing stock over this period, particularly to meet the demand in the areas of highest need. That has been stunted a bit because we are responding to the pandemic, but I want to bring forward proposals in the time ahead that will start a conversation about public housing.

The other issue that came up, as it has previously, was a rent freeze in the social rented sector. I err on the side of caution because over 70% of the income derived from rent comes from housing benefit. A freeze would freeze the money coming in via the block grant, meaning that we could not pay housing authority staff or maintain the stock. In early

February, I spoke in the Chamber about the sustainability of the Housing Executive, the need to invest in public housing and the resources that we need to do that. Without that income, we cannot reinvest. We cannot even maintain our existing stock. That hit the headlines in February as well. It is nice to say that you can do all of these things, but you need to look at whether you will make the situation worse at the other end of this. Those are some of the things that we have to look at.

We have introduced new measures relating to the housing benefit supplement. We are paying that at 100%. We are looking, of course, at discretionary support, and, where I could include students and others, I have done that within my remit. However, as was touched on, not all of this falls to my Department; in fact, not all of it falls to the Assembly. Again, that shows the huge constraints of being a devolved Administration and not holding our own fiscal levers. In the time ahead, we probably need to look at that and have a conversation about it.

Question put and agreed to.

Resolved:

That the Second Stage of the Private Tenancies (Coronavirus Modifications) Bill be agreed.

Mr Deputy Speaker (Mr Beggs): I advise Members that the Minister for Communities has requested that the remaining stages of the Bill be scheduled for next week's sitting, on 28 April. The deadline for amendments is 12:00 noon tomorrow, Wednesday 22 April.

Standing Orders 31(d), 37, 39(1) and 42(5): Suspension

Mr Deputy Speaker (Mr Beggs): The next item of business is a motion to suspend certain Standing Orders relating to the passage of the Private Tenancies (Coronavirus Modifications) Bill through the Assembly.

Ms Hargey (The Minister for Communities): I beg to move

That Standing Orders 31(d), 37, 39(1) and 42(5) be suspended in respect of the passage of the Private Tenancies (Coronavirus Modifications) Bill.

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 motion.

Ms Hargey: I thank the Assembly for the motion. Obviously, I firmly believe in due process for legislation that needs to pass through the Chamber and the Committee. However, we are not in normal times, as we are finding more and more with the Committee and the legislation that needs to come through. On this occasion, in a public health emergency, I ask for the suspension of those Standing Orders. In seeking your support, I ask specifically that the Standing Orders in the motion are suspended, removing Further Consideration Stage and suspending Standing Order 42(5) which states:

"No Bill shall pass all its required stages in the Assembly in less than ten days."

I hope that Members will support the motion on this occasion and take into account the real danger of evictions in the private rented sector that could increase homelessness and be a public health issue.

Ms Ennis (The Chairperson of the Committee on Standards and Privileges): I appreciate the comments from Members today. There is a clear recognition of the need to expedite the measures through the Assembly. There is a need to act fast and to act now, notwithstanding the issues that Members have mentioned about accelerated passage. This is the biggest health emergency in a generation, and these Standing Orders must be suspended to allow the Private Tenancies (Coronavirus Modifications) Bill to pass and to be effective now, when it is needed most. If we are to protect families from becoming homeless through no fault of their own, accelerated passage of the Bill is the only viable option, and we need to act now with the utmost urgency. The Bill will ensure that no one will lose shelter at the most critical time of self-isolation. Therefore, to not support the motion is to put lives in danger.

Mr Durkan: It had not been my intention to speak on the motion, but I will echo the remarks of the previous Member. We have a real need for speed, so we support the Minister in her endeavours.

Mr Deputy Speaker (Mr Beggs): I call the Minister for Communities, Ms Deirdre Hargey, to conclude and wind-up the debate on the motion.

Ms Hargey: Thanks very much everyone. I understand that today's measure should not become the norm. I would not advocate that at all, but I ask you to support the motion.
Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 31(d), 37, 39(1) and 42(5) be suspended in respect of the passage of the Private Tenancies (Coronavirus Modifications) Bill.

Adjourned at 3.09 pm.

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