Official Report (Hansard)

Monday 29 June 2015
Volume 106, No 4

Contents

Assembly Members

Agnew, Steven (North Down)
Allister, Jim (North Antrim)
Anderson, Sydney (Upper Bann)
Attwood, Alex (West Belfast)
Beggs, Roy (East Antrim)
Bell, Jonathan (Strangford)
Boylan, Cathal (Newry and Armagh)
Boyle, Ms Michaela (West Tyrone)
Bradley, Dominic (Newry and Armagh)
Bradley, Ms Paula (North Belfast)
Buchanan, Thomas (West Tyrone)
Byrne, Joe (West Tyrone)
Cameron, Mrs Pam (South Antrim)
Campbell, Gregory (East Londonderry)
Clarke, Trevor (South Antrim)
Cochrane, Mrs Judith (East Belfast)
Cochrane-Watson, Adrian (South Antrim)
Copeland, Michael (East Belfast)
Craig, Jonathan (Lagan Valley)
Cree, Leslie (North Down)
Dallat, John (East Londonderry)
Dickson, Stewart (East Antrim)
Dobson, Mrs Jo-Anne (Upper Bann)
Douglas, Sammy (East Belfast)
Dunne, Gordon (North Down)
Durkan, Mark (Foyle)
Easton, Alex (North Down)
Eastwood, Colum (Foyle)
Farry, Stephen (North Down)
Fearon, Ms Megan (Newry and Armagh)
Flanagan, Phil (Fermanagh and South Tyrone)
Ford, David (South Antrim)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gardiner, Samuel (Upper Bann)
Girvan, Paul (South Antrim)
Givan, Paul (Lagan Valley)
Hale, Mrs Brenda (Lagan Valley)
Hamilton, Simon (Strangford)
Hanna, Ms Claire (South Belfast)
Hazzard, Chris (South Down)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Hussey, Ross (West Tyrone)
Irwin, William (Newry and Armagh)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kennedy, Danny (Newry and Armagh)
Lo, Ms Anna (South Belfast)
Lunn, Trevor (Lagan Valley)
Lynch, Seán (Fermanagh and South Tyrone)
Lyttle, Chris (East Belfast)
McAleer, Declan (West Tyrone)
McCallister, John (South Down)
McCann, Fra (West Belfast)
McCann, Ms Jennifer (West Belfast)
McCarthy, Kieran (Strangford)
McCartney, Raymond (Foyle)
McCausland, Nelson (North Belfast)
McCorley, Ms Rosaleen (West Belfast)
McCrea, Basil (Lagan Valley)
McCrea, Ian (Mid Ulster)
McElduff, Barry (West Tyrone)
McGahan, Ms Bronwyn (Fermanagh and South Tyrone)
McGimpsey, Michael (South Belfast)
McGlone, Patsy (Mid Ulster)
McGuinness, Martin (Mid Ulster)
McIlveen, David (North Antrim)
McIlveen, Miss Michelle (Strangford)
McKay, Daithí (North Antrim)
McKevitt, Mrs Karen (South Down)
McKinney, Fearghal (South Belfast)
McLaughlin, Ms Maeve (Foyle)
McLaughlin, Mitchel (Speaker)
McMullan, Oliver (East Antrim)
McNarry, David (Strangford)
McQuillan, Adrian (East Londonderry)
Maginness, Alban (North Belfast)
Maskey, Alex (West Belfast)
Middleton, Gary (Foyle)
Milne, Ian (Mid Ulster)
Morrow, The Lord (Fermanagh and South Tyrone)
Moutray, Stephen (Upper Bann)
Murphy, Conor (Newry and Armagh)
Nesbitt, Mike (Strangford)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
Ó hOisín, Cathal (East Londonderry)
Ó Muilleoir, Máirtín (South Belfast)
O'Dowd, John (Upper Bann)
O'Neill, Mrs Michelle (Mid Ulster)
Overend, Mrs Sandra (Mid Ulster)
Poots, Edwin (Lagan Valley)
Ramsey, Pat (Foyle)
Robinson, George (East Londonderry)
Robinson, Peter (East Belfast)
Rogers, Seán (South Down)
Ross, Alastair (East Antrim)
Ruane, Ms Caitríona (South Down)
Sheehan, Pat (West Belfast)
Somerville, Neil (Fermanagh and South Tyrone)
Spratt, Jimmy (South Belfast)
Storey, Mervyn (North Antrim)
Sugden, Ms Claire (East Londonderry)
Swann, Robin (North Antrim)
Weir, Peter (North Down)
Wells, Jim (South Down)
Wilson, Sammy (East Antrim)

Northern Ireland Assembly

Monday 29 June 2015

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

Members observed two minutes' silence.

Assembly Business

Mr Ramsey: On a point of order, Mr Speaker. In light of the temperatures that we will have over the next few days, would you be minded to relax the dress code for Members in the Chamber, particularly those male folk who may want to take off their jacket?

Mr Speaker: I am not sure that I share your confidence in the weathermen. If you do not mind, we will monitor it for the first few hours and then review the situation in those circumstances. I know that a precedent exists, but let us see how the weather really works out.

Mr Wilson: Further to that point of order, Mr Speaker, given the accuracy of the BBC in predicting anything in this country, could we perhaps leave it for a day or two to see whether the BBC has got this one right?

Mr McNarry: Are there wimps in the BBC?

Mr Speaker: Order. I hope that the party mood continues for the rest of today's business. *[Laughter.]* To reiterate: we will keep the situation under review. I am very conscious that, in the past, we have found it necessary to relax the usual code. I will come straight back to Members when it becomes obvious that we need to do something.

I want to proceed with today's business, and I have a few announcements to make.

Executive Committee Business

Pensions Bill: Royal Assent

Mr Speaker: I wish to inform the House that the Pensions Bill received Royal Assent on 23 June 2015. It will be known as the Pensions Act (Northern Ireland) 2015.

Assembly Business

Resignation of Members: Mr Danny Kinahan and Mr Tom Elliott

Mr Speaker: I wish to advise the House that I have received a letter from Mr Danny Kinahan giving me notice of his intention to resign as a Member for the South Antrim constituency with effect from Saturday 27 June. I also wish to advise the House that I have received a letter from Mr Tom Elliott giving me notice of his intention to resign as a Member for the Fermanagh and South Tyrone constituency, also with effect from Saturday 27 June. I have notified the Chief Electoral Officer, in accordance with section 35 of the Northern Ireland Act 1998.

New Assembly Members: Mr Adrian Cochrane-Watson, Mr Neil Somerville and Ms Claire Hanna

Mr Speaker: I wish to advise the House that I have been informed by the Chief Electoral Officer of the following appointments: Mr Adrian Cochrane-Watson has been returned as a Member of the Assembly for the South Antrim constituency to fill the vacancy resulting from Mr Kinahan's resignation; Mr Neil Somerville has been returned as a Member of the Assembly for the Fermanagh and South Tyrone constituency to fill the vacancy resulting from Mr Elliott's resignation; and Ms Claire Hanna has been returned as a Member of the Assembly for the South Belfast constituency to fill the vacancy resulting from Dr McDonnell's resignation. Mr Cochrane-Watson, Mr Somerville and Ms Hanna signed the Roll of Membership in my presence and that of the Clerk to the Assembly this morning and entered their designation. The Members have now taken their seats. I welcome them to the Assembly and wish them every success.

Some Members: Hear, hear.

Matter of the Day

Terror Attacks in Tunisia, France and Kuwait

Mr Speaker: Mr David McNarry has been given leave to make a statement on the terror attacks in Tunisia, France and Kuwait, which fulfils the criteria set out in Standing Order 24. If other Members wish to be called, they should rise in their place and continue to do so. Members will have up to three minutes to speak on the subject. I remind Members that I will not take any points of order on this or any other matter until this item of business has been finished.

Mr McNarry: Our hearts, prayers and thoughts are with the injured and the bereaved families cast into darkness, but so, too, must the outright condemnation from the House of ISIS and its warmongering be listened to.

Last Friday, at 7.00 am in France, 12.00 noon in Kuwait and, in between, at 11.45 am in Tunisia, ISIS terrorists struck, and they shook the free world. Thirty British and three Irish holidaymakers, along with others, were cut down by an IS extremist murdering innocent people on a Tunisian beach. It is unforgivable. Islamic countries must now decide to disown IS, to reject and repudiate it. They cannot host tourists and harbour terrorists at the same time. Our Government must also act by informing us all of the level of threat existing in our United Kingdom. I trust that the House will unite in that condemnation and that our message will be carried forward by you and your office, Mr Speaker, to the rest of the world.

Mr D McIlveen: I do not know whether saying that I welcome the opportunity to speak is the correct form of words today. I am sure that the events that unfolded last week filled everyone with horror, in the Chamber and outside it. I had the immense privilege, towards the end of last year, of being part of a delegation to Tunis. We met a number of senior political figures, including the president, and it was an eye-opening experience. It was very clear that there were serious concerns in the country that an attack such as this was almost inevitable. Last year, although Tunisia is one of the more secular Islamic states in the region, it exported over 2,000 young people to ISIS. That certainly caused the vast majority of right-thinking people in the area huge concern as it started to become clear what the ramifications could be.

It is a twisted, disgusting, barbaric ideology. It is often said at these times that it should not be reflected upon the vast majority of good people who live in the area, and I have to echo that today. I was received with nothing but courtesy and hospitality when I visited Tunisia. I think particularly of a young man called Tariq, who, despite putting his personal safety on the line, continues to try to mobilise the student movement to encourage all young people that violence is not a legitimate form of political protest. Therefore, I condemn it wholeheartedly and welcome the Member bringing it to the Floor today.

I think that we have to be in no doubt and be unequivocal in our condemnation of those acts over the weekend. Whether it is a terrorist attack in Sousse, New York, London, La Mon, Loughinisland or Omagh, it does not matter to me. Terrorism is terrorism, and it must be condemned on every possible occasion. The House must send out a message that that type of barbaric activity, regardless of whether it is on our shores or within the shores of other lands, should be condemned wholeheartedly and outrightly. My thoughts and prayers are with the families in the United Kingdom and across the border in the Republic who are bearing unmeasurable grief at this time. I hope and pray that the vast majority of the thoughts of people in the House are with them.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. I join others in saying that my party is shocked at the slaughter that happened on the beaches in Tunisia. Sinn Féin's deepest sympathies go to all the relatives who have lost loved ones and also to those who have been injured. I am hearing that 38 people were killed, but we will obviously have to wait for the final tally. British and Irish people were killed. Three from this island were killed. They were Laurence and Martina Hayes from Athlone, County Westmeath, and Lorna Carty from Robinstown, County Meath.

I also recently visited Tunisia, following the shootings in March. I was there for Easter weekend as part of a seminar, meeting political parties, Ministers, other elected representatives and non-governmental organisations from across the Middle East and north Africa. I know from my time there that the vast majority of the people of Tunisia will be outraged at the attack. They were certainly outraged at the attack that happened a couple of days before I visited. The vast majority of people from the Muslim world, here in Ireland and across the world will also be horrified and reject the activities of ISIS. The onus is on us to reach out to progressive and representative voices to address the issues that allow that sort of extremism to exist.

Our thoughts are with the families who have lost loved ones.

Mr Dallat: Reference has been made to the fact that terrorist attacks took place across three continents within a few hours of one another, resulting in the deaths of at least 62 people. That brings home to us the extent of what happened on a quiet Friday afternoon.

I became aware when I got a phone call from a family in Kilrea whose son was in Tunisia. In fact, he was on a beach close to where the shootings took place. I pay tribute to the British and Irish consular services for their outstanding help in assuring those families who were not tragically affected by the holocaust that their family members were safe and, indeed, that efforts were being made to get them out of the country. I particularly thank the British-Irish secretariat here in Belfast, which was absolutely outstanding in giving information to that family that their son was, in fact, safe after spending several hours locked in a bedroom, not knowing exactly what had happened.

Like Mr McIlveen, I have been to Tunisia, although just as a holidaymaker. I found the people there to be exceptionally good people. They are poor and very much dependent on tourism for their survival. They, too, need to be in our thoughts, because many countries in the world have had their tourism industry destroyed by acts of terrorism. Today, this island and our neighbouring island, along with Germany and Sweden, are united in grieving for all those families who went there to enjoy a short holiday and are now plunged into grief.

The Assembly, I am sure, is united in extending its good wishes to the people who were injured, some of them with life-changing injuries. Our prayers are with those families who, over the next few days, have to bring home the bodies of their loved ones.

Mr Speaker: I call Mr Ross Hussey. Mr Hussey, you are fine to sit down.

12.15 pm

Mr Hussey: On this occasion, Mr Speaker, I feel it is appropriate that I should stand as a mark of respect to the 30 British and three Irish who lost their life in this ridiculous attack.

I thank Mr McNarry for bringing this Matter of the Day to the House. Every time something like this happens, you think how you would react if it was a member of your own family. The reports were coming in on Friday lunchtime, and one of my staff actually said, "Reports are coming in from Tunisia". You hear one dead, two dead, and the figure goes up.

One of the first photographs that I saw was of a very good-looking young woman, a nurse, on her holidays. She was out to get a wee bit of sun before she came home and was brutally done to death by a terrorist.

I have said this before in the House, and I hope I never have to say it again: terrorists are cowards. They always have been and always will be cowards. That man arrived with a sub-machine gun and continually shot at people. I am one of those people who would put the car on the roof to avoid a rabbit. How could anybody deliberately go along and shoot people in cold blood?

We have seen it in this place in Northern Ireland, and we know the pain that these families are suffering. Thirty British and three Irish, and the Chamber is unique because we are British and Irish. So, 33 of our fellow citizens have been murdered, and for what? Tunisia depends on the tourist industry to make a living. As mentioned, they are a very poor people, and they need the support of tourists.

Terrorists terrorise, and that is what they are there for. They are there to terrorise the community. They have murdered in cold blood these citizens, but what have they done to the people of Tunisia? An awful lot of people will now not go to Tunisia, and nobody is going to encourage people to go to a place where they may get shot. We need to support the people of Tunisia as well.

I am appalled at these killings. My sympathy is with the families. They have many cold, dark days ahead. When the bodies are returned, they have days of mourning. I agree with the previous speakers that everyone in the House will send their sympathy to our fellow citizens, whether they be Irish or British.

Dr Farry: With others, I join in condemnation of this attack in Tunisia and express our sympathy to all the families of the victims, injured and bereaved. We also join in recognising that this is part of a three-pronged attack, including that in France and the attack on the Shia mosque in Kuwait.

It is right that, given the British and Irish victims in Tunisia, we reflect in particular on that incident and loss, not least given that it is perhaps the most serious terrorist attack that we have experienced in these islands for effectively 10 years. Somewhat poignantly, we

are coming up to the tenth anniversary of 7/7 itself. However, we should bear in mind that this type of action is happening day and daily in different parts of the world, most notably in Iraq and Syria, but also in other parts of the Middle East. We are seeing barbaric acts and atrocities occurring with alarming frequency and people being singled out based upon their religion, some warped view of a lack of adherence to religion or, indeed, their sexuality.

It is clear that the threat from the so-called IS is a very localised challenge in some parts of the Middle East, but it is also now a major global challenge facing us all, with terror taking place on an almost random basis. That is obviously driven by what is very clearly a warped interpretation of Islam, just as throughout history we have seen barbaric acts and atrocities carried out through warped interpretations of other world religions.

I have a slight difference of opinion with Mr McNarry in saying that I think that very few states in the world are actively harbouring Islamic State. Islamic State is as much a threat to the states in the Middle East as to ourselves here in the west. People referred to Tunisia, which is now suffering hugely in terms of the loss to its economy. There is no doubt that it was particularly targeted, as this is the second major attack there in a number of months, because it was the first state to be involved in the Arab Spring and it has successfully made the transition to democracy.

We should also recognise the acts of many individual Tunisians who stepped in and prevented even worse acts of terrorism from occurring last week. They are real heroes. They recognise their common humanity with our citizens, as well as the fate of their state on the back of this.

There are, of course, challenges to us all, both in the West and states in the Middle East, in how we tackle propaganda and prevent our citizens from leaving our shores as fighters. Those are discussions for another day, but we need a genuine global response to what is a genuine global problem.

Mr Wilson: I wish to express, as all other Members have, my sympathy to those who are grieving and who find themselves mourning relatives who went for a holiday and finished up in a holocaust; who thought that they were going to a beach and found themselves in a bloodbath. Since we in Northern Ireland can identify so much with the sudden loss that comes from acts of terror, I think that the sympathy and the empathy of the Assembly should go out to them.

On the wider issue, though, this is the challenge for our generation. Many people point to worldwide issues that need to be dealt with, and this is one of the global issues. Friday's violence across three continents indicates just how widespread this is. We in this country need to seriously decide how we wish to address it. People living in this country need to decide how we react to it.

Whilst there is responsibility for our Government and for other Governments, there are also responsibilities for those whose community is being targeted by this death cult; and it is a death cult, which only wishes to spread destruction, whether it is the destruction of the Tunisian economy, the destruction of the lives of the people who went there on holiday, or the destruction of families. I listened to the family of the gunman, who said that he was their hope; he was the one who had got an education, and yet his mind was poisoned by individuals who wanted to draw him into this death cult.

I think that leaders in the Muslim community here in Northern Ireland also need to bear in mind their responsibility. It was not so long ago that we had the head of the Muslim community in Northern Ireland on the radio actually praising this death cult for what it had done when it took over Mosul, and claiming that it had brought order to that city. When people are considering how we deal with this, everyone at all levels of society, especially those within the Muslim community, have to ask themselves what responsibility we have if our families are being drawn into this. We must inform the police, dissuade them, and make sure that there are no more recruits who gun down innocents on beaches and in factories.

Mr Allister: I join in the condemnation of these horrific events, made all the more horrific because they occurred at a time when those in Tunisia thought that they were there for a period of relaxation, leaving aside the cares that beset people, only to suddenly face the deadly horror of the situation. That adds a peculiar dimension to the situation. Of course, as a society, we came face-to-face for far too long with the awful wickedness of terrorism. Those of us who opposed that terrorism can quite properly join in expressing our horror and condemnation of this terrorism. Those who supported that terrorism must speak for themselves as they deploy words to meet this situation.

Reference has been made, and it is true, that Tunisia was the crucible of what was called the Arab Spring. Now we have come full circle to the horrors of terrorism that we are facing, not just there but in many other countries, including our own. I do think that it is unhelpful to note the diffidence, at times, of the Prime Minister and others to call this for what it is — Islamic-inspired terrorism. You can ignore reality, but you cannot go on ignoring the consequences of ignoring reality. I trust that stern and necessary measures will be taken within our nation and that the jihadists who go off to trade their war outside this nation will be prevented from ever returning within our boundaries. A very clear message has to go out that the Government and all in authority are serious about identifying the source and the nature of this terrorism and serious about dealing with it on our shores. To an extent, there has been too much diffidence already in dealing with that.

I send my condolences to all concerned. That is a small matter in the realm of the huge devastation that they feel, but it is right that those who have experienced terrorism, such as this community, should feel an affinity and empathise with them at this time.

Mr Agnew: I am grateful for the opportunity to condemn these most recent atrocities, including Friday's events in Tunisia. The principle of non-violence is at the heart of what the Green Party in Northern Ireland stands for. Global terrorism is a scourge. It is not often that I agree with Mr Sammy Wilson, but it is one of the greatest challenges facing us. Globally, this type of event happens much too often — seemingly on a daily basis, as Mr Farry pointed out. This particular event in Tunisia over the weekend affected people from these shores, but the suffering, pain and anguish of those involved in the often daily atrocities across the world are no less just because we do not know them. Of course, in Northern Ireland we know only too well the impact of terrorism — how it tears families and societies apart. It is important that we condemn terrorism, wherever it originates. Unfortunately, it continues to be a scourge in our society and that is something that we must continue to grapple with.

On behalf of the Green Party in Northern Ireland, I extend my sympathy to the families of this most recent atrocity. Violence begets violence, and we must lead by example through standing strong on the principle of non-violence. That is the only way we can defeat those who perpetrate such heinous crimes.

Assembly Business

Public Petition: Circuses with Animals: Entertainment Licences

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

Mr Agnew: The petition I present today calls for a change in the law to effectively ban the use of animals in circuses by denying them access to an entertainment licence. Let me be clear: animals do not exist for our entertainment. We know what an animal needs to ensure its welfare.

The five freedoms include the need for a suitable environment; the need to exhibit normal behaviour patterns; and the need to be protected from pain, suffering, injury and disease. We have protected the five freedoms through the code of practice issued by the Department of Agriculture and Rural Development, and we should ensure that the five freedoms are met in all aspects of our society. Even with the best of intentions, a travelling circus cannot meet the five freedoms of an animal, and, for that reason, I believe that circuses that use animal acts should be prohibited in our society. Animals should be afforded dignity and respect, and they are denied that in circuses where the five freedoms are not met.

12.30 pm

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

I would like to thank Councillor Ross Brown for starting the petition, and I am honoured to present it to you, Mr Principal Deputy Speaker, on behalf of the 1,775 signatories. I urge the Environment Minister to take action. He has gone out to consultation on the licensing regime, and 1,775 people have spoken and made it very clear that they no longer wish our society to give legitimacy to circuses that perpetuate cruelty on animals. To quote one of the signatories:

> *"It's time to stop this cruelty. Animals deserve better."*

Mr Agnew moved forward and laid the petition on the Table.

Mr Principal Deputy Speaker: I thank the Member. I will forward the petition to the Minister of the Environment.

Standing Orders 10(2) to 10(4): Suspension

Ms Ruane: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 29 June 2015.

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

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 29 June 2015.

Assembly Members' Pension Scheme: Trustee

Mr Principal Deputy Speaker: The motion will be treated as a business motion and, therefore, there will be no debate.

Resolved:

That Ms Caitríona Ruane be appointed to the board of trustees of the Assembly Members' pension scheme. — [Mr G Kelly.]

Ministerial Statements

British-Irish Council: Summit

Mr Principal Deputy Speaker: I have received notice from the First Minister and the deputy First Minister that they wish to make a statement on the British-Irish Council (BIC) summit that was held in Dublin on 19 June. The Minister of Health, Social Services and Public Safety will make the statement on their behalf.

Mr Hamilton (The Minister of Health, Social Services and Public Safety): In accordance with the requirements of the Northern Ireland Act 1998, I wish to make the following statement on the twenty-fourth summit meeting of the British-Irish Council, which took place in Dublin Castle on 19 June. The First Minister, the deputy First Minister and I attended the summit, and the First Minister and the deputy First Minister have agreed that I make this statement on their behalf.

The Irish Government hosted the summit, and the heads of delegations were welcomed by the Taoiseach, Enda Kenny TD. The United Kingdom Government were led by the Secretary of State for Foreign and Commonwealth Affairs, the Rt Hon Philip Hammond MP. The Scottish Government were led by the First Minister, the Rt Hon Nicola Sturgeon MSP.

The Welsh Government were led by the First Minister, Rt Hon Carwyn Jones AM. The Isle of Man Government were led by the Chief Minister, the honourable Allan Bell MHK. The Government of Jersey were led by the Chief Minister, Senator Ian Gorst. The Government of Guernsey were led by the Chief Minister, Deputy Jonathan Le Tocq.

The twice yearly summits continue to provide an opportunity for the British-Irish Council to play a unique and important role in furthering, promoting and developing links between its member Administrations through positive, practical relationships, and in providing a forum for consultation and exchange of information on matters of mutual interest.

As is now customary at each summit, the Council discussed the current economic situation. Each member Administration outlined their latest economic indicators and the strategies that they are putting in place to promote growth and address unemployment. Overall, a common theme emerged of a continuing improving economic situation in all member Administrations, with a recognition of the interdependence and links between our economies. Each Administration also noted the decision of the UK Government to hold a referendum on membership of the European Union and the potential implications of the outcome for their economies.

The Irish Government presented a collaborative paper, on behalf of the misuse of substances work sector, on the misuse of alcohol, focusing on the economic and social implications of alcohol abuse and the various measures planned to tackle the problem of excessive alcohol consumption. In response, the Council had a detailed discussion on the significant harm being caused by alcohol to individuals, families and society. The Council agreed that continuing action is required across member Administrations to protect the health and well-being of the wider public — especially children — from alcohol misuse. The Council recognised the need for policies that foster

protective environments for families and young people and to implement strategies that target high-risk groups. There was an exchange of views and information on how member Administrations are handling issues such as marketing and advertising, minimum pricing and licensing reform.

All member Administrations reaffirmed their commitment to the British-Irish Council and to its key principle of facilitating the development of mutually beneficial relationships between these islands. They recognised the many positive achievements of the BIC to date and agreed that it was timely to update the working of the British-Irish Council to ensure that it best reflects shared priorities for the member Administrations and delivers for citizens across the islands. They requested that officials, working closely with the secretariat, review the work sector's activities and report back on progress to the next summit in November 2015, as well as review the working of the Council in general.

The Council received an update on the work that had taken place across each of the 12 sectors since the last summit in November 2014. The Council looked forward to a number of ministerial meetings, at work-sector level, to be held later this year. The Council also reviewed the latest youth employment statistics across the Administrations and welcomed the further progress being made in that important area. The Council noted the secretariat's end-year report against its business plan and welcomed the publication of the BIC annual report 2014. Finally, the Council noted that the next BIC summit will be hosted by the UK Government in London in November 2015.

Mr Nesbitt: I thank the Minister for the update. He will be aware that the Northern Ireland Executive are the only lead member Administration with sole responsibility for no fewer than three of the work streams: collaborative spatial planning, housing and sustainable and accessible transport. Can he tell the House why that is, what the implications are for the resource demand on officials and update us on those three sectors?

Mr Hamilton: I do not know the origins, specifically, of why Northern Ireland has responsibility for three of the work streams out of quite a number. I am looking at Mr Attwood across the Chamber. I am not sure whether he was Minister for Social Development at the time that the housing sector work stream was started. If he was not, it was his predecessor who was in post. I think that work stream was moved forward for inclusion specifically at the request of the Northern Ireland Executive. It was not one of the original work streams; it was added at that stage. Each of those work streams is tailored to areas where there is particular interest from the lead member Administration. I can certainly return to this area and ensure that officials get back to the Member about any cost estimate for the time taken by our officials in taking forward work. The Member is aware, I imagine, from his chairmanship of the OFMDFM Committee, that the overall cost of the secretariat as a whole to Northern Ireland is quite modest. The fees that we are paying to keep the secretariat going are a little over £10,000 a year, but that obviously does not take into account costs for in-kind work done by officials.

While there will be a cost and time will be spent and, perhaps, officials will be taken away from the day-to-day core business in their Departments, it is work of mutual interest, and there is benefit for Northern Ireland in working collaboratively with officials from other Administrations. I know from my Department that there was a focus at the summit on the misuse of alcohol and substances and that work was shared at the summit and across the work stream that can be of benefit to Northern Ireland. We put in time and resources, but we get the benefit of sharing our understanding.

Mr Spratt: The Minister highlighted a discussion between the Administrations about the economy. How does Northern Ireland's economic performance compare with that of other BIC members?

Mr Hamilton: At the commencement of the summit, some time was devoted to a discussion among all member Administrations about the state of their respective economies. I noted from the previous BIC summit, before the turn of the year, in the Isle of Man, that there had been further improvement in economic outlook across all member Administrations. We cannot all boast as good an economic outlook and performance as that of the Isle of Man, which reported having over 30 years of unbroken economic growth and an unemployment rate of about 1·5%. That is something to which we would all aspire and try to work towards.

There was general optimism across member Administrations about the state of the economy. It struck me that Northern Ireland was performing a little better than some member Administrations in the area of unemployment. That is not to say that Northern Ireland's unemployment situation is perfect by any means, but it is certainly considerably lower than that of the host member Administration,

the Republic of Ireland, where unemployment has fallen from a high of around 15% to now just below 10%. Northern Ireland is at 6·1%, which is a little above the UK average but certainly a lot better than the rate in the Irish Republic. We should be immensely proud that our claimant count has been down for 28 months. It is one indicator among many that things are starting to improve in Northern Ireland and right across the British Isles.

The fact that all Administrations across the British Isles were reporting economic growth, falling unemployment and general optimism and confidence across the economy can only be a good thing for Northern Ireland. We are so economically linked to and interdependent on one another that, when we get good economic news in the Republic of Ireland, Scotland, England or in other Administrations, that is ultimately good news for Northern Ireland too.

Ms McGahan: Go raibh maith agat. What indications were discussed at the meeting for the future direction and working of the British-Irish Council?

Mr Hamilton: As I said in my update, there was a brief discussion among member Administrations about reviewing the work of the work streams to update the next summit, which will be held in London in November and which will discuss progress on those work streams. That will help to inform future work undertaken by those work streams, whether some of them can be pared back or whether new ones can be put in their place. That will obviously have an impact on the future work of the summit.

Mr Attwood: I ask the Minister to lodge the updates across the 12 work sectors since the last summit, in November 2014, in the Assembly Library for Members' consideration. When the discussion took place on the forthcoming referendum on membership of the European Union, did the British Government indicate in any shape or form that they recognised how any withdrawal from Europe might have a disproportionate impact on the economy and the people of Northern Ireland?

Mr Hamilton: The Foreign Secretary raised the issue of the referendum in the context of the economic discussion that had taken place at the summit. I do not recall him specifically talking about the impact on other devolved Administrations in the United Kingdom. A range of views was expressed, although he did not need to; other First Ministers and Chief Ministers ensured that their concerns were raised. For his part, our First Minister welcomed the fact that the Prime Minister was pursuing renegotiation. That is something we have long supported. I welcome the fact that the Prime Minister is endeavouring to renegotiate the UK's relationship with the European Union. I think his call for reform of the European Union will find common cause, not across just the United Kingdom, but the European Union. At this stage — the early stage — of those discussions and negotiations that the Prime Minister is engaged in, I think we should be wishing him luck and hoping that he gets a successful and fruitful result for the United Kingdom.

12.45 pm

Mr Lunn: I thank the Minister for his statement. Was there any mention of welfare reform in the margins of the conference? Did the Scottish or Welsh Ministers offer any comfort regarding our ability to obtain further concessions from the British Government?

Mr Hamilton: I am not always sure whether you are allowed to talk openly about what happens in the margins. I could not talk about everybody's margins; I could talk only about the margins that I was in. There was no specific, formal discussion around welfare reform on the agenda. Obviously, as you might expect, it was raised, particularly by the First Minister, in the context of the overall need to have faithful and full implementation of the Stormont House Agreement, the impact that it was having upon the Northern Ireland Executive and the instability that it was creating in the institutions. Beyond that, there was no formal discussion. Whilst I think I can recall comment made by the First Minister of Scotland and others about welfare reform in the broad sense, no specific comment about Northern Ireland was made in the formal summit. I cannot comment on what was done in the margins that various people were drawing before, during or after the summit.

Mrs Hale: Minister, you mentioned briefly that a paper on the misuse of substances was presented. Can you inform the House what discussions, if any, took place about the outlawing of the new psychoactive substances?

Mr Hamilton: I thank the Member for her question. These so-called legal highs, or new psychoactive substances, as they are better referred to, have caused concern across the British Isles. The Irish Government have moved to ban and outlaw new psychoactive substances. Learning in that area can be useful when it is shared across BIC member

Administrations. The Home Office Minister Mike Penning, who was at the summit, mentioned the fact that legislation is proceeding through the Houses of Parliament to ban new psychoactive substances. That is something that we warmly welcome; it is something that we have been pushing for in Northern Ireland for some time. In fact, it was the subject of a motion and debate in the House that was brought forward by our colleague Alex Easton, a number of weeks ago. So, it is good to see that that progress is being made. Again, it is a very good example of where policy decisions taken in one member Administration of the BIC can have an experience and learning that can be used by others and taken forward as policy in other member Administrations.

Mr Maskey: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. It is none of my business whether the British people decide to remain in the EU, but, clearly, any decision that they might take would impact on this region and, perhaps, many others. Will the Minister confirm that the majority of Administrations at the BIC expressed concerns in relation to the British intention regarding its exit from the EU?

Mr Hamilton: A straw poll of the various views of Administrations was not taken at the summit, but certainly, on the basis of listening to those who expressed any opinion on the European Union and the referendum that will take place next year in the United Kingdom, concern was expressed by the First Minister of Scotland and the First Minister of Wales, in particular. It is also fair to say that some of the smaller Administrations expressed concern. The Isle of Man, in particular, expressed concerns because of the nature of its relationship with the European Union. So, yes, concerns were expressed, as you would expect them to be expressed, for national interest reasons and for party political reasons by other member Administrations and their heads of delegation.

I reiterate that I welcome the progress that the Prime Minister has made to date. I think that many across Northern Ireland, the United Kingdom and Europe will be welcoming the fact that the Prime Minister is bringing a focus to the issue and to the long outstanding and much-needed reform of the European Union. I think that we would do well to wish him well in the negotiations that he has commenced.

Mr D McIlveen: I also thank the Minister for his statement this afternoon. He said that some discussions took place on the misuse of alcohol in our society. Will he confirm that the issue of minimum unit pricing is still being viewed as a viable means to deal with that problem?

Mr Hamilton: The focus of the summit was on the misuse of substances, particularly the misuse of alcohol, and there was an exchange of information and experience across member Administrations. There was a particular interest in the issue, as it had been raised initially by the Scottish Government, who are, at this minute, entangled in a court case in Europe on the legality of moving forward with minimum unit pricing. I was one Minister amongst several who expressed a keen interest in the outcome of that case, and we will continue to observe it as it moves through the European Court processes, with an expected conclusion or at least an indication of direction by the autumn of this year. It has been considered between the Executive and the Irish Government, along with the impact that the border might have on any minimum unit pricing on one side of the border or both. To that end, research has been jointly commissioned by the Irish Government and the Northern Ireland Executive, and I anticipate that the outcome of that will be published in the not too distant future.

Mr Dallat: I also welcome the Minister's statement. I noted that the British-Irish Council reflected on the need to project the best image of the organisation in how it represents people across these islands, and that is to be commended. Not least, of course, is the issue of youth unemployment, and I am pleased that that issue was discussed. Will the Minister tell us what he has gleaned from those discussions that might slow down the number of our young people who are heading off to other parts, legally and illegally, to find work when there is none at home?

Mr Hamilton: This is the second British-Irish Council summit that I have attended in succession, and youth unemployment was discussed in more detail at the previous one. It was raised during the broad economic discussion that member Administrations had at the commencement of the more recent summit in Dublin Castle.

Work in this area is ongoing between Administrations. Like unemployment, economic growth and the other updates that were provided, we are seeing improvements in this area, and we are seeing improvements in our youth unemployment figures in Northern Ireland. We are by no means in a position whereby we should be resting on our laurels with the progress that has been made. I have long supported the various strategies that are in

place between the Department for Employment and Learning, working in conjunction with the Department of Enterprise, Trade and Investment, to create employment opportunities, and I want that to continue.

One of the worst impacts of the downturn has been the denial of opportunities to many young people, not just in Northern Ireland but right across the British Isles and further afield. The different strategies and policies that are pursued in member Administrations can be shared, learned from and adopted, if necessary and appropriate, in our own jurisdiction and elsewhere.

Mr Allister: This is the product of another long hard day at the British-Irish Council (BIC). Is there a sense of embarrassment at the commitment in the document to update the working of the BIC? Is that an acknowledgement that it is very much the poor relation and that east-west relations just have a notional traction — even the 2014 report shows how shallow that is — in contrast with the constant ministerial meetings of "North/Southery", where we pour in £30 million a year and more and run a British-Irish Council secretariat for £98,000 a year —

Mr Principal Deputy Speaker: I ask the Member to come to a question on the Minister's statement.

Mr Allister: Does the Minister agree that the workings on an east-west basis need to be revamped and that they are totally out of kilter with the focus and emphasis of "North/Southery"?

Mr Hamilton: I would like to see the British-Irish Council do more. My experience of working in the environs of the Council proved that there is a lot to be learnt across its member Administrations. I would have thought that the Member might want to welcome and acknowledge that, but, of course, it is not his habit to do so.

I think that it is right that, periodically, the work of the BIC is refreshed, and the Member should welcome the fact that that is being acknowledged across the several member Administrations. Collectively, they acknowledge its importance. That is always recorded at the start of a summit, and, indeed, comment was passed publicly in the press conference afterwards that all the Administrations very much welcome the opportunity, whether formally or — to use Mr Lunn's phrase "in the margins" — to have conversations with each other. I accept that that has been slow to grow in importance, but it is of growing importance.

I think that the Member overstates his case. I think, having attended some North/South Ministerial Council meetings in plenary and sectoral session, that he has a habit of overstating the work of that institution. He is right that there are lots of meetings of the North/South Ministerial Council in its various formats, but not a lot of output from it.

Mr Principal Deputy Speaker: That concludes questions on the statement.

Líofa Website

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Mr Principal Deputy Speaker, with your permission, I wish to make a statement regarding the Líofa website.

I previously advised Members that the Líofa website had been shut down because the details of some Líofa participants had been made available publicly on the site, and I undertook to make a further statement to the House when the matter had been investigated fully.

The Department engaged IT security experts, accredited by the Communications-Electronic Security Group, which is the UK's national technical authority for information assurance, to establish the full extent of the Líofa website's vulnerabilities. The matter was also reported to the Information Commissioner's Office (ICO).

While the independent IT security experts found that data disclosure had taken place, they could find no evidence for the disclosure having come from the Líofa website. Rather, they stated that the disclosure came from a test server with the developer who created the site. As a result, the maintenance contract with the existing website developer has been terminated, and a new Líofa website has been developed by the NI Civil Service enterprise shared services (ESS). The Department used the opportunity to upgrade the site, to make it more easily accessible across all types of smartphone and tablet, to improve the user experience and to bring responsibility for its management and future development fully in-house.

While a new website was under development, an interim Líofa site was constructed and made live. That provided a range of helpful information about Irish language classes,

learning resources and how to register for Líofa. The interim site was hosted by ESS as part of the Civil Service network and was independently verified. Full responsibility for the new website now rests with the Department, with ESS removing any role for Foras na Gaeilge or a third-party supplier. The ICO is content that no further action is required. The ICO also asked the Department to review its management arrangements for personal data, and that is being taken forward by a senior information records officer. A lessons learned report has been completed and is being quality assured.

I would like to reiterate that I am deeply sorry about this unfortunate incident, but I am satisfied that the new website, in-house management arrangements and independent verification of the site will restore the confidence of Líofa participants in using the website. The new site is now fully functional and provides improved access to help Líofa learners on their journey.

Mr McCausland (The Chairperson of the Committee for Culture, Arts and Leisure): The issue arises of the future intentions of the Minister because this is clearly in the context of the Líofa website having a sustained future. In view of the financial constraints at the moment, how does she envisage the future of the website, in view of all the competing costs and the fact that so many projects have had to be either completely abandoned or severely restricted in their funding?

1.00 pm

Ms Ní Chuilín: I thank the Member for his question. I did not hear it fully owing to the sound in the Chamber, but I think that I caught the thrust of it, which was about affordability and the future maintenance of the website. The website's budget has already been set right through to the end of the mandate. When we are preparing our next CSR, I will firmly make the maintenance of the Líofa website central to that, as I will other needs that are competing for attention, support and sustainability throughout.

Mr Ó hOisín: Go raibh maith agat, a LeasCheann Comhairle. An dtig liom ceist áirithe a chur ar an Aire. Will the Minister tell us who in the Department commissioned the investigation of the breach?

Ms Ní Chuilín: Go raibh maith agat. The Department commissioned IT security experts independent of it, which, by British standards, is the national communications agency. We commissioned the Communications-Electronics Security Group and the British national security authority for information assurance to ensure, first, that any such breaches would not occur again and, secondly, that Líofa participants and other users of DCAL's other services on the web were assured. They have provided a detailed report assessing the security status of the site and made a number of recommendations. This is about learning from our mistakes to try to ensure that they do not happen again.

Mr D Bradley: Go raibh míle maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a ráitis. An dtig liom a fhiafraí den Aire cá mhéad airgid a caitheadh ar an suíomh go dtí seo? How much has been spent to date on the Líofa website?

Ms Ní Chuilín: There was a budget of almost £60,000 for the Líofa website, so it is now over £65,000, including a new health check and paying for those services.

I am sure that the Member will agree with me that, given that we are reaching almost 12,000 participants and growing, not only are people happy to access the website but the new arrangements have engendered the confidence of people using it. It is an important tool, particularly for people who are learning from home, or even for adult learners like me who need every support possible and cannot get to as many classes as they would like to. Therefore, it is almost £65,000, and, as far as I am concerned, it is £65,000 well spent.

Mr Cree: I thank the Minister for her statement. I see that the finger of suspicion was clearly pointed at the test server operated by the developer. Did he have anything to say about that?

Ms Ní Chuilín: As the Member will appreciate, it is not about pointing fingers but about learning lessons. I want to say that up front. The Department is in discussions to try to ascertain exactly what we can do from here, but the contract with that server has been terminated. We are now with a new in-house Civil Service contract, which has been tested and verified, and I am quite content that we can learn lessons from the past and move on.

Ms Lo: The Minister said that all the measures will hopefully restore the confidence of Líofa participants in using the website. What action has she taken to reassure the public that the website is now secure?

Ms Ní Chuilín: The statement that the Member will have received laid out clearly that there was a breach.

We have not only rectified the breach but enhanced security arrangements to ensure that Líofa participants have confidence in the website and in getting access to it. We brought in renowned IT specialists who have not only verified it but checked that the website is functioning as it should be and that confidentiality is adhered to for Líofa participants. Although it has taken some time, I am happy that we have taken that time to get it right.

Mr Dunne: I thank the Minister for her answers. Will she clarify who manages the website now and who did? Can we again have assurances that the failure will not reoccur? Obviously, it is important that a full investigation is carried out and that the lessons learned are put in place not just in this Department but across the various Departments.

Ms Ní Chuilín: I thank the Member for his questions. I will take his last point first: I am responsible only for my Department, but certainly the experts that we have now and even the fact that the website is being managed centrally by the Civil Service should provide additional assurance.

As I said in response to Leslie Cree, we are looking at how the breach happened. As I said to him, we terminated that contract on the basis that we needed to move forward. I am content with the time taken, not only to look at how the breach happened, but to terminate the contract and to get new IT experts in who have looked at the security and tested and verified the new arrangements.

Mr McMullan: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for her statement. Minister, you mentioned in your statement the Information Commissioner's Office. What was its view, and has it made any recommendations?

Ms Ní Chuilín: I thank the Member for his question. The ICO advised that it did not intend to take any further regulatory action, but it advised the Department to take actions to ensure that such breaches do not occur again. We have taken its advice, and we have taken the skills and services of IT experts to ensure that data protection is adhered to. I am content not only with the report from the ICO but with the measures that we have taken thus far, as I believe everyone is.

Mr Humphrey: I thank the Minister for her statement. Carrying on from the answer that the Minister has just given, I ask her to expand on this phrase in her statement:

> *"establish the full extent of the website's vulnerabilities."*

What does that mean?

Ms Ní Chuilín: Back in September of last year, when a Líofa participant reported that they had seen their email details on the website when that should not have been the case, the problem was remedied and the website was tested independently within the Department. That is how you do it: the IT experts come in and independently test the security of the website. They use different mechanisms to test it to ensure not only that the website is not breached but that data protection is upheld. I think that that is really important, and I am sure the Member will agree with me.

I have no difficulty with people from outside the Department testing the website to ensure that not only does it work but that it functions and provides the best possible security screens to ensure that data protection is not breached.

Mrs McKevitt: It is a worthwhile website as far as I am concerned, but I am sure the Minister will agree with me that £65,000 is a lot of money to be spent on a breach of data. I am glad that she has made the statement to the House. Is there any advice for people who may not be computer savvy on how to join up to the Líofa programme?

Ms Ní Chuilín: I thank the Member for her question. The money that was spent on the website included paying for the IT experts to come in to not only fix the breach but to provide firewalls and security steps to ensure that the website cannot be breached in the future. There are many people who, like the Member, have expressed an interest in joining Líofa. At a very basic level, and I am not an IT expert by any stretch of the imagination, if someone cannot access the DCAL website they should google "Líofa". That will bring you directly to a link. If you go on the Internet and look, or even look at liofa.ie, you will definitely get a link to it. There is a very easy step-by-step approach to join and become a Líofa participant. Once that happens, members of our team will be in contact to see what services can be availed of. Once you are a member of Líofa, you also get a newsletter giving updates. You can access Irish language classes at different levels and find out where some of your local classes are.

Mr B McCrea: Will the Minister tell us whether she personally met the Information Commissioner's Office? If so, can she explain what is meant by "no further regulatory action"? Is there any other action that is being anticipated by the ICO?

Ms Ní Chuilín: I did not personally meet the ICO. That is what the officials' job is; they met the ICO. The ICO would have been in a position, if it felt that the breach had been of such a severe nature, where it could have awarded penalties against the Department. That is what is meant by that term, in response to the Member's point. The ICO is assured that the remedies that we have taken thus far are satisfactory. It also asked that the Department have an overall look at all its Internet usage and to ensure that data protection is adhered to, which we have done. We have asked independent experts to come in to ensure that not only has it been done but that it is maintained. As I am sure the Member will agree, data protection is something that we need to strive for to ensure that we get the best possible outcome for people.

Executive Committee Business

Budget (No. 2) Bill: Further Consideration Stage

Mr Principal Deputy Speaker: I call on the Minister of Finance and Personnel to move the Further Consideration Stage of the Budget (No. 2) Bill.

Moved. — [Mrs Foster (The Minister of Finance and Personnel).]

Mr Principal Deputy Speaker: As no amendments have been tabled, there is no opportunity to discuss the Budget (No. 2) Bill today. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage of the Bill is, therefore, concluded. The Bill stands referred to the Speaker.

Londonderry Harbour (Variation of Limits) Order (Northern Ireland) 2015

Mr Kennedy (The Minister for Regional Development): I beg to move

That the Londonderry Harbour (Variation of Limits) Order (Northern Ireland) 2015 be affirmed.

In 1992, the Londonderry Port and Harbour Commissioners resolved, through an administrative measure, to abandon their jurisdiction of part of the River Foyle. Since the Craigavon Bridge was built in 1933, the part of the river between Craigavon Bridge and Lifford Bridge has been inaccessible to port traffic and of no commercial benefit to the commissioners. Therefore, the commissioners decided to amend their limits of jurisdiction. However, while the commissioners introduced this administrative measure, that in itself was insufficient to legally alter the harbour limits, so it was recognised that formal legislation was required. The commissioners did not bring their decision to the attention of my Department and, once it came to light, my officials worked closely with the commissioners to prepare the order.

The purpose of this order is to provide for the formal revision of the commissioners' harbour limits. The order has been subject to a 12-week public consultation, which ended on 23 February 2015. Only one response was received during the consultation process, and that supported the legislation. I am grateful for the consideration given to the proposal by Executive colleagues and for the consideration given to the matter by the Committee for Regional Development. In addition, the Examiner of Statutory Rules has considered the order and has not had any formal comments to make in his sixteenth report of this session. This has allowed the order to proceed to today's debate to seek affirmation. I, therefore, commend the Londonderry Harbour (Variation of Limits) Order 2015 to the Assembly.

1.15 pm

Mr Clarke (The Chairperson of the Committee for Regional Development): I will be very brief. The Committee for Regional Development considered this item of subordinate legislation at SL1 stage at its meeting on 25 March 2015. The Committee stated at that time that it was content with the merits of the policy proposals. The draft statutory rule was considered by the Committee on 27 May, when members stated that they had no objections to the rule. The Committee for Regional Development's position in that regard has not changed. We support the motion.

Question put and agreed to.

Resolved:

That the Londonderry Harbour (Variation of Limits) Order (Northern Ireland) 2015 be affirmed.

Renewables Obligation (Amendment) Order (Northern Ireland) 2015

Mr Bell (The Minister of Enterprise, Trade and Investment): I beg to move

That the draft Renewables Obligation (Amendment) Order (Northern Ireland) 2015 be approved.

This statutory rule is being made under powers contained in the Energy (Northern Ireland) Order 2003, which prescribes that this order must be laid in draft for approval by affirmative resolution of the Assembly. The changes that I bring forward in the draft order relate to the Renewables Obligation Order (Northern Ireland) 2009. The Northern Ireland renewables obligation, or the NIRO as it is better known, has been the main support mechanism for incentivising renewable electricity generation in Northern Ireland since 2005. Since its introduction in 2005, renewable consumption has increased from 3% to 20%, so it has been a great success.

This is the latest in a line of changes in recent years to adapt the NIRO to local, national and European developments. The underlying principle of the NIRO is to support deployment of renewables at least cost to the consumer, as it is the consumer who ultimately bears the cost of incentivising renewable electricity in Northern Ireland. Therefore, support needs to be reviewed periodically to ensure that it is as cost-effective as it possibly can be.

There is a statutory requirement for my Department to carry out a review of renewable obligation certificate bands before new bands are set. My Department undertook a small-scale banding review and public consultation in 2014.

The consultation proposed the retention of the existing levels of support for small-scale onshore wind, hydro and anaerobic digestion (AD) generating stations but proposed the reduction in support for solar photovoltaic (PV) stations up to 250 kW installed capacity. The majority of respondents agreed with the retention of existing ROC levels of support for onshore wind, hydro and AD. However, a large proportion disagreed with the proposed reductions for solar PV. It was argued that the proposals were too severe and could halt future levels of solar deployment in Northern Ireland.

The consultation process provided additional evidence to support a higher ROC level for solar PV from that originally proposed and also to introduce the reductions in a stepped manner rather than in one single reduction. That will ensure the continued deployment under the NIRO at support levels, which will decrease in line with technology cost reductions. From 1 October 2015, the ROC banding level will reduce from four ROCs to three ROCs per MW hour, and will reduce again on 1 October 2016 to two ROCs per MW hour until the NIRO closes in 2017. The changes will apply only to new generating stations. Any generating station already accredited under the NIRO will continue to receive the ROC banding level at which it was originally accredited.

In conclusion — apologies for my late entry. I understand that business proceeded apace, but my apologies for that — the ROC levels introduced in this order are a sensible approach to small-scale renewables deployment under the NIRO.

Mr Flanagan (The Deputy Chairperson of the Committee for Enterprise, Trade and Investment): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for moving this. The Committee explored this on a number of occasions and took evidence from the Department and interested stakeholders if memory serves me right. After the proposed changes were recommended by the Department, the Committee was happy to support the proposals.

Mr Principal Deputy Speaker: Does the Minister wish to respond?

Mr Bell: I thank the vice-Chair of the Committee. We spent some time last week discussing a number of issues. I am relatively new in office, but I appreciate the very positive contribution that the Chair and vice-Chair have made. I hope that that continues. I welcome the Committee's endorsement of what has been proposed. The proposed ROC banding changes strike the appropriate balance of continued support at least cost to the consumer. I think that that is the model that everybody in the House wants. I commend the motion to the House.

Question put and agreed to.

Resolved:

That the draft Renewables Obligation (Amendment) Order (Northern Ireland) 2015 be approved.

Local Government (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2015

Mr Durkan (The Minister of the Environment): I beg to move

That the draft Local Government (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2015 be approved.

The draft Local Government (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2015 is being made under articles 19, 7 and 8 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1992. Article 19(9) of the 1992 Order provides that a draft of the order must be laid before, and approved by, a resolution of the Assembly. The draft order will maintain and continue the policy that was in place before the coming into operation of the Local Government Act 2014 by removing certain restrictions imposed on councils in relation to their public supply or works contracts. It is necessary to make the order because the 2014 Local Government Act replaced the best value regime with the new performance improvement framework.

The draft order will enable councils to continue to include social clauses in their work and supply contracts, should they wish to do so. This could include, for example, the provision of apprenticeships, the employment of people who are long-term unemployed and the provision of work experience places. The draft order replicates and will re-establish the provisions of the Local Government Best Value (Exclusion of Non-commercial Considerations) Order 2012, which was made at the request of councils and approved by the Assembly on 3 July 2012. The draft order was not consulted on, as it simply maintains the provisions introduced by the 2012 Order and does not include any new policy proposals.

I ask the Assembly to approve the draft order.

Ms Lo (The Chairperson of the Committee for the Environment): I thank the Minister for his explanation of the background and purpose of this technical statutory rule.

The Committee first considered the SL1 proposal at its meeting on 16 April. Officials briefed the Committee on 30 April, providing more details on the rule. The Committee noted that one outcome of the Local Government Act 2014 was a new performance management framework that replaced the best value regime. As a result, the Local Government (Best Value) Act (Northern Ireland) 2002 was repealed. Subsequently, a statutory rule made under that Act, enabling councils to include social clauses in their works and supply contracts, also fell. The Committee supports the order, as it reintroduces provisions that were repealed, thus enabling councils to continue to include social clauses in their contracts and thereby encourage good practice and helping employment.

The Committee sought assurances from officials that measures remained in place to ensure that councils continued to deliver value for money through the performance improvement framework. The Committee also noted that the Department is working on amending guidance so that it reflects the current order. Accordingly, the Environment Committee has agreed to recommend that the motion be approved by the Assembly.

Mr Durkan: This order will enable councils to continue to have greater flexibility in the drawing-up of their contracts and, as a result, will benefit their communities. I thank the Chair of the Environment Committee and other Committee members for their support for the motion.

Question put and agreed to.

Resolved:

That the draft Local Government (Exclusion of Non-commercial Considerations) Order (Northern Ireland) 2015 be approved.

Health and Social Care (Control of Data Processing) Bill: Second Stage

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I beg to move

That the Second Stage of the Health and Social Care (Control of Data Processing) Bill [NIA 52/11-16] be agreed.

Every individual in Northern Ireland will use the services provided by the health and social care sector at some point in their life. In doing so, we provide information about ourselves, in confidence, to be used by health and social care professionals for our direct, personal care. However, this information is also valuable in

other ways. It can help to understand the health and social care needs of everyone and the quality of care and treatment provided. It can also assist research by supporting studies that identify patterns in diseases, responses to different treatments and the effectiveness of different services. Currently, information can be used for such purposes if consent has been given or the information is anonymised. There are, however, limited instances in which access to information that identifies individuals is needed to secure the required outcome and obtaining their consent is not possible or practicable.

1.30 pm

At present, patient-identifiable information may already be used for purposes other than direct care as long as the requirements that are set out in the Human Rights Act 1998, the Data Protection Act 1998 and the common-law duty of confidentiality are met. The requirements of the Human Rights Act and Data Protection Act are clearly defined. However, aspects of the common-law duty of confidentiality are less clear, and that can present a challenge.

Under the common-law duty of confidentiality, where consent has not been given, personal information may only be shared if there is a statutory basis for doing so or if disclosure is deemed to be in the public interest. At present, because we do not have statutory authority, the use of patient-identifiable information for any purpose other than direct care is predicated on the organisation's ability to satisfy the public interest test. Deciding what is or is not in the public interest is open to interpretation, and that creates a significant risk for patients, the health and social care (HSC) organisations that hold the information and those who are using the information. The ambiguity about what constitutes public interest means that decisions may be more subjective and prone to legal challenge. Additionally, organisations may simply decide not to pursue that option in the absence of a robust framework, and, as such, the associated potential benefits that were outlined earlier may not be realised.

The purpose of the Bill is not to open the floodgates for sharing confidential information without adherence to existing law or due regard to an individual's right to privacy. In fact, it is quite the opposite. The Bill would enable my Department to establish a robust, transparent and open process that will ensure that information is shared in very limited and strictly controlled circumstances for medical or social care purposes that will clearly benefit health and social care or be in the public interest. Any use of information must still comply with the requirements of the Data Protection Act and the Human Rights Act.

Applicants will have to clearly demonstrate to the committee that the use of information that identifies individuals is absolutely essential to the successful outcome of their work. They will further have to prove that similar results could not be obtained by using anonymised information and that it is either impossible or impracticable to obtain consent from every individual whose information may be used. If an application is approved, the approval will allow the organisations to release the information. It will not compel the organisations to release it.

In bringing forward the Bill, I am seeking to remove the ambiguity that currently surrounds the use of information for purposes other than direct care and, in so doing, safeguard the patient, their information, the health and social care sector and the information user.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. On behalf of the Committee for Health, Social Services and Public Safety, I wish to note the introduction of the Health and Social Care (Control of Data Processing) Bill.

The Committee took evidence from officials in October last year while the consultation on the proposed legislation was live. It took further evidence in February, after the responses to the consultation were analysed, and again on 17 June, following the Bill's introduction. During the briefings — in particular, the most recent briefing — members raised a number of issues about the principles of the Bill, and it was agreed that I would convey those during the debate today on the Bill's Second Stage.

As the Minister has outlined, the purpose of the Bill is to provide a statutory framework and safeguards to enable the use of health and social care information that identifies individuals to be used for medical or social care purposes that would improve health and social care or are in the public interest, without the consent of the individuals whose information may be used. The Committee has absolutely no concerns in relation to the principle of providing a statutory framework and putting in place robust safeguards to enable the use of patient-identifiable information for medical or social care purposes, with the ultimate aim of improving health and social care. It is vital that a framework is put in place to help reduce the

risk of a loss of personal information. The Committee's concerns focused mainly on the principle of sharing identifiable information without consent and, following on from that, the principle of sharing identifiable information without consent if it is deemed to be in the public interest.

Most, if not all, Committee members were unaware that, at present, patient-identifiable information can be shared without consent if the request satisfies the public interest test under the common-law duty of confidentiality.

This means that, for example, where someone has opted out of sharing their information, refuses to give consent for their information to be shared for a particular purpose, or cannot give consent because they are deceased, their identifiable information can be shared if it meets the public interest test.

Setting up a committee under the legislation to authorise the processing of confidential information will not change that. It can still override an individual's wishes if it deems the request for information to be in the public interest. Under common law, satisfying the public interest test is complex. As a result, there is an increased risk of legal challenge for the Department and the health and social care sector. The legislation's intention is to put a framework and safeguards in place to minimise the legal challenge risk that the Department and the health and social care sector could face as a consequence of using identifiable service user information for purposes other than their direct care. In other words, it will lessen the risk of an individual service user taking legal action if their information is shared without their consent.

The Committee had difficulty in understanding the principle of sharing identifiable information that was deemed to be in the public interest, because public interest can be interpreted widely. There is currently no definition of the phrase "public interest"; it is based on case law. By the Department's own admission, the term "public interest" is broad. There is no limit to the breadth of scenarios whereby it could be deemed that the sharing of information is in the public interest. However, importantly, the Bill does not define what public interest is. It does not remove the ambiguity around what constitutes public interest.

Another issue for the Committee was the use of the term "social well-being". What exactly does that mean? The Bill defines a relevant person as being someone whose information can be shared. The definition includes someone who is in receipt of services designed to secure improvement in their social well-being. By way of example, the Bill lists a whole range of conditions requiring such services; everything from pregnancy to dependence on alcohol or drugs. However, at the end of that list we have the words, "or any other similar circumstances". The Committee appreciates that it is necessary to have some flexibility within definitions, but what does the Department mean by "any other similar circumstances"? In other words, how broadly will social well-being be interpreted?

The term "social well-being" is also included in the definition of information that can be shared. Again, how broadly can that be interpreted?

The Committee also discussed the issue of safeguards. The explanatory and financial memorandum talks about stringent safeguards. What are those stringent safeguards? The only safeguard apparent to the Committee was the establishment of a committee to authorise the processing of confidential information; but, even then, the Bill, as it stands, states that the Department "may" establish a committee to authorise the processing of confidential information. Surely the establishment of a committee should be mandatory if it is intended to be a safeguard. Should the Bill not make it the Department's duty to establish the committee rather than just give it the power to establish it?

If a code of practice on the processing of information is intended to be a safeguard, a question exists around how robust that is. Health and social care bodies must only "have regard" to the code of practice when exercising their functions. In relation to the provision of health and social care, they are not required to adhere to it. Perhaps some interpret the words "have regard" more stringently than others, but it should be crystal clear that the code of practice is a document with status. Perhaps a more robust direction should be given.

The Committee notes the Bill's Second Stage, and, should it pass this stage, the Committee will scrutinise very carefully its detail and impact, including the issues of consent and opt-out, what is meant by public interest and social well-being and how robust the safeguards are. It will also assess, based on evidence, how robust, open and transparent the entire process will be.

I want to make a number of comments as an individual MLA. I want to highlight the concerns about the Bill that have been addressed by most Committee members. There is no doubt that the Bill's objective for the provision of a

statutory framework with robust safeguards is the correct approach. My concerns lie with the principles of the Bill. It would seem that the principle of sharing identifiable information that is based on public interest can, indeed, be interpreted widely.

Another issue that has been referred to is the use of the term "social well-being". By way of example, the Bill lists a range of conditions and includes people who would require such a service for everything from pregnancy to addiction. However, at the end of that list are the words "or any other similar circumstances". It is critical that we have a clear definition of public interest and social well-being.

The explanatory and financial memorandum refers to safeguards, but it appears that the establishment of a committee to authorise the processing of that information "may" only happen. There does not seem to be any mandatory or statutory requirement to ensure that it does happen.

I assume that most MLAs will have received correspondence from Cancer Focus and the Law Centre. The Law Centre has warmly welcomed the Bill, as has been the Committee's approach today, but has stressed that there is a need to get the balance right between confidentiality and the public interest.

In conclusion, I urge the Minister to work closely with the Committee to ensure that these issues of clarity and redress are addressed at this stage.

Mr Easton: The aim of the Bill is to provide a clear statutory framework that will enable the use of Health and Social Care (HSC) information that identifies individuals for medical or social care purposes that are designed to benefit health and social care or achieve some other tangible benefit that might reasonably be described as for the public good without the consent of the individuals whose information may be used. This provision will be utilised only when it is impossible or impractical to gain the consent of individuals or when information would not be achieved for the desired outcome.

There is a provision for the establishment of a committee to authorise processing, which I believe is essential for the Bill to progress. I ask the Minister to clarify whether there will definitely be a committee.

The policy objective underlining the Bill is to minimise the legal challenge risk that the Department and the Health and Social Care sector could face as a consequence of using service user information that identifies individuals for purposes other than the direct care of the individual. The Bill will enable regulations to be made that establish a process that will ensure that information is shared only in very limited circumstances that are proven to be for medical or social care purposes and that will benefit health and social care or achieve some other tangible benefit that might reasonably be described as for the public good.

The process will be robust, open and transparent. It will impose conditions on the use of the information and include penalties for those who fail to comply with them. This will protect the service user, the holder of the information and the individual or organisation that is applying to use it by establishing a clear, unambiguous framework to govern the secondary use of information. Will the Minister outline what the penalties might be if these are breached?

In an information session with Mr Daniel Greenberg, a specialist in legislation, he raised a number of substantial issues, as did Committee members in a further information session. Some of those issues related to principles and policy objectives and others to the technical drafting. The use of the phrase "assist research" in paragraph 3 of the original explanatory note was of concern, and "social well-being" refers to quality of life, but the definition is too broad. What does that mean?

1.45 pm

Safeguards were mentioned in paragraph 4, but very little is known of the powers under the legislation. What are we safeguarding against? There is an assertion that anyone applying to make use of HSC data will be required to demonstrate to an oversight body:

> *"that the use of service user identifiable information is absolutely essential to the successful outcome of their work".*

That is fairly robust, but it is not what the Bill says. The Bill uses the term "reasonably practicable" rather than "absolutely essential"`, so there are issues with wording that need to be addressed.

Those issues were of real concern to the Committee. Some parties were reluctant to proceed with the Bill. I will certainly ask the Minister to take seriously the concerns of the Committee and for the Department to work closely with the Committee in addressing those concerns.

Mr McKinney: I, too, welcome the opportunity to contribute to this very important debate, and to do so as SDLP health spokesperson and member of the Health Committee, which, as you heard, recently received briefings from the Department on the principles and objectives of the legislation.

It is clear that we support all measures and actions that are undertaken to ensure that the provision of health and social care services are the best that they possibly can be. Disclosing patient data that will improve diagnosis and treatment outcomes has to be welcomed, but effective checks and balances must be provided when a patient's consent is not expressly given.

Just by way of background, disclosure without the patient's consent is governed largely by common law. It involves the public interest test as part of the duty of confidentiality, and consideration has to be given to data protection and human rights laws. However, it is now clear that that alone is not enough, and we heard that reflected.

Through engaging with many clinicians and considering the invaluable work undertaken by the Cancer Registry at Queen's, it has become explicitly clear that there is a need for change in this area of health reform, and that is accepted. They told us that the law governing their work in profiling diseases, which aims to improve diagnosis rates and treatment outcomes, is confusing. There exists a real possibility that legal proceedings could be taken against them.

It is important in the context of today's debate that we look at ways to build systems and devise ways of working that meet the standards and services that we and the public expect. I am trying to suggest a positive approach, but, of course, as has been highlighted, there are issues to be addressed. England and Wales have moved to legislate on the issue. I am glad that we have reached Second Stage today, but a number of important issues require closer scrutiny.

There are significant concerns about the intent and wording of the Bill. As was reflected, the Committee heard evidence that the legislative process outlined includes a catalogue of inconsistencies and areas of potential confusion, and that further information should be sought. We see that as part of this process of finding out how robust the safeguards in the Bill actually are. For the record, I will give a few examples. Clause 1(1) states:

> *"The Department may by regulations make such provision for ... the processing of prescribed information ... as it considers necessary or expedient — ".*

What does that mean?

Clause 1(1)(a) refers to:

> *"the interests of ... health and social care".*

Clause 1(1)(b) to refers to "the public interest". What exactly do those terms mean, and who decides in that context? Further questions arise in the use of the terms "care or treatment" and "social well-being of an individual". As I highlighted, most concerning is the fact that the Department has yet to define those terms and provide robust definitions of the circumstances in which patient data can be disclosed without consent. What is "the public interest"? What is the "social well-being of an individual"? In what exact circumstances can patients' data be disclosed?

I am not confident that the Bill tells us. That raises the question of whether the Minister can give assurances that patients' data will not be disclosed to third parties; for example, merely for commercial purposes. The House has to ask itself whether that would be an acceptable position to be in.

The Health and Social Care Information Centre in England is charged with the processing and disclosure of medical information under section 251 of the Health and Social Care Act 2012. That organisation is now rolling out its data care programme, which allows information to be sold to insurance companies and big pharma companies. Only this month, it came in for considerable criticism. I refer to an article in 'The Guardian' on 6 June, which reported that 700,000 patients have had their information shared despite making attempts to opt out of the process, as was in the legislation. There are 700,000 people out there who sought not to have their information shared yet have had it shared. Will the Minister give us some assurances that the Bill will contain robust provision for making sure that that could not happen here?

To compound the issue further, a recent review of the data care programme in England, which, I remind the House, will operate under very similar — almost copycat — legislation, found major issues with:

> *"project definition, schedule, budget, quality and/or benefits delivery, which at this stage*

do not appear to be manageable or resolvable."

It is important to note in the debate that our Bill's remit is even wider than the English Act. The English Act makes consideration only for medical care, whereas this Bill makes consideration for medical and social care. We have already reflected on the questions that attaches to that wider gate, if you like. That provokes more questions about the disclosure of patient data and what safeguards should be in place to ensure that their data is protected from exploitation.

Will the Minister provide clarity on what organisations can apply for access to data? Will the data be available only to organisations in or through Northern Ireland? We have already heard questions about the status of the committee that was suggested and whether it "may" be set up as opposed to whether it "should" be set up. Will organisations have to pay a fee for the data to be extracted, and, if so, how much? The principles and associated actions in the Bill will no doubt place greater financial burden on the Department. At this stage, we do not know how much, but can we infer from the work carried out in England that there will be an additional cost? We have already seen from the reduction in the 2011 Budget and onwards and in the current financial context that, quite often, plausible initiatives fall by the wayside as a result of the need for additional fiscal resources in a climate of cuts. A good example of that has been Transforming Your Care.

Although I see merits in the Bill — I should re-emphasise that — in information sharing between appropriate health and social care agencies, we must ensure that any information shared is not mishandled or used purely for commercial purposes without the consent of the patient. Until the House is satisfied that those concerns have been fully addressed by the safeguards in the Bill, the SDLP cannot support it in its current format. However, we look forward to the Health Committee rigorously examining the Bill and making its recommendations.

Mrs Dobson: I also welcome the opportunity to speak at this stage of the Bill. As openly admitted by the Department and the Minister, the overall intent of the Bill is to minimise the risk of legal challenge that he, his Department and the health and social care sector more generally could face as a consequence of using service user information that identifies individuals for purposes other than the direct care of the individual. In other words, the Department and its trusts want to be protected from service users — "patients", in everyday terms — taking action if they later find that their details were used and released. The overall intent of the Bill, therefore, gives me some concerns. I am conscious that the Department should do what it can to minimise legal risk to itself and its bodies, but, equally, I am concerned that at the core of patient treatment throughout the NHS should be the promise of confidentiality. The sharing of data is not a problem when the patient has consented, but it becomes complicated when, for whatever reason, consent was not achieved. At present, in such circumstances, I believe that a blend of legislation is applied, including the Human Rights Act and the Data Protection Act, but there is a potential weakness in the application of common law.

The public interest test is a bone of contention at present, but, having read what the Bill intends, I am not satisfied that what the Department proposes to do is any better. Just because the Department thinks disclosure would be necessary or convenient does not automatically make it the case. The Department appears concerned about applying the test of public interest within the current legislative framework, yet, in reality, the Bill appears to do nothing to make it any clearer. It does not even make a stab at giving a high-level definition of public interest, and that is very worrying. This is only one area that needs much greater detail and explanation, and, worryingly, it sits in the very first clause.

Even the scope of where the Bill would apply is not made clear. It mentions health and social care but includes a caveat of anything else "in the public interest". I know the Minister would probably refute the allegation that drugs or insurance companies could wangle their way under this broader public interest definition, but the Bill does not give me those reassurances. I do not need to remind the Minister of the uproar in England — I know Mr McKinney has already alluded to that — when it was revealed last year that such companies were effectively able to buy patient information. Whilst I accept that this is a different Bill that is trying to do different things, the same core principles in the use of confidential patient data apply.

I appreciate that the Department claims that the legislation would improve the planning and delivery of health and social care services and would provide information to inform the future diagnosis and treatment of illnesses. However, I reiterate that private information and data, especially on healthcare, is an issue that many people across Northern Ireland feel strongly

about. The Minister has rightly indicated that safeguards will be to the fore in what the Bill proposes to do, but, rather regrettably, the detail attached to them will be decided later in future regulations and after a further consultation exercise. For the time being, we are asked to rely on little more than the word of the Minister and his officials.

In addition, while the Department and the Minister stress that the vast majority of respondents to the consultation were supportive of the proposal, they should perhaps be a little more honest about the wider picture. There were only 14 responses, and the majority of those were from the health organisations. I would hazard a guess that, if the wider population had been aware of the proposals, the consultation responses would have been rather more mixed. In fact, I will go further and say that most people would be shocked that their private information is held at all and, even worse, is already shared in some circumstances. Broad public unawareness of existing powers, especially those that are now being proposed, should not be mistaken for acceptance by the Minister or his Department. I have no reason to doubt the authenticity of the broader intentions of the Bill, but its broad-brush nature and wording trouble me. At this time and in the absence of still crucial information, I and the Ulster Unionist Party would not be content to see the contents of the Bill get into statute. I will support it at this stage only for it to go to Committee, but we will reserve our position for the latter stages.

Mr Principal Deputy Speaker: As Question Time begins at 2.00 pm, I suggest that the House take its ease until then. The debate will continue after Question Time, when the next Member to speak will be Mr Trevor Lunn.

The debate stood suspended.

(Mr Speaker in the Chair)

2.00 pm

Oral Answers to Questions

Enterprise, Trade and Investment

Causeway Coast and Glens: Tourist Destination

1. **Mr McMullan** asked the Minister of Enterprise, Trade and Investment to outline the work carried out to promote the Causeway coast and glens as one of the nine key tourist destinations. (AQO 8503/11-15)

Mr Bell (The Minister of Enterprise, Trade and Investment): Over the past five years, the Causeway coast and glens destination has seen significant investment in visitor infrastructure and in interpretation to the value of £13·4 million. The Causeway coastal route is a key focus for Tourism Ireland and Tourism Northern Ireland advertising campaigns overseas and in the Republic of Ireland markets respectively. The Causeway coast and glens also features heavily in itineraries that are developed for international media that visit Northern Ireland. Both our tourism organisations work with the local authorities and tourism partners in the area to promote iconic visitor attractions, including the Giant's Causeway and the Carrick-a-Rede rope bridge, as well as new products that we are all very excited about, such as the Gobbins cliff path and the hugely successful 'Game of Thrones' filming locations. I note that 'Games of Thrones' is now, I think, the most successful HBO programme. There are other brilliant productions like 'The Sopranos', but 'Game of Thrones' has now become the most successful. Obviously, there is also the North West 200 and the Giro d'Italia.

Mr McMullan: Go raibh maith agat. I thank the Minister for his answer, and I take the opportunity to thank the Minister for his input to the question that I put into his office two weeks ago on tourism in the glens. I acknowledge the help that he gave.

Minister, everything that you said is quite right, but we are missing out on the mid-glens, which is an integral part of the Antrim coast road and the experience for tourists. Can I ask you to look into that and promote it more? There will be information coming out in a fortnight about HBO, but we need help and input from your office to promote it greatly. We have got Carnlough on the map now for the first time ever. Can I ask you to look into that?

Quite a lot of people have not registered for the scheme for inspecting self-catering accommodation because it is not —

Mr Speaker: Come to a question, please.

Mr McMullan: The question is this: could you look at that? It is not doing the trade justice. There is a lot of controversy over it.

Mr Bell: I welcome the ongoing communication that I have had from the Member on this area. It is a spectacularly beautiful area, one that I have been to many, many times. I will certainly look into how we can maximise all the areas, including Carnlough and Cushendall. I believe that a rising tides lifts all boats, and we want to see everything raised as we look towards how we promote the area in a range of media, particularly online, and promote the Causeway coast and the road map for the area. I know that itineraries have been posted on the website.

I know we have translations into other languages over the next number of weeks, which is very important. I more than welcome the Member's suggestions, and those of the industry and people in the local area. We will do that, and I will work alongside Tourism Ireland and Tourism NI to see how we can promote it. If the Member wants to give me a specific reference to what he said about self-catering accommodation, I will certainly look into that and make sure that we get that accommodated for him.

Mr Dickson: Thank you, Minister, for your answers so far. Do you share with me the concerns, which a hotelier in Carnlough raised with me yesterday, that Mid and East Antrim Council has not provided adequate tourist information, given the season that is upon us? Do you also acknowledge that opening up the glens and the Causeway coast to people effectively starts in Belfast and the Loughshore Park, and includes places like Carrickfergus Castle? There is a major tourism offering to be made in the area, but there is serious concern about the lack of promotional material available there.

Mr Bell: I am more than happy to take up the concerns of Mr Dickson. People talk about a northern powerhouse in England, and I said to the Northern Ireland Local Government Association (NILGA) conference that I wanted to see 11 economic powerhouses. Equally, I want to see 11 tourism powerhouses. We will work with each area because each area, as the Member rightly points out, has a very distinctive offering.

I recently cycled out — given my level of fitness, I should have stopped at Jordanstown — past Carrickfergus and Eden, right through to Larne, and I have to say, just anecdotally, that it is outstandingly beautiful. The Member rightly poses a challenge, which I am more than happy to take on: how can we make sure that history from Carrickfergus Castle, through to the offering that the villages in that particular area have — I know that, any time I have stopped in Cushendall or Carnlough, the value of tourism has been in the quality of the people and the offering and support that they give to visitors. In that area, it is absolutely second to none.

The question comes: how do we do it? We will do it online and with our brochures. If people feel that there is a specific offering they have that is not being taken up, give it to us and we will share it with the councils and look at what Tourism NI and Tourism Ireland can do with it. We will try to make sure, because at the end of the day we have a huge tourism industry, which is growing. We have people from all over the globe. I can quote figures into the millions of more people coming. Looking at the previous year, there was something like an 11% positive change and 4·5 million visitors. How can we make sure that they go back and advertise us to others?

Mr Beggs: The Minister mentioned the Causeway coastal route, which encompasses both the natural beauty of the north glen and the soon to open Gobbins cliff path. Does the Minister agree with me that it is important not just that we capture the day tripper, but that we also get overnight stays so that local hotels, bed and breakfasts and restaurants gain from such stays with additional resources? How is he ensuring that other Departments, such as DCAL and the Department of the Environment, which are responsible for a number of properties such as Carrickfergus Castle, maximise their input to the tourist industry, enhancing the product and encouraging those overnight stays?

Mr Bell: I am more than happy to work with the other Departments, as the Member suggests, and with their corresponding Committees. We have had a wonderful offering in the past but, because of difficulties with our history, people tended to come in, visit the Giant's Causeway and leave. Now, when I look at some of the research, which shows that people visit the Giant's Causeway, stay overnight and then visit Titanic Belfast, what I see is a tourism offering that will result in an increased need for overnight accommodation.

My Department and Invest NI are more than happy to work alongside hoteliers — and have been doing that — to see where the additional need can best be accommodated. We want to make sure that we do that in all the events that we have done; we have done them marvellously well. We are looking forward to the arrival of the Tall Ships later this week and to the 2017 women's World Cup. I spent quite

a bit of time with Dick Spring, the former Tánaiste, to talk about bringing the World Cup to Ireland as part of a bid. We know that we will have the Irish Open again in 2017 and we hope to have the Open. I will take the Member's concerns on board. We need every Department to step up to the plate to make sure that when people come we have the capacity to give them the offering that we are capable of giving.

Mr Frew: Will the Minister assure me that he is doing everything that he can to make sure that there is a coordinated strand to the three councils involved in promoting the Causeway coast and glens — Mid and East Antrim Borough Council, Causeway Coast and Glens Borough Council, and Londonderry city and Strabane District Council — and that it is connected to the Republic of Ireland's Wild Atlantic Way? Will he assure us that he believes that Tourism Ireland is giving the Causeway coast and glens area a fair crack when it comes to other competing pressures on the island of Ireland?

Mr Bell: I thank the Member for North Antrim for his question. He is absolutely right: we want to build on the success of the Causeway coastal route and the Mournes coastal route. Tourism NI, in conjunction with all the coastal councils, has appointed consultants to put in place the coastal route master plan, which will set out further strategic, tactical and clustering opportunities right along the coast and will scope out the further links with the Wild Atlantic Way to make sure that there is a coordinated plan for that.

Tourism Ireland's Live in the Now! campaign with the 'The Daily Telegraph' kicked off in February and will reach more than 8·3 million readers throughout 2015. The Causeway coastal route features as part of that campaign, which also includes half-page advertorials, advertisements on 'The Daily Telegraph' website and articles in "Telegraph Travel" and the newspaper's midweek sections. Tourism Ireland's first-half promotional activity included TV advertising campaigns for Northern Ireland in the United States, Germany and France, and the Causeway coastal route was specifically highlighted in those campaigns.

I could talk for longer about this, Mr Speaker, but for pressures of time. In March, Tourism Ireland teamed up with one of the main online French travel agents, GO Voyages, for its largest ever joint promotional campaign in France. More than 1,000 billboard ads were spread out across Metro stations in the French capital, which grabbed the attention of commuters with beautiful images of the Causeway coastal route and featured attractive offers to take a weekend break.

I spent some time with Tourism Ireland last week —

Mr Speaker: I have to remind the Minister of the two-minute rule.

Mr Bell: — and it is very keen to see the campaign progressed.

Mr Speaker: I am sure that I will not have to remind you again. Before we proceed, Mr Pat Ramsey raised a point of order this morning when he accurately predicted the rising temperatures. I am quite content to relax the rule if Members wish to divest themselves of their jackets.

Invest NI: Jobs in Foyle

2. **Ms Maeve McLaughlin** asked the Minister of Enterprise, Trade and Investment how many jobs were created with Invest NI support in the Foyle constituency in 2014-15. (AQO 8504/11-15)

Mr Bell: I thank the Member for the question. During the 2014-15 financial year, Invest Northern Ireland (INI) helped to create over 660 new jobs in the Foyle constituency area. During the year, 491 new jobs were promoted, contributing towards £52·8 million in investment in Foyle, including recent support for Convergys to promote 333 new jobs in the constituency.

Ms Maeve McLaughlin: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for that. Obviously, every job is most welcome in the constituency. Given the regional disparities in the north-west, will he, along with INI, deliver a subregional strategy or proposition for the area?

2.15 pm

Mr Bell: I can understand the Member's desire for that. We will certainly do what we can in terms of what we can offer. It is also important to note that we provide the support but that it is the businesses that decide where they want to go. Metaverse, which has 100 new jobs, looked around, took the support of Invest Northern Ireland and looked at a number of areas. Mr Speaker, for your and my generation, the mod squad is probably The Jam and 'Going Underground', but, in the case of Metaverse Mod Squad, it is moderated

communication. Metaverse Mod Squad, a US company, is providing 100 new jobs in the heart of the city centre in Foyle. The reason they went there, as opposed to other areas, like Dublin and Galway, which were looking for them, was the work that Invest Northern Ireland did here; but, more importantly, in my view, the global reach of Invest NI and its office in the United States attracted those high-tech digital jobs into the centre. I have no doubt that the trajectory of the growing need in digital technology will lead to more jobs in that area.

I will certainly look to see what we can do. To be fair, 18 constituencies probably want me to have an individual sub-national plan for their area. I think we should also be aware, if I can remember the census figures correctly, that something like 40% of our people in Northern Ireland are working in a constituency that they do not live in. So, just because jobs are not coming directly to any Member's constituency does not necessarily mean that people in that constituency are not getting the jobs, because the evidence indicates otherwise.

Mr Ramsey: I want to follow on from my colleague in Foyle and press the Minister on acknowledging that we have the highest level of unemployment in the north-west — in Derry and Strabane — and the highest level of economic inactivity. Given that the First Minister and deputy First Minister have acknowledged the importance of ensuring that there is regional balance when it comes to economic opportunities and access to employment, will the Minister outline when the priorities of the ministerial subgroup will be looking at these regional imbalances?

Mr Bell: I can get the Member the exact details that he requests. However, it is important to consider that, when I was down there, I was with a major company that had invested in the heart of the city centre in the Foyle constituency, against stiff competition from Dublin and Galway. I also think that we should look towards the positives of that area. In the previous four years, Invest Northern Ireland gave out over 1,469 offers of support, which totalled something like £31·76 million of assistance. It contributed £156·49 million in investment. There were 35 offers of research and development support, which totalled £11·88 million of assistance and contributed towards £44·30 million of investment; and 48 offers for skills development in the area, which totalled £1·72 million of assistance and contributed just short of £6 million — I think it was £5·96 million — of investment. If we include the regional start initiatives, 2,646 new jobs were promoted and somewhere in the region of 122 jobs were safeguarded. So, that is what we are doing. I will certainly look towards how we can build upon what is a reasonably healthy set of figures to improve things for the area.

Ms Sugden: I commend the recent comments by my East Londonderry colleague Mr McQuillan to raise the concerns about the lack of investment in East Londonderry. Does the Minister share those concerns? What will he do to encourage Invest NI to work a little bit harder in our area?

Mr Bell: Again, let us be conscious of the fact that, as I understand it, 40% of the people are living outside the area in which they work. The view almost gets into the psyche that if investment goes to another parliamentary constituency area, those jobs are not available to the neighbour. We are a small place in Northern Ireland.

Invest Northern Ireland was set a task to promote 25,000 new jobs, and, because an extra year has been put on to our Assembly term, we can review where it is four years later, and it promoted 37,000 jobs. In addition to what I said to Mr Ramsey, when I look at the 1,123 locally owned business start initiatives that were offered support, I see that 58 were direct and over 1,065 were indirect in the regional start initiative, and 510 new jobs were promoted. What we are doing, not only for new business start-ups but for support to externally owned business in that area, is that there were 40 offers of support and £15·63 million of assistance that contributed towards £98·19 million investment; of those, 1,181 new jobs were promoted.

I certainly encourage Invest Northern Ireland in all that it has done already in everything, aside from exports, in the job loans fund and research and development. It was asked to go for 25,000, and it delivered something like 37,222 over the last four-year period. I commend it for the excellent work that it has done, and I will raise the areas in which each Member would like to see an increase.

Mr McQuillan: I recognise what Invest NI has done for Northern Ireland over the last four years and what it continues to do. Will the Minister accept an invitation to accompany me to Coleraine and the Causeway coast and glens area to visit some of the businesses? In a recent poll in the 'Belfast Telegraph', figures showed that the Causeway coast and glens was the area of lowest investment for Invest NI.

Mr Bell: Certainly. I am happy to take up that offer. Indeed, I think that the Member of Parliament has already made a request to the Department of Enterprise, Trade and Investment to visit the area, and I am more than happy to accompany Mr Campbell, Mr McQuillan and anybody else from the area — Mr Dallat, Claire Sugden and Mr McMullan.

In this particular area, it is important for all of us to understand that it is the businesses that make the investments and create jobs; it is not Invest Northern Ireland. Therefore, the support that we offer to businesses is demand-led. I ask Members of those constituencies to speak specifically to businesses in their area, because we are looking for businesses to approach Invest Northern Ireland with a business plan. If we look at the huge success that Invest Northern Ireland has had over this period, we see that, when businesses do that, they produce spectacular rewards, not only for them but for the targets that we have set for them.

Mr Speaker: There is a high degree of interest in this topic, but it is a constituency-focused question. I am afraid that we must move on.

I recognise that we have a very special group in the Gallery — the Rainbow Group.

Broadband: Rural Communities

3. **Mr McElduff** asked the Minister of Enterprise, Trade and Investment, given that on completion of broadband improvement works some rural areas of West Tyrone, such as Eskra and Creggan, will still be without broadband access, to outline his strategy to ensure access to broadband for all rural communities. (AQO 8505/11-15)

Mr Bell: In February 2014, my Department awarded a contract to BT for delivery of the £23·6 million Northern Ireland broadband improvement project (NIBIP) that will bring more choice and improved broadband speeds to over 45,000 premises across Northern Ireland, including in rural areas of West Tyrone, by 31 December 2015.

Recognising that NIBIP will not deliver superfast broadband to all premises, on 27 February, my Department also contracted BT to deliver the superfast roll-out programme, which will deliver superfast broadband services to a further 38,000 premises across Northern Ireland, including in many rural areas of West Tyrone, by 31 December 2017. That £17·1 million project has commenced with an extensive survey and design process. It will take several months to complete. Until it has been completed, it will not be possible to be specific about exactly which premises will benefit from the upgrades. Further details will be published on NI Direct as they become available.

Mr McElduff: Go raibh maith agat. I thank the Minister for the detail in his answer. Very many rural communities in West Tyrone are being left at the mercy of private satellite companies that provide a much poorer product and customer service. To cut to the chase, I ask the Minister for a commitment, here and now, to meet me and a group of representative people from the West Tyrone constituency aimed at getting to grips with our rural broadband and mobile phone coverage problems once and for all.

Mr Bell: I am certainly more than happy to meet the Member. As he knows, I used to work in that particular area and have a deep love for it. I am more than happy to meet Members, as the diary allows, whenever I possibly can, so that they can hear, at first hand, what we can do.

We look towards alternative provision where we can. Satellite broadband services can offer products with download speeds of 20 MB per second and wireless broadband, which we supported under the broadband fund. That led across Northern Ireland to extensive deployment of high-speed fixed wireless broadband networks. Services with download speeds of up to 100 MB per second are available across many parts of West Tyrone. As the Member knows, service is dependent on the line of sight from the infrastructure to the premises. I am certainly happy to meet a delegation to tell it what we have done and what we intend to do. I will let them know where we are, particularly with our survey and about any areas of particular difficulty that we need to look at again.

Mr Byrne: I welcome the Minister's commitment to increasing the level of broadband across Northern Ireland. In relation to West Tyrone, however, people are getting a bit fed up with surveys. They feel that BT has all the data and information. I urge the Minister that pressure be applied to BT and the mobile companies to provide the necessary broadband and mobile services. We have many small businesses that are badly handicapped at the moment. They are willing to invest but are greatly handicapped in how they conduct their business.

Mr Bell: The Member raises important points. Some of the reasons why we have done what we have done is to do exactly what he has asked us to do. It is important to realise exactly what DETI can do. We have the powers under the Communications Act 2003 to make investments that are important to Northern Ireland. We can improve the extent, quality and reliability of telecoms — networks and services — where the market has determined that it is not financially viable to do so. We cannot specify a particular technological solution. To do so would bring us into breach of the European Commission's state aid regulations. We cannot compel network operators to invest in particular areas or deliver services at particular prices and we cannot interfere in disputes between service providers and their customers. However, I am happy, if the Member wishes to join the meeting, to see what we can do about improving the extent, quality and reliability of services where the market has not provided, or where there is a lacuna in the service.

Mr Dunne: I thank the Minister for his answers. Does he recognise the need for a robust strategy to cover all rural areas? More and more people work from home and many are involved in their own small businesses, whether in beautiful West Tyrone or scenic north Down and Ards.

2.30 pm

Mr Bell: Yes. I was enjoying that run-through, Mr Speaker, but, sadly, it came to quite an abrupt end.

There is information on DETI projects and the specific roll-out plans for the Northern Ireland broadband improvement project. That is available on the NI Direct website. It includes a postcode checker, which enables constituents to identify when work is due to be completed in their area. As information on the superfast roll-out programme becomes available, it will be posted to the NI Direct website. In the meantime, a fact sheet and frequently asked questions are available on the DETI website. A fact sheet specific to the Northern Ireland broadband improvement project has, I understand, been distributed to all MLAs. It is also available on the website, as is the fact sheet and FAQs on the superfast roll-out programme.

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

Border Development Zone

T1. **Ms Maeve McLaughlin** asked the Minister of Enterprise, Trade and Investment, given the current economic climate, particularly the decline in the border regions, whether he will commit to learning more about the introduction of a border development zone, as proposed by a number of leading economists. (AQT 2721/11-15)

Mr Bell: I am happy to look at any proposals that come to me from any part of Northern Ireland to see what we can do to promote and create jobs and, very often, to sustain jobs in particular areas. I was in the north-west when the 100 new jobs were announced, and we will continue to look at what support we can give and what support businesses are asking us for. It is a two-way process. It is not just about our supporting businesses but about businesses coming to Invest Northern Ireland with a business plan specifying the help they need and our working alongside them and supporting them.

If the Member wants to encourage people in that area to come to us, they should come with a business plan to see how worthwhile that is, and they should look at what has been achieved over the last four years, because there has been some quite spectacular progress. Up to August 2014, Members of the House proudly boasted that we had more foreign direct investment per capita than any other part of the United Kingdom outside London. In August 2014, those figures were surpassed. In the past year, with our population of 1·82 million, we can proudly boast that Northern Ireland today, per head of population, has more foreign direct investment than any other part of the United Kingdom. Anybody who has anything that can improve on investment to work with specific areas will receive an open door in DETI if it is about creating and promoting jobs.

Ms Maeve McLaughlin: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for that very pragmatic approach. I agree with him that there is a responsibility on regions to develop their unique selling point, but there are also infrastructural deficits that need to be addressed. The Minister said that he is willing to explore border development zones. Does he now accept that cooperation — a number of Ministers have done this — can be done in a way that threatens no one but is for the benefit of all in a region?

Mr Bell: We have been working extensively with a number of bodies, and I will work with anybody if it is about improving and sustaining jobs in Northern Ireland. A number of our companies do business both in Northern Ireland and the Republic, and I will work with them to create jobs in Northern Ireland as much as I possibly can. There are quite significant offers of assistance from Invest Northern Ireland for specific areas. Over a period, we had 2,339 offers out. We put in over £100 million of assistance that was offered. There was a planned investment of £430·9 million. That was assistance per head of some £1,151 and an investment per head of over £5,000.

So, in specific areas, we can show where work is progressing. If anybody comes to me with proposals for working together that will create more jobs in Northern Ireland, they will have an open door.

Jobs: Newry

T2. **Mr D Bradley** asked the Minister of Enterprise, Trade and Investment what his Department is doing to attract more jobs to Newry city and the surrounding area. (AQT 2722/11-15)

Mr Bell: To attract jobs, we highlight the skills offering that we have, the research and development offering that we have and the assistance that Invest Northern Ireland can give.

In the Newry and Armagh area, over the period that I am reviewing, there were 2,275 offers made, which translates to over £53 million of assistance. In excess of £430 million of that was for planned investments, assistance per head was £596 and investment per head was just short of £5,000 — I think it £4,813.

Let us go out and tell people about the jobs secured in the last period. I was joking that, in five weeks, I have announced nearly 500 new jobs for Northern Ireland, and I summarised that in three words: thank you, Arlene. There is a real interest in investing in Northern Ireland. I will take just a few of the companies that have invested in Northern Ireland — the Metaverse Mod Squad, RLC and Grant Thornton. I hear from them that some invested after doing a global span, and, in many cases, it was against stiff competition across this island, and they came here because of the skills offered by our young people and the education that we can provide.

Mr D Bradley: Go raibh míle maith agat, a Cheann Comhairle. I agree with the Minister that Newry, located as it is on the North/South economic corridor, is a first-class location for industry and commerce. We have fantastic schools in Newry and all the skills that are required. Does the Minister see the extension to the industrial site at Carnbane having a role in attracting more inward investment?

Mr Bell: I am more than happy to sit down with the Member and look at that particular industrial area. I cannot keep in my head every industrial area that a Member has in mind.

I have been very impressed by what Newry has done. I sat down with a previous shadow Chancellor at the Newry Chamber of Commerce and Trade in the last number of years, and, at a lunch, we reviewed what had been done. What I really like about the attitude of many in the business community in Newry is that they ask what they can do and how we can help them. In that sense, the more business plans that are brought forward, the better. It is not for me to stipulate, "I want this industrial zone or that particular area extended." I am saying to the businesses in that area, "Come to me with your business plan. Come to me with where you see development opportunities. Come and tell me what help you need from Invest NI to deliver on your business plan". If they do that, the evidence over the last number of years across Northern Ireland, not exclusively in Newry, is that we can create and promote more jobs.

City Deal: Economic Benefits

T3. **Mr Ramsey** asked the Minister of Enterprise, Trade and Investment whether he is aware of the major economic benefits that City Deal has brought to Aberdeen, Manchester, Liverpool and Glasgow. (AQT 2723/11-15)

Mr Bell: I am delighted to say yes. A number of months ago, the Member of Parliament for Foyle contacted me specifically in relation to City Deal. A further meeting is planned because the work is ongoing. Last week, I was in Londonderry with Mr Durkan's parliamentary assistant specifically to talk about City Deal. The area is ideal for city breaks, and we will look, with Tourism NI, at how we can develop that tourism offering, particularly around city breaks.

Mr Ramsey: I thank the Minister for his very warm response to the question. To advance it a bit further, I think that it is important that the focus be not just on tourism. There is an

economic value and an infrastructural and social benefit as well. Can the Minister speak about the possibility of visiting some of the areas, including Aberdeen, Liverpool, Manchester and Glasgow, to see on the ground the effect that the initiative is having there and the lift that it is giving to local communities?

Mr Bell: It is certainly a very interesting itinerary that the Member offers me. I can assure him that we will take the best practice from those areas, and extensive work has been undertaken. I know the research that the MP brought to me, and, in a meeting with his assistant in Londonderry last week, we were able to build on that. There will be a further meeting. Diary pressures mean that I cannot assure him that I will visit everyone personally, even though I might like to, but I can assure him that we will use best practice from those places and try to translate it into the area.

In looking at how we want to grow tourism, the Member is absolutely right. The economic benefits that flow socially and economically are much wider than tourism per se and can, in many cases that we have already seen, bring young people in particular into employment. The reality is, particularly for the Member's city but right across Northern Ireland, that, when people come to visit us, they want to come back. Part of our job is to make sure that they come for a short period, stay overnight, see what we have to offer and then put that out as an advertisement to others.

Denroy Plastics Ltd: Jobs

T4. **Mr Easton** asked the Minister of Enterprise, Trade and Investment for an update on the recent north Down jobs announcement by Denroy Plastics Ltd in Bangor. (AQT 2724/11-15)

Mr Bell: I thank the Member. I know the interest that he has in creating jobs in his area. It is a very healthy interest, and I welcome that from him. He will have seen that I announced 32 new jobs at Denroy Plastics, which undertakes the design, engineering and contract manufacture of injection-moulded plastic products and components for a broad range of customers, including aerospace, defence, materials-handling, construction, medical and automation customers, right through to the consumer sectors.

That particular project is a staged expansion of the production capacity at Denroy's factory, and it will allow it to purchase new equipment to support the industry's growth in the global aerospace industry. I know that we need tens of thousands of new planes across the globe, and the Northern Ireland industry, and Denroy specifically, is offering some products, particularly one plastic polymer that is absolutely unique. Denroy, I think, will continue to be an important supplier to the global aerospace sector. For the company to grow in Northern Ireland, that investment in buildings and production is required. It will create 32 new manufacturing jobs at the Bangor factory. We already have eight of those jobs in place. People ask what the average salary is, and I think that it is important to say that the average salary for those jobs is somewhere in the region of £18,687, which I think is very attractive indeed.

Mr Easton: I thank the Minister for his update. Will he agree that Denroy is a world leader in its field? Can he maybe tell us how much investment went in from Invest Northern Ireland and the company itself, and what benefits that will have for the population of north Down?

Mr Bell: I am more than happy to identify with Mr Easton's comments about Denroy being a local economic leader and a national and international leader in the product that it can specifically offer.

In that particular case, Invest Northern Ireland offered total assistance of £400,000, which leveraged a £3 million investment by Denroy. We are providing Invest NI capital grants towards the eligible cost of the buildings but also, and I mean this, absolutely state-of-the-art manufacturing equipment. This is a sector, as Mr Easton rightly points out, that is at the leading edge of aerospace development. That will provide new skills and new capabilities for a whole range of people in Northern Ireland.

2.45 pm

The project is an outworking of what many Members will know to be the Northern Ireland aerospace strategy, Partnering for Growth, which was launched in January 2014 when Northern Ireland companies committed to doubling the size of the aerospace sector to £2 billion of sales and to increasing employment from 8,000 to 12,000 staff over the next 10 years. I expect that project to be fully completed and the 32 new jobs to be in place by 2017. That is building on what Denroy already does in employing some 127 people and a commitment to employ 151 staff in Northern Ireland by 2017.

Mr Speaker: I call Ms Michaela Boyle. There may not be time for a supplementary, so you may want to choose which question to ask.

Strabane Business Park

T5. **Ms Boyle** asked the Minister of Enterprise, Trade and Investment for his opinion on why potential investors are not interested in relocating to Strabane business park, given that, since its opening, although Invest NI has met with a number of interested businesses, unfortunately, as of yet, none of those interactions has led to an actual sale, and given the high level of need for jobs in the area, will he come to Strabane, where he would be welcome, to see the business park. (AQT 2725/11-15)

Mr Bell: Thanks. The Member's smile led me to get that question short. I know of the interest that she has in that particular area, and I am more than happy to take up the offer to visit.

I think that it is important how we frame this. I think that Strabane has a huge amount to offer through the development of the Strabane business park. It has released 16 acres of new industrial land that will support economic development not only in Strabane but right across the wider west Tyrone area.

Invest Northern Ireland has engaged with the council and stakeholders regarding the development of the business park. If we frame it in the context of the significant investment by first, Invest Northern Ireland, I think that it shows that there is an ongoing commitment to secure investment and to get employment opportunities for the west Tyrone area. It is the view of Invest Northern Ireland that the current availability of land within Strabane business park will be sufficient to meet the needs of the qualifying businesses across the medium term. I assure the Member that Invest Northern Ireland will continue to proactively market the land to potential investors, both indigenous and foreign direct. We need to remember that the final decision on investment location rests solely with the investor.

I will certainly take up the offer to visit when I can. We will put in whatever resources we can to bring together and to see the fulfilment of the potential that the Strabane business park has to offer.

Environment

Recycling: Household Figures

1. **Mr Beggs** asked the Minister of the Environment for his assessment of the figures for household recycling for the 26 local councils for October to December 2014. (AQO 8517/11-15)

Mr Durkan (The Minister of the Environment): When the provisional information on municipal waste for the October to December quarter of 2014 was published back in April, I welcomed that the tonnage of recycled household materials excluding composting had increased by more than 16,000 tons, which is over 3·5%, compared with the same October to December period of the previous year.

However, whilst the total tonnage of household materials sent for recycling increased, the rate of recycling decreased slightly by 0·3% to 38·6%, mainly because of the even faster growth in the total amount of waste collected by councils, but it is important to put that into context. Over the last five years, the recycling rate across all councils has increased in spite of significant challenges. Over the last decade, the annual recycling rate has increased fourfold to 41·3% in 2013-14. That is the most recent validated figure.

Year-on-year improvements in the recycling rate have been increasingly more difficult to achieve. This is because of a number of factors such as poor financial return on low-grade recyclables, low global energy prices, which have made the substitution of virgin material with recycled material less financially attractive, and the high costs of recycling for some waste streams. Despite those difficulties, councils are working to meet the European Union waste framework directive target of a recycling rate of waste from households of at least 50% by 2020, and doing so with a much greater focus on improving the quality of recyclates so that those materials can be used closer to home, which will create jobs and additional value for the local economy.

Mr Beggs: I thank the Minister for his answer. Modern, user-friendly layouts in recycling centres encourage citizens to recycle a wide range of material. Will the Minister acknowledge that, in Carrickfergus in particular, where there is lower recycling, there is an urgent need to upgrade the local recycling facility? What help, support and grants are available to encourage local government to upgrade its facilities to modern, user-friendly facilities that will encourage people to recycle?

Mr Durkan: I thank Mr Beggs for his questions. I certainly concur with the Member's view that, the easier and more attractive it is to do something, the more people will do it. That is certainly borne out if we look at investment that has been made over the last number of years in recycling infrastructure through supporting councils to create better and more attractive amenity sites for their recycling.

Since May 2010, my Department has allocated over £12·5 million in capital funding and over £1·6 million in revenue funding through the Rethink Waste programme. Much of that funding has helped to deliver the current recycling rates of over 41%. Whilst there has been a slowdown in recycling rate increases in recent years as most of the kerbside services for the main waste streams have already been rolled out, many of the Rethink Waste initiatives and projects will take further time to come to fruition. Those will contribute to ensuring that we meet the European recycling target of 50% by 2020.

Obviously, the Member will have heard me lament the current financial situation for my Department and all Departments. What we can do on Rethink Waste grants has been impacted on by the swingeing cuts that came with the final Budget settlement. However, capital funding is still available, and I am happy to work with Carrickfergus, or wherever, on applications that they might make for grants.

Mr McMullan: Go raibh maith agat, a Cheann Comhairle. I thank the Minister for the presentation. Will he outline the possible impacts that the new councils, since their amalgamation, may face in reaching their waste management targets?

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Mr McMullan for that question. It is not dissimilar to one that was asked previously in the House, in response to which I spelt out the inevitable teething problems of different councils with different waste collection policies and programmes coming together and trying to find what methods best suit the council area as a whole. While I would very much like to see some degree of uniformity across all councils, it is understandable that what works in an urban area or city might not necessarily work in a more rural area. It is important that councils retain that flexibility to identify what works best for them and the environment.

We are now three months into the new council structure and setup. I believe that all the councils should have overcome those teething problems. Although up-to-date figures are not available yet, I think that that will be borne out in the coming quarters in the amount of waste collected and, more importantly, the amount of waste being sent for recycling.

Mr Speaker: I call Ms Claire Hanna and welcome her to her first Question Time and first question.

Ms Hanna: Thank you, Mr Speaker. What are the Minister's thoughts on the glass bottle deposit return scheme being trialled in Scotland, and has he any plans to introduce a similar pilot here?

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I very much thank Ms Hanna for that supplementary question and welcome her to these Benches, to which I know she will bring much sense as well as plenty of passion..
I welcome the findings of the feasibility study for a deposit return scheme for Scotland that were recently published by Zero Waste Scotland. The study was informed by a number of recycle-and-reward pilot projects undertaken at locations across Scotland during 2013. The pilots clearly demonstrated that incentivised recycling of drinks containers can be made to work and that the materials collected by the schemes were typically of very high quality. I believe that a deposit return system for drinks containers could play an extremely important and effective role in reducing litter, improving recycling services and supporting my ambition to develop and promote a low carbon circular economy here.

Since I floated this idea on Friday, I have been overwhelmed by the positivity of responses that we have received to date from the public. Far from a novel idea, it is almost a nostalgic one, as many in the Chamber — perhaps not the Member in question — will recall deposit return schemes existing for drinks containers in our childhood. Again, it is something that I will be pursuing. I have asked my officials to prepare papers outlining the feasibility and desirability of such a scheme for Northern Ireland.

Mr Clarke: Following on from your answer to Mr McMullan, in which you talked about the difficulties of local issues, is it not time for your Department, Minister, to drive towards having a single waste authority in Northern Ireland to bring all the waste together, as opposed to having three separate organisations doing the same job?

Mr Durkan: I thank the Member for that question. I suppose, in what is a rarity, I concur

with what he is suggesting. Again, it is something that I have spoken of here before. Ultimately, this will be a decision for local government as well, but it is one on which my Department will work closely. I believe that a single waste authority is the best way forward, and I am happy to talk to and negotiate with local government to find the best way forward.

Wind Energy

2. **Mr Milne** asked the Minister of the Environment whether his department will implement the key recommendations from the Committee for the Environment's inquiry into wind energy [NIA 226/11-16]. (AQO 8518/11-15)

Mr Durkan: The Member will already be aware of my Department's formal response to the Environment Committee's inquiry into wind energy. I welcome the Committee's report as the product of an extensive and thorough inquiry process. I believe that it makes a valuable contribution to the debate surrounding wind energy development. The Member will know that I have sought to take account of the report's recommendations in finalising my strategic planning policy statement (SPPS), which I will publish as soon as possible following its consideration by the Executive.

Other recommendations are being taken forward through guidance notes that my Department is preparing on the processing of wind energy development. Work on this guidance is at an advanced stage, and I can confirm that it will address matters such as cumulative impact, noise impacts and planning conditions. Furthermore, I have made clear my intention to undertake a fundamental review of strategic planning policy for renewable energy following publication of the SPPS. Some of the report's recommendations, including those regarding the use of the ETSU-R-97 noise assessment methodology and the minimum separation distance between turbines and dwellings, require further research, policy development and public consultation, and are better considered as part of this fundamental review.

Some other recommendations — such as those relating to the consent process for connection to the grid, models of community energy ownership or the report on the turbine failure at Screggagh — fall outside DOE's remit and will require consideration and action by other Departments and bodies. Nevertheless, my Department is continuing to liaise with the responsible authorities, in a supporting role, to ensure that, where possible, these recommendations can also be advanced.

Mr Milne: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as na freagraí a thug sé go dtí seo. I thank the Minister for his very detailed answer thus far. Do he and his Department work to a specific definition of cumulative impact in relation to wind turbines and saturation levels in particular areas?

3.00 pm

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Mr Milne for his question and his supplementary question. Cumulative impact is something that is considered — at least, it certainly should be considered — in the assessment of any renewable energy application, but, in particular, to date, with wind applications. Unfortunately, as the Member touched on in his supplementary question, there are no set criteria for what the cumulative impact or threshold should be. However, as I outlined in my initial answer, that is something that I wish to address through the fundamental review of PPS 18, the policy that pertains to renewable energy applications.

The term "saturation point" is one that I have heard in some areas in the North, particularly west Tyrone, which has proved extremely attractive to wind energy companies. That is why I think that, in many respects, councils will welcome the fact that they will now make decisions on the vast majority of applications. Indeed, any application under 30 MW will be dealt with locally. Councils are best placed to make those decisions, as they will know what will work in their communities and what will be acceptable. If not, their communities will certainly let them know.

Local Development Plans

3. **Ms Ruane** asked the Minister of the Environment how his Department plans to consult with communities on the new local development plans. (AQO 8519/11-15)

Mr Durkan: The Planning Act (Northern Ireland) 2011, supported by subordinate planning legislation, established a two-tier planning system on 1 April 2015 that gave the 11 new councils powers in relation to the functions of development planning, development management and planning enforcement. The 2011 Act places a statutory duty for the preparation of a local development plan (LDP) on the new councils, with the

Department having an oversight role, whereas, prior to 1 April, the development planning function was exercised by my Department.

One of the key elements of the reforms to the planning system is enhanced and early public engagement, including through the development plan process. The 2011 Act places a statutory duty on each council to prepare a statement of community involvement (SCI). That is a statement of a council's policy to involve members of the public who appear to councils to have an interest in matters that relate to development in their districts. With respect to a local development plan, it is therefore the responsibility of each council to prepare a statement of community involvement and to consult communities on their new local development plans to involve them in shaping the growth and development of those areas.

To support councils in their new development planning functions, my Department has developed a series of practice notes, one of which provides guidance on the preparation of a statement of community involvement and which is publicly available on the planning portal. It is hoped that that practice note will be of particular assistance to councils that are undertaking consultation with communities on their new local development plans.

Ms Ruane: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answer. When devising their LDPs, will communities be able to secure local policy flexibilities, where appropriate, that are aimed at reflecting local and particular circumstances?

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Ms Ruane for that question. It is very much my intention that flexibilities will be able to be secured by local councils for local communities. That is something that I alluded to in my earlier answer to Mr Milne about how well placed councils are to know what their communities require and what will work in and for their communities.

Obviously, DOE will retain oversight and responsibility for policy. However, I am determined that, within that framework, flexibility exists for councils not to do just as they choose willy-nilly but so that, within reason, they can work within that framework to deliver for their communities in a sustainable fashion on the ground.

Mr Rogers: Thanks to the Minister for his answers thus far. Will he detail the reasons why the Departments are not being named as statutory community development partners?

Mr Durkan: I thank the Member for his question. In my view, there is a very close linkage between community planning and the local development plan, which, in many respects, will be the spatial expression of that community plan. The consultation responses on the draft Local Government (Community Planning Partners) Order indicated a desire on behalf of local government and others to see Departments named as statutory partners on their community planning partnerships. I therefore sought the views of my Executive colleagues on including the 12 Departments as statutory community planning partners. Whilst their responses indicated support for the community planning process, most Ministers do not believe that it is necessary or productive, I might add, for their Department to be named as a statutory community planning partner, preferring, where appropriate, that the arm's-length bodies — many of which are named as statutory community planning partners — participate in the partnership.

It is vital that we have as many Departments and or through their arm's-length bodies buying into the community planning process as possible, if it is to be the success that we need it to be and anticipate that it can be. We have to look at other processes that are still running, however, with mixed measures of successes. I think of neighbourhood renewal and maybe the reluctance of some Departments and agencies to buy into that, which, in my opinion, has not allowed it to realise its full potential.

Ms Lo: I agree with the Minister. I had bitter experience of being involved with neighbourhood renewal, with the Departments not having enough buy-in. The Minister has said that he will establish an engagement protocol with the Departments: can he detail a bit more about how that may help with more buy-in?

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Ms Lo, and I hope that she has recovered from her bitter experience in neighbourhood renewal. She is correct in identifying that I am consulting Executive colleagues on the development of a community planning engagement protocol. The responses that I have received to date on that have been entirely positive. In addition, Members should be aware that I have established the partnership panel for Northern Ireland, membership of which comprises a representative of each of the 11 new councils,

Executive Ministers and representatives of NILGA. That partnership panel provides a mechanism for discussion between Executive Ministers and local government elected members on strategic policy matters at a political level. While we have had only four meetings to date, I would like to think that it is taking shape and will be a useful tool in the future.

Mrs Overend: Does the Minister have any concerns about councils adjacent to one another adopting conflicting policies in regard to the plans?

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Mrs Overend for that question. It is a valid question and a valid concern. It would seem ridiculous that one council would zone housing right up to the border of its area, which would then be immediately adjacent to land zoned as open space or where development was prohibited by the neighbouring council. That is why it is important that there is a central oversight retained by DOE. We will do everything that we can to encourage liaison between councils as well. That is very important, and it would not just be on a council-by-council basis but, naturally, for councils in border areas to liaise with their neighbouring councils in the Republic of Ireland as well.

Environmental NGOs: Funding

4. **Mr Weir** asked the Minister of the Environment for an update on departmental funding provision to environmental non-governmental organisations in 2015-16. (AQO 8520/11-15)

Mr Durkan: In the past, I have highlighted the very serious implications of the budget settlement for my Department, particularly emphasising the implications for a wide range of grant and other programmes aimed at supporting key environmental programmes. I further stressed that these cuts would have immediate and significant implications, including the loss of jobs, for a range of voluntary bodies across the North. Since then, I have focused on doing whatever I can within the imposition of this extremely difficult budget to ease the impact of these cuts, primarily through the use of carrier bag levy receipts. Therefore, I agreed initial allocations to environmental organisations totalling just under £1·5 million to help to deliver a wide range of environmental outcomes. Furthermore, my Department set up a workshop on 23 April to discuss how best to allocate £1·25 million of residual funding from carrier bag levy income to support key environmental priorities and help in safeguarding some of our most valuable sites and landscapes, protecting our priority species and encouraging access to the countryside.

Following the workshop, which was attended by 22 environmental non-governmental organisations (ENGOs), the natural environment fund (NEF) opened for applications on 1 May with a closing date of 20 May. All applicants to the NEF were informed of the outcome of their grant application on 18 June in line with the established timetable. Twenty-one NGOs and landscape management bodies were awarded funding. I have also allocated £0·3 million for the 2014-15 challenge fund from the carrier bag levy that will provide money to support community groups and schools in delivering environmental projects. ENGOs, provided that they are not the lead applicant, are encouraged to partner with eligible organisations in project delivery. The competition closed at noon on 26 June for community groups and will close at noon on 25 September for schools.

Mr Weir: I thank the Minister for his response. Albeit somewhat belatedly, there has, at least, been some progress on this front. How many groups did not receive funding, and how many potentially face removal of their activities as a result?

Mr Durkan: I thank the Member for his question and his begrudging recognition of my intervention — albeit belated — in this regard and efforts to ensure that the number of groups and the amount that groups lose in funding was kept to a minimum.

As regards who is no longer eligible for funding or who has not been successful with the NEF, I do not have that detail to hand. However, I will certainly provide it to the Member. I can assure him, if he has not seen it on the TV or heard it on the radio — I have not heard any particular criticism of the process that I engaged in, perhaps apart from the regret that it was a wee bit late; we would love to have been in a position to carry this out prior to the Budget and this financial year — that the vast, vast majority of groups, in the region of 99%, recognise the efforts that I have made in this regard.

Mr Wells: Whilst I am sure that the voluntary groups — I am probably a member of every one of them — are very happy with progress so far, does the Minister not accept that this is a very ad hoc arrangement in the sense that the previous funding was guaranteed for up to three

years and organisations knew where they stood? Under his new scheme, they will constantly have to apply with no guarantee that that funding will continue.

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Mr Wells for that question, although why he would want to be a member of any group that would have him as a member, I do not know.

I agree that this has been a very ad hoc arrangement. The Member should recall that he was a Minister at the time, when we had to decide on a one-year Budget. They were extremely ad hoc circumstances all round. I have said on record publicly again and again and will do so again today that I was not particularly pleased with the hand that was dealt to me in that Budget. However, I think that I have played that hand as well as I could. While the stakes are high for all those groups, I took the gamble and got a big win for them.

3.15 pm

Mr Ó hOisín: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. Does the Minister think that the budget cuts for the environmental NGOs will have a negative impact on them when applying for European funding?

Mr Durkan: Go raibh maith agat, a Cheann Comhairle, and I thank Mr Ó hOisín for that question. As part of the criteria for the natural environment fund that we set to judge the performance of the ENGOs — it is worth remembering that we are here as the Department of the Environment not to ensure the survival of voluntary and community groups but to ensure the survival, protection and promotion of our environment, and all those groups happen to be providing services that do just that — we looked at their ability to draw match funding from many other sources, including Europe. That was weighed up when we were assessing their applications and, ultimately, allocating funding to them. It is important, particularly in these straitened times, that we look externally and maximise the drawdown of money from other sources.

Mr Speaker: I am afraid that that ends the period for listed questions. We now move on to topical questions. Questions 7, 8 and 10 have been withdrawn within the appropriate time frame.

Hightown Quarry Application

T1. **Mr Clarke** asked the Minister of the Environment for an update on the Hightown quarry application and to state when he is likely to make a decision on that for the waste management group. (AQT 2731/11-15)

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Mr Clarke for that question. He is right to establish the connection between things such as recycling figures and waste infrastructure or lack of infrastructure here in the North to deal with our waste. The Member will be aware that an article 31 planning application is being assessed by my officials. I have not received a report from my officials on that application to date nor have I had any indication of when that report might arrive.

There is massive public interest in the application, as the Member will be well aware, with in the region of 3,500 objections. Assessments of an application are based not on the quantity of objections but on their quality. This application, like any application, will be subject to the most stringent examination and scrutiny by planning officials and Northern Ireland Environment Agency officials before it even reaches my desk. It will then be up to me to make a decision.

Mr Clarke: I thank the Minister for his answer, and I welcome the scrutiny of those officials. I am sure that he, like me, will welcome the fact that one council group has, through Arc21, come forward with a proposal to deal with the waste. Can I take it from the Minister that, whatever recommendation his officials make on that application, he will sign this off in concurrence with that recommendation?

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Mr Clarke for his question. However, I am not in a position to give any guarantee on something of which I do not know the content. One thing that I can give a guarantee on is that I will give careful consideration to all factors, as I do with all decisions that I make, before making a decision.

Wind Turbines: Safety Concerns

T2. **Mr Buchanan** asked the Minister of the Environment what weight his Department is giving to the concerns expressed by members of the public during its consideration of applications for new wind turbines, given that he may be aware of the growing concerns about the safety of wind turbines, either those

on wind farms or, more particularly, second-hand single wind turbines. (AQT 2732/11-15)

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Mr Buchanan for that question. I am extremely aware of many concerns and objections that residents across the North and beyond have about wind energy applications.

I referred to many of those concerns in response to Mr Milne's earlier question. I also referred to the fact that the Member's constituency is one area that is particularly well versed in these objections and concerns.

As for safety fears, I presume that the Member is referring to the potential health impacts of wind turbines and wind farms. I remind the Member that the Public Health Agency (PHA) is a consultee on these applications. When objections are made, they must be addressed and answered by my Department, which it does in consultation with agencies such as the PHA. My Department works with those agencies to allay residents' concerns and fears — hopefully, in most instances — and, if a genuine concern is shared by the relevant statutory agency or authority, that can be addressed by the applicant.

Mr Buchanan: I thank the Minister for his response. It appears that any safety checks are being done during the consultation process, but, during the application process or when an application is being approved, what stipulation does the Department have for regular safety checks on those turbines after a wind farm has been completed and is up and running?

Mr Durkan: I thank the Member for that question. Again, in response to an earlier question on the Committee's report on wind energy, I briefly referred to the incident at Screggagh earlier this year or late last year when the wind turbine fell during an unprecedented event here in the North. The fact that that could happen, and the potential impact of such an occurrence should it happen in close proximity to houses, sent shock waves not just through the local community but through the community at large across the North and beyond.

When I answered questions about that in the House, I explained that, although my Department retains authority over planning matters, it is not the relevant authority to run checks on the safety of these structures when they are up. That is a job for the Health and Safety Executive, in the same way that, if the DOE gives planning permission for a house, it cannot be chasing round doing building control inspections. Other agencies and bodies are charged with that work, and it is important that my Department works with them to ensure that they are doing that so that we can give some peace of mind and security to those who have these perfectly understandable concerns.

Tyres: Disposal Records

T3. **Mr Wilson** asked the Minister of the Environment what action his Department takes to ensure that company records of tyres that have been taken off customers marry with the records of disposal for those tyres, especially because, when customers change tyres, the company that changes them takes a fee for their proper disposal. (AQT 2733/11-15)

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. Again, this is a subject of which Mr Wilson never tires. My Department is working very hard to bring forward new measures to tackle the scourge of used tyres being illegally disposed of. Mr Wilson is a former Minister of the Environment, and I know that he recognises the complexity of this area of work and the complications in trying to grasp the issue and deal with it in a conclusive manner. I can, however, assure him that we are working closely with tyre manufacturers to discuss the best way forward.

We are also working closely with councils, which is timely in that we are close to bonfire season when many tyres that are illegally and wrongly disposed of end up causing huge environmental damage as well as being a huge antisocial scourge, which tortures communities across the North.

Mr Wilson: I am not so sure that the Minister gave any answer to my question. Surely, if there is a record of tyres that have been taken off, there should be a record of how those tyres have been disposed of. Given that around this time of year, tens of thousands of tyres are dumped on to bonfires by companies that, presumably, took money from customers, why can his agency not simply call with tyre companies, check what tyres have been changed, ask where they have been disposed of and, if no reasonable explanation can be given, prosecute?

Mr Durkan: I thank the Member for his supplementary. As I tried to outline in my initial answer, the Northern Ireland Environment Agency and other areas in my Department are working hard, along with other agencies and

jurisdictions, to come up with a producer responsibility scheme for tyres. We have to look South — I know that the Member would love to see how such a scheme is rolled out in the Republic of Ireland. As I said in answer to Mr Wilson's initial question, this is a very complex issue, and I thought that he, as a former Minister of the Environment, would have had some appreciation of that complexity. Clearly, however, he does not, and that indicates to me that, when he was Minister, he did not grasp the issue and take control of it. I could probably continue the discussion with him outside.

Local Government: Review of the Transfer of Functions

T4. **Mr Givan** asked the Minister of the Environment what preparatory work is being carried out for the review of those functions that were transferred to local government, given that when those powers were transferred, it was built in to the process that there would be a review and, potentially, further powers could be transferred. (AQT 2734/11-15)

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Mr Givan for his question. In my response to an earlier question, I referred to the establishment of the partnership panel, which comprises Ministers and representatives of each of the 11 new councils. That panel is a very useful tool. It gives Ministers — not just this Minister — an opportunity to hear the concerns of local government and to discuss the opportunities offered by the functions that have already transferred and those that might transfer in the future.

A review should be looked at, and it will be looked at within a year of a vesting day in April next year. However, we need to do that in close partnership with local government because, as the Member may hear from his colleagues in local government, there is quite a bit of disquiet and discontent about some of the functions that they have received, or, rather, the budgets going with the functions that they have received. Some in local government have the perception, albeit mistaken, that the transfer of functions was used as — can I use the term without offending the Member? — a Trojan Horse for central government to pass cuts on to local government to make.

Mr Givan: I welcome the Minister's commentary on the partnership process. Two functions that colleagues in Lisburn and Castlereagh City Council have expressed to me that they want to look at are on-street car parking — off-street car parking is already within their remit, obviously — and particularly the maintenance of grass verges. That issue has come to the fore and is a function that I believe local government could deliver. Will the Minister lead on trying to see what efforts could be made, working with local authorities — I appreciate that this is a DRD matter — to take forward some kind of approach that ensures that the maintenance of grass verges, a basic function of government, can be delivered, where currently it is not?

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Mr Givan for his supplementary. Quite rightly, he identifies that both functions to which he refers do not fall within my Department, and, therefore, I cannot lead in their transfer. However, I do, and will continue to, lead in convening the partnership between central and local government and facilitating the conversations that have to take place. As I said, I am not sure that there is a tremendous appetite at this time in local government for assuming new functions in the immediate future. However, I am happy to talk to local government, listen to it and work with it on that.

Mr Speaker: Time is up, I am afraid. The House should take its ease while we change the top Table.

3.30 pm

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

Executive Committee Business

Health and Social Care (Control of Data Processing) Bill: Second Stage

Debate resumed on motion:

That the Second Stage of the Health and Social Care (Control of Data Processing) Bill [NIA 52/11-16] be agreed. — [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Lunn: I support the Second Stage of the Bill. Kieran McCarthy would normally be speaking for the party, but he is absent today owing to family matters. I am not a Health Committee member, and it is fair to say that I am not 100% familiar with all the issues raised by other Members.

The Bill has the potential to be an important tool in helping us to better understand the nature of the health challenges facing our society and, consequently, helping us tailor solutions more efficiently and effectively. The Alliance Party believes that it is a good and necessary Bill. It is quite clear from comments from Members that there are a lot of issues with it, but those can be addressed through the Committee's scrutiny and at Consideration Stage and Further Consideration Stage.
The Bill provides a proper, ethical framework for the use of confidential data in the wider public interest and for the wider public good. That extends most notably to research and development efforts that are seeking to discover more effective treatments and cures for a wide range of conditions, many of which are life-limiting or life-threatening. Members have spoken in the past about the quality of the research base in life sciences in Northern Ireland and paid tribute to the many discoveries and contributions that have made a real difference to healthcare and people's lives.

The sharing of individualised data exists in an uncertain state in Northern Ireland. Its legality is shaped by the provisions of the Human Rights Act, the Data Protection Act and the common law on confidentiality. As other Members have said, the current basis around a public interest test appears to be ambiguous and risky. There is a difference in consent between that for direct care and the disclosure for improving the general functioning of health and social services. The Bill is seeking to address the latter point only if it is impossible or impractical. Anonymised data would not achieve the desired outcome, and, most crucially, a committee or body established for that purpose must authorise the processing. I appreciate that many people will have concerns about such use of individual data, but that is why it is so important that sufficient safeguards be put in place.

In that regard, we can take comfort from the fact that the privacy advisory committee that advises the Department on such matters appears to understand the logic of the Bill and sees the bigger picture. We must also recognise that, without the legislation, Northern Ireland would be out of step with other jurisdictions, and, indeed, our researchers and practitioners would be hindered from engaging and collaborating effectively with their counterparts. It is also clear that the legislation will benefit bodies such as the Northern Ireland Cancer Registry, which is located at Queen's and has done great work to understand the frequency, diagnosis and treatment of cancer. Without the legislation, its work would be hindered. The Bill recognises that, in certain circumstances, the use of anonymised individual data is not sufficient, particularly when there are advantages to be gained from intersection with genetics.

This legislation is already a fine balance between respect for the individual and working for the common good of all. The Bill provides for oversight structures and safeguard measures to be put in place. Given the uncertainty and ambiguity of the current loose legal framework, the Bill should work in the interests of all by ensuring that there will be a clearly understood, balanced framework in place for decision-making. We therefore support the further passage of the Bill, but we look forward to the Minister's reaction to the points that have been raised by other Members on all sides of the House.

Mrs Cameron: I rise today as a member of the Committee for Health, Social Services and Public Safety to speak on the Health and Social Care (Control of Data Processing) Bill. I was greatly concerned to learn that patient information is being shared without prior consent or knowledge within the secondary health service. Whilst the Bill aims to put in place a legal basis for sharing that information, I believe that there is a great deal of obscurity and lack of precision in it. I trust that the Minister will provide some more clarity on those issues today. That said, I feel that the Bill offers huge opportunities to advance the healthcare system by allowing information to be disseminated for the purposes of further research into various illnesses and conditions, as well as planning for future health and social care provision. We must ensure, however, that in taking the Bill forward we do absolutely everything we can to make sure that privacy and personal information are protected.

In cases were consent has not been possible and where anonymous information is used, the requirements to protect the information fall under the Human Rights Act, the Data Protection Act and the common law duty of confidentiality. There must be a clear statutory reason for sharing the information, and it must be deemed to be in the public interest. Therein lies the first major anomaly in the current provision. The term "public interest" is incredibly vague and open to interpretation, meaning that decisions are based on subjectivity and are open to challenge. Organisations are often reluctant to pursue information on that basis, and there is a significant deficiency, in the legal context, for them to do that. Thus any benefit that may have been gained is lost.

The Bill aims to put in place a legal framework for sharing any information in restricted and controlled circumstances. It would also include an overseeing body that would independently assess any request for access to information within the parameters of the legal guidance. It will be necessary that any information that is provided will be used to secure a significant outcome that could not otherwise have been achieved in the absence of that information. My concern with that is that the phrase "public interest" still forms the basis of any decision that is made. Public interest remains open to interpretation and will still require any organisation making an application to access information to make its case for why its needs it and how it will serve public interest. I am anxious that that loophole is addressed and a much clearer definition put in place to remove the subjectivity of the term and to ensure that decisions to share information are made on the most robust basis.

In looking at how the Bill may assist medical research, I am of the opinion that there is a vast opportunity to improve the healthcare system, streamline services and better predict future trends. However, that area also requires incredibly stringent guidelines. Our current position permits information to be shared without a framework, structure or guidelines, and in taking the Bill forward I hope that many of the obscurities will be removed. It is my view that the key focus of the Bill should be on the principle of attempting to obtain consent at all times when practically possible and that we should have to call on this in only the most extreme circumstances.

I would hazard a guess that many people whose information is shared for the purpose, for example, of researching outcomes for cancer patients would not object to that, but questions remain about who would be able to access the information and for what purpose. We must ensure that we do not open the floodgates to sharing personal information without prior consent, awareness or knowledge.

I do, however, support the Bill in the main and believe that, if properly worked out, it will give us a great opportunity to make our health service much more efficient and competent. I trust that the Department will ensure that the privacy and protection of service users is kept at the forefront during the next stage of the Bill, if passed.

Ms McCorley: Go raibh maith agat, a LeasCheann Comhairle. Tá imní orm faoi ghnéithe áirithe den Bhille seo caithfidh mé a rá. Like others, I have concerns about some aspects of the Bill. The Bill aims to provide a statutory framework and safeguards so that information relating to the health and social care of individuals may be used for medical or social care purposes without the consent of the people concerned. While there are, no doubt, very good reasons for collating valuable patient information in order to feed into research and where all that can take us for very positive reasons, I would like, nevertheless, to draw attention to a couple of areas of concern that I feel are vague and require more stringent definition.

First, I want to refer to the use of the expression "in the public interest". There are some concerns around sharing identifiable information without consent, particularly as it would be regarded as permissible to do so if it is believed to be in the public interest. I have difficulty with that and I know that there are difficulties in defining what the public interest actually means. If a person's views are being overridden because of some undefined public interest, I feel that we should have a clear definition of what is meant by that.

"Social well-being" is another undefined concept. Again, the Bill uses this phrase without giving a definition. If an individual's personal information is to be used with or without their consent, I believe that it is only reasonable that we have some idea of how it will be used. The Bill states:

> *"For the purposes of this Act, "information" means ... information (however recorded) which relates to the social well-being of an individual".*

"Social well-being" is a vague phrase, which could be interpreted very widely or very differently from one person to another, so we must have clarity as to what that will mean in order to take a properly informed view on it.

The Bill proposes that a committee may be established as a safeguard to decide how confidential information is processed. I question the use of the word "may" in this case. If a committee is intended to be put in place as a safeguard, why does it appear to be optional rather than obligatory? In conclusion, these questions, and many others that other Members have raised, will need to be addressed as we proceed with the scrutiny of the Bill.

Mr Givan: I will not labour the points that colleagues have already made but I will make a couple of points about the scrutiny of the Bill at Committee Stage. There are a number of interesting areas that we will need to drill down

on, and they are not just applicable to healthcare provision. There are issues around public interest tests that a lot of us could debate in a whole sphere of different arenas. It will be interesting as we get into it around healthcare; what is it to have a public interest that would override other aspects?

Colleagues have mentioned social well-being. Let us look at the clauses in the Bill where this is relevant. Clause 1(11)(b) mentions social well-being and goes on to outline what these areas are. Clause 1(14)(a) refers to:

> *"research into social care or social well-being".*

When we read that in the context of the type of areas that we will be considering, including disability, dependency on alcohol and drugs and so on, we see that these are very sensitive and personal pieces of information. When we talk about that in the context of research and sharing that information, we need to be careful and have the right kind of measures in place to protect that. Having said that, I recognise that the Department is coming from a position whereby we already have disclosure of this information through the common law aspect. Therefore, the starting position on this is one in which information is already being shared but the Department wants to make sure that there is a proper strategic framework in place. We need to be careful about where the debate on this starts, in recognition of the current environment where this information is being shared. That will be important as we go forward.

The key area seems to be around the secondary use of that personal information, as opposed to its primary use. That personal information is very sensitive and it is right that we have the appropriate safeguards in place. Having said that, you still have existing legislation on data protection and the Human Rights Act, which govern this and which are still applicable to it.

3.45 pm

There is a point of interest that I will want to tease out at Committee Stage, and the Minister may be able to comment on it. Clause 3(5) states that the code of practice, which we will be giving the Department enabling powers to introduce, speaks only about the code applying to:

> *"Any other person who provides health and social care under arrangements made with a public body"*

What about private healthcare where there is no contract with a public body in its provision? Would the code of practice be applicable to private healthcare provision that has not been contracted in by a public body? Should we be looking at arrangements for how personal information is controlled and managed by private healthcare providers? Otherwise, we are in danger of having a two-tier system in which there will be very clear rules on the handling of people's personal information in public provision, through the health service and where there is a public contract, but we do not seem to be clear on what the rules are in respect of personal information for private healthcare provision where there is no public connection. That is something that I will certainly be interested in teasing out as we go through the Committee Stage. Thank you, Mr Deputy Speaker.

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I thank all Members who contributed to the Second Stage debate. There has been commonality in issues raised by Members from all sides around some concerns, if I can put it as strongly as that, with aspects of the Bill. I will seek to address, as far as I can, some of those as I go through the comments.

I do not think that there was much disagreement on the purpose of the Bill and support for the purpose of the Bill. The purpose is laid out very clearly early in clause 1. Clause 1(1) states that the release of information that identifies individuals will be for "medical or social care purposes". Clause 1(1)(a) and clause 1(1)(b) go further and talk about information not being released:

> *"in the interests of improving health and social care, or*
>
> *in the public interest."*

That has been a debating point during Second Stage, and I will return to it before the end. As we go through all these issues and concerns, it is worth bearing in mind, as the Bill proceeds through its various stages in the House, that it is for medical "or" social-care purposes, to pick up on Mr McKinney's point that this goes much further than the equivalent legislation across Great Britain. That is simply because we have the benefit of an integrated health and social-care system. It is not some great conspiracy; it is actually a benefit of the system that we have

in Northern Ireland. The release or sharing of information, within certain parameters, which I will come on to momentarily, is for medical or social-care purposes.

The primary purpose of the Bill is to place that sharing of information, which can and does identify individuals, on a clear statutory framework. That is something that does not currently exist — a fact that was identified by many Members in their contributions. At this minute in time, we have a situation in which information is already being shared via the common-law parameters. It is my view, and, I think, the view of other Members, that information can be shared, and is being shared, via common-law tests, that it is better for us to have a statutory framework, and that it is far better for us to have a Bill passing that has robust safeguards to ensure that that information is shared appropriately.

The safeguards are extensive. Obviously, we have regulations, including the limited circumstances in which information can be shared, that will have to be put through. Many Members touched on the creation of a committee that will look at each application. I think that that is a robust safeguard to have in place. An onerous task will be placed on that committee. Mr McKinney shared some not-so-good experiences from England. I will come back to them, but I agree with him on the points that he raised.

Even in that situation, which is not a perfect system, since 2001, about two thirds of applications have been approved and one third has not been approved. That is an indication that not every application coming forward to their committee is getting through and that a robust test is being applied. Although not the majority, a significant number — around one third, which is 300 out of 900 — of applications since 2001 have been turned down and have not proceeded.

I know that the Committee has a concern about the committee in that the Bill as currently drafted permits rather than requires the establishment of the committee. I am happy to look at that, perhaps by way of an amendment at a later stage, because I understand the point that the Committee has made in its deliberations so far. Similarly, on a code of practice, which is part of the safeguard that is there, the legislation as currently drafted says to "have regard to" the code of practice. Again, I would be content to look at strengthening that by way of an amendment.

Other safeguards in place include the Human Rights Act, particularly in respect of the right to private and family life, and the Data Processing Act, especially around fair and lawful processing so that information is only what is absolutely needed and only those who are entitled to have that information have it. The Human Rights Act and the Data Processing Act and how they apply to this are still applicable. Those safeguards are not in place at present in respect of the way information is shared via the common law. We will be in a far better position if we have the robust safeguards of a committee and a code of practice in place to ensure that this is done in a more robust and safer way than has hitherto been the case.

Some Members alluded to the fact that there has been broad support for the legislation. Our inboxes have been populated today by some people from various sectors who support it. Some 96% of respondents to the consultation supported the legislation. I could not quite work out Mrs Dobson's comments about how she thought that, if more people knew about the Bill, they would be shocked that their private information was being kept. I would have thought that most people were quite content that their private information was being kept within the health and social care system. Having that information and the ability to share it and use new technology like the electronic care record ensures that people get a high standard of care no matter what health and social care establishment they go into.

Of course, there is a practical purpose. In debating the definition of social well-being or the definition of public interest, we can sometimes forget the very good practical purpose that there is in the Bill in taking the legislation forward. There are already examples of where the legislation, when passed, will enhance the sharing of information for good, sound, solid, medical and social care purposes. For example, it will underpin the operation of the already successful Northern Ireland cancer registry, and many Members referenced and acknowledged the good work that that is doing. Within that registry, it will allow the removal of duplicate information. People can appear in several different environments within the health and social care system and are, perhaps, being double-, triple- or quadruple-counted. It will allow that to be taken out; it will facilitate genetic requests; and it will have the ability to link patient data with a death certificate. It will also enable Northern Ireland participation in many UK-wide epidemiology studies. It will allow us to participate in our own and other clinical audits, health monitoring and research studies, with the

other safeguard that any research must be shown to be ethical.

As Members are aware, there are concerns about legal challenge to releasing information via the common law. Dr Paul Darragh of the BMA is quoted as having said:

> *"We agree that using the public interest justification for collecting data for the cancer registry in Northern Ireland is open to legal challenge."*

I do not think that we want to put any medical practitioner in the position where they are concerned about legal challenge to the releasing of information for good purposes, for trying to improve our understanding of cancer and other diseases. There is an existing desire among many health professionals to participate in studies. Some of them are UK-wide, and some of them are just for Northern Ireland. In fact, there was a recent cancer satisfaction survey that we were unable to participate in because of the fear of legal challenge on releasing the information. If we were to cast our net around for other examples, I am sure there would be many. We do not want that to be the case. We want to have the ability to participate in studies in the UK or further afield that increase our understanding of certain diseases, how people respond to certain treatments and, above all, raise the standard of care that people in Northern Ireland receive. I think we would want to participate in such studies and play our part. We would want to gain the benefit for Northern Ireland of the information that would be derived from the conclusions and recommendations that come out of such studies. However, we cannot do that, clearly, if people in the health and social care sector are fearful of releasing their information for legal reasons.

Some Members, particularly Mr McKinney, raised concerns around the release of information to insurance or pharmaceutical companies. I certainly share that concern. Members appreciate that I have almost inherited this legislation, so, in studying it completely afresh, this was one of the concerns that I had: who might get their hands on this information? You would be surprised if I said anything other than that it is not the intention for insurance or pharmaceutical companies to get such information. However, it goes further than it not being our intention; there is enough in the Bill to make it clear that it is not for those purposes. Clause 1 makes it clear that it is:

> *"for medical or social care purposes".*

I do not see how it could be gained for insurance purposes. Again, it must be:

> *"in the interests of improving health and social care".*

That makes it clear that sharing the information with insurance companies or other financial institutions is not the intention.

There is another safeguard in that respect. Say an application were to come from an insurance or a pharmaceutical company for what appeared to be commercial purposes. Of course, a pharmaceutical company could request such information for medical or social care purposes, and that could actually benefit patients and people in Northern Ireland, so we must decouple them from insurance companies.

Mr McKinney: I thank the Minister for giving way. He will not want to get into a protracted debate at this stage because a lot of this will be debated in Committee. Part of the evidence that we heard was about academic research. What safeguards and guarantees will be put in place to ensure that such information will not be forwarded to the very organisations that, he says, should not receive it?

Mr Hamilton: The safeguards will apply to any application. There is nothing to prevent anyone from applying. The Bill is not as prescriptive as that, because the test is:

> *"for medical or social care purposes".*

That is quite broad. I do not think — I will get onto this on some other issues — that we should get into the habit of defining who can apply and who cannot. As soon as you start doing that, you remove flexibility, and you can shut down the possibility of having very good research done. I do not think that we want to be very specific about it. Obviously, safeguards are in place in that the application will be made to the committee, and it will judge whether it is:

> *"for medical or social care purposes",*

in the interests of improving health and social care or in the public interest.

This is a hypothetical situation, but, if an insurance company were to make an application for what appeared to be commercial purposes, we all might say that that should not get through, and I expect that the committee would stop that. However, if, for some reason, the committee did not do so, there is a further

backstop in that health and social care organisations do not have to give up the information. An application could get through the process — I do not expect that it would — and the request could come before a trust, for example. The trust, you would hope, would say, "Hang on a minute, this is not what the legislation is intended for". It would seek guidance and support from the Department, and it would be made clear that it did not have to release that information. There are safeguards built upon safeguards. It would have to be made very clear in a research application why the information is required, the purpose of getting it, who would be using it, what it would be used for and so on. If the information was to be passed to somebody else for work to be done on it, that would have to be made very clear in any application. Of course, the research would have to be ethical and be tested through the relevant authorities for that. There are safeguards and measures put in place to ensure that those scenarios, about which I share concerns with Members, do not come to pass.

4.00 pm

On the issue of public interest, which exercised most contributors to the debate, I understand, again, where people are coming from. It is worth pointing it out that public interest in this case is for medical or social care purposes and not broad public interest. Under the common law duty of confidentiality, the public interest test is already a consideration. Public interest is not defined, because it is, as you would expect, specific to each application. Public interest in one application may be different from that in another, and, again, you get into the difficult situation of defining what public interest may or may not be. It would take up much more lines in the legislation than it currently takes up in the Bill if you were to get into specifically defining public interest. The Bill provides more checks and balances around public interest than the current test via common law, because of the safeguards that I have already gone into. In making a decision, the committee will weigh the potential benefits to society of disclosure against the risks of any negative impact of disclosure.

It is also worth saying that, without the public interest test in the Bill, the opportunity for greater scrutiny of public interest will be missed and the current common law consideration will remain. It has been a common thread throughout the debate that there is dissatisfaction with the current common law situation and how it may allow information to be shared without the statutory framework that the Bill will put in place. Again, I make the point that the Bill only permits sharing; it does not require it to be done. In many cases, it may be only minimum information that is shared with applicants; for example, the contact details of somebody so that they might be contacted by an organisation to ask for their consent to participate in a study. Rather than being about information on their specific circumstances, their health and their social care, it may be about the ability of an organisation to contact somebody to ask their permission to take part in a study.

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

Clause 1(11)(b) talks about social well-being and has quite a long, but not exhaustive, list of what social well-being is. Again, I understand the points that Members raised. Generally, I do not like legislation that has long lists and examples because, invariably, you will include lots of things about which you can say, "Yes, that's fine, I agree with all those", but you will exclude some things that you think should be there. You may even sometimes include stuff that you are not entirely sure should be there. As a rule, we should seek to avoid being too prescriptive, but there are really only those two choices available to us. Either we make an attempt or we do not put anything there at all and have it quite broad. I appreciate the point made around the words "or any", in that it could be other stuff as well.

The 2009 Health and Social Care (Reform) Act placed a general duty on my Department to design an integrated system of social care to secure improvement in the social well-being of people in Northern Ireland without having a very specific definition of social well-being. The Bill, therefore, merely reflects the statutory duty on my Department to advance social well-being and makes an attempt to define, in some cases, the areas in which social well-being might happen. I would be happy to listen to any feedback from the Committee around whether to have a list of things, an incomplete list or no list or whether another option of having a better definition may be a better way to proceed.

I hope that the Bill, with the House's support this evening, can move to what is probably one of the most critical stages in testing any legislation: the Committee Stage. I look to the Committee to do its job rigorously to test the legislation and examine the concerns. Hopefully, some concerns have been clarified and assuaged today. If not, I hope they can be assuaged through the Committee process. I have to say that I am very open to the input of the Committee, and I have already taken on

board some of the concerns on some of the language. The Committee will see that reflected, I hope, in amendments that will be brought forward throughout Committee Stage. The concerns expressed are concerns that I understand.

I would not proceed with the legislation if I did not think that there was a good practical purpose to it. I believe that stringent safeguards are in place; if they were not, I would not proceed.

I welcome the general support for the purpose of sharing information to help people to improve standards of care and enhance the health and social care of people in Northern Ireland.

Question put and agreed to.

Resolved:

That the Second Stage of the Health and Social Care (Control of Data Processing) Bill [NIA 52/11-16] be agreed.

Water and Sewerage Services Bill: Second Stage

Mr Kennedy (The Minister for Regional Development): I beg to move

That the Second Stage of the Water and Sewerage Services Bill [NIA 51/11-16] be agreed.

The Executive approved proposals for the Water and Sewerage Services Bill on 15 January 2015, and its introduction was agreed on 8 June. I introduced the Bill on 16 June, and, now that it has reached its Second Stage, I will set out its components in more detail.

The Bill deals with six main areas, covering the subsidy payment, governance and environmental measures. It also includes a number of practical powers to make subordinate legislation. Importantly, the legislation makes good the Executive's commitment not to introduce household water and sewerage charges within this Assembly mandate, and it flows — no pun intended — from the one-year extension in this mandate.

The Bill also includes a power to make further extensions to the payment of the subsidy power, if necessary, by way of subordinate legislation, which would be subject to affirmative resolution. Members may recall that two Acts, passed in 2010 and 2013, have already been required to extend the subsidy-paying power. The new power to make further extensions by subordinate legislation would provide some flexibility and enable any future extensions to be made more quickly and efficiently.

The Bill further introduces powers to streamline the process for NI Water in relation to drought plans and water resources management plans. The Water and Sewerage Services (Northern Ireland) Order 2006 requires NI Water to prepare a water resources management plan every five years and a drought plan every three years. Those plans set out how the company will manage water resources for future supply needs and environmental protection during periods of drought.

The Bill will remove much of the administrative burden and reduce costs. Under my proposals, NI Water will produce a single overarching plan — a water resources and supply resilience plan — every six years. That will coincide with six-year price control funding periods. The consolidated plan would be subject to a review every two years.

Importantly, the Bill includes a power to make regulations to amend the existing legal requirement on NI Water to install water meters at domestic properties that are connecting for the first time to the public water supply. Installations have been costing NI Water some £137,000 every year. Regulations made under that provision would be subject to affirmative resolution.

The Bill addresses concerns previously highlighted by the Committee for Regional Development in its 2012 inquiry into unadopted roads. As things stand, developers construct private sewerage systems, and, whilst most seek to construct them to appropriate standards so that NI Water can adopt them and take responsibility for the sewers, there is no obligation on it to do so. That means that, if developers do not complete the sewers, which has happened over recent years as a result of the economic downturn, or do not construct them to the proper standards, residents may be left with responsibility for that private sewerage system. This can present a public health risk and lead to significant expense to put matters right. The Bill will address this problem. My proposals mean that there will be no automatic right to connect a private sewer to the public sewerage network unless the developer has entered into a sewer adoption agreement. Developers will be guaranteed a sewer connection only if they meet all of the terms of the adoption agreement, they construct the

private sewerage to appropriate standards that NI Water can then adopt and they enter into bond arrangements.

The Bill promotes sustainability, reducing surface water connections to the public sewer network and encouraging developers to manage it in other sustainable ways. As Members may be aware, for historical reasons, much of Northern Ireland's sewerage infrastructure is combined: it carries foul and surface water. In recent decades, developments have been required to have separate foul and surface water sewers, but these separate sewers are often simply connected to the public sewer. As a consequence, NI Water ends up having to pump and treat surface water, which has an impact on costs. NI Water spends well over £30 million every year on energy. High volumes of surface water can increase the risk of flooding and pollution. NI Water can refuse a connection to its network only if it would prejudice the public sewers or if construction standards are not met. The Bill adds to these circumstances to enable NI Water to refuse a surface water connection if suitable alternatives are available or could reasonably be provided.

This brings me neatly to the topic of sustainable urban drainage systems (SUDS). There are alternative ways of dealing with surface water in order to reduce the volume or rate of flow. SUDS can take the form of hard, engineered solutions, such as large tanks to hold surface water for longer before releasing it to watercourses or for treatment, or soft SUDS, which include shallow ponds, trenches and planting, which also slow the flow of surface water. England and Wales experienced difficulties in implementing SUDS, particularly in relation to adoption and maintenance, and now link SUDS with planning consent instead. Local government reform in Northern Ireland will present councils with the opportunity to make progress in this area. The Bill includes powers for NI Water to require developers to construct hard SUDS schemes.

The Bill progresses important reforms in the provision of water in Northern Ireland, and it reflects my commitment not to introduce domestic charges. My Department's officials have already briefed the Committee for Regional Development on the contents of the Bill, and the response was favourable. I look forward to working with the Committee on the Bill and to expediting its progress.

Mr Clarke (The Chairperson of the Committee for Regional Development): I welcome the opportunity to contribute to the debate in my capacity as Chair of the Committee for Regional Development. The Committee undertook some pre-legislative scrutiny in a session on 3 June, and the Deputy Chair and I were afforded an in-depth briefing at an early stage as well. I thank the Minister and his officials for that opportunity. It was a very in-depth briefing, and we had an extra session on SUDS that, for my part, I found very useful.

The Minister outlined the principles of the Bill in his opening remarks. and I do not intend going into great detail on these today. Very obviously, the Executive have a continuing commitment not to apply water charges to domestic customers, and the Bill will extend this Programme for Government commitment until 31 March 2017. I am sure that, as we move forward, there will be some debate from others on that particular issue. However, I welcome the commitment from the Executive and the Minister.

4.15 pm

It appears logical to amalgamate the water resource management plans and the drought management plans into one overarching plan. In times in which there are considerable financial constraints, I believe it to be a responsibility to seek to alleviate as much red tape and bureaucracy as possible without the dilution of controls and governance. Tying the new water resource and supply resilience plan in with the price control period is also a sensible move.

I commented in Committee that the way in which clause 3 is framed is really future-proofing. I commend the Department on that. It will introduce a great deal of flexibility and discretion further down the line.

I suspect that there will be a great deal of debate around the issue of sustainable urban drainage systems measures. As someone who represents a constituency that is prone to flooding, I have seen at first hand the damage and despair that flooding brings to households and businesses. Of course, there is a significant cost not just to our constituents but to the Executive, given the commitment that they have made to help in cases of flooding. It is important that we talk to developers about means of introducing cost-effective and efficient SUDs schemes. I look forward to having those discussions. The interactions that the Deputy Chair and I had on SUDS were useful. A development was allowed to go ahead, and a problem was identified soon after it commenced. It is unfortunate that the Department had to pick up the bill in that case,

but there have been lessons learned from that that were very enlightening. I think that the Bill will go some way to addressing that.

Clause 5 will go hand in hand with SUDs, as it will add sustainable drainage to the reasons that Northern Ireland Water can refuse connection of surface water to its public sewer network. If drains, sewers or now SUDS do not meet the required standards or would prejudice the system, they can now be refused. That is an important protection.

Clause 6 is an example of how a Committee and a Department can work together, as it will bring into effect a recommendation that was made in the Committee inquiry's on unadopted roads, which the Minister has already spoken about. During the inquiry, the Committee expressed its extreme concern that there was no mandatory requirement in the Water and Sewerage Services (Northern Ireland) Order 2006 for a developer to submit a drainage plan to Building Control or even to enter into an agreement with NIW on a bond. The Committee understandably considered those to be major flaws that needed redressing urgently. As the explanatory and financial memorandum details:

> *"The clause introduces a requirement to enter into a sewer adoption agreement within the meaning of Article 161 of the 2006 Order (agreements to adopt sewer, drain or waste water treatment works at future date) as a condition of that right. This is in order to enable NI Water (i) to set the standards to which the private sewerage, including any necessary sustainable drainage system, must be constructed and (ii) to require an appropriate security (such as a bond). Provided the agreed construction standards are met, connection may not then be refused by NI Water."*

Clause 6 offers householders protection, particularly when they are purchasing or renting a new home, as they can now be assured that the sewers connecting to their home are up to an appropriate standard.

Mr Frew: I thank the Member for giving way. He quite rightly pointed out, as did the Minister, the potential issues for new builds, with those in the building industry perhaps not putting in place the infrastructure. However, there is another concern with any new developments, which is that, given the additional households being put into the system, the current system that NI Water operates may not be fit for purpose the whole way to the end of a drainage system or waste management plant. Are there any measures in the Bill that will help to reinforce the system that is already in use to ensure that it is not on the NI Water side that flooding is caused?

Mr Clarke: I thank the Member for that intervention. We will consider that once we get into scrutinising the Bill.

The Committee has agreed that, when it receives the Bill at Committee Stage, we will consult on it over the summer recess. The Department has a very tight deadline to ensure that the Bill receives Royal Assent before the end of the mandate, but that will not affect the detailed level of scrutiny that is normally applied by the Committee. I am sure that issues such as that which the Member has just brought forward will be of concern to other Members. We will, however, endeavour to work with the Minister and his officials to ensure that the deadlines are met and that we can have the legislation passed.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. I also welcome the opportunity to speak on this stage of the Bill. I concur with much of what the Chair said. I thank the officials who briefed us on a number of occasions on issues regarding the SUDS.

This is one of the more painless Bills, as there is much agreement on it from all Members. I do not wish to go into every aspect of it, but I will speak on a number of the clauses. I think that the amalgamation of the management plans and drought management plans into one overarching plan stands to sense. It not only saves money and addresses red tape but makes for a much smoother process.

Clause 3 relates to water meters. This was an issue that came to public prominence a couple of months ago. I think that it sent shockwaves through a lot of householders, as they believed that the House and these parties were all about to introduce household charges, but that was not the case. I welcome this clause, as it will cease the installation of meters in new dwellings. I know that my party across the island of Ireland has been at the forefront of the campaign against water charges in the South of Ireland.

Clause 4 concerns sustainable drainage systems, which are commonly known as SUDS. The Chair and I got a briefing on them. As I said, it crystallised a lot of the issues on this. I think that, currently, approximately 70% of surface water goes into the public sewerage system. As we know, when we have heavy downpours, we have flooding and sewage

problems, which lead to public health and environmental issues. It is to be welcomed that SUDS are to be introduced through the Bill and will be adopted by NIW. The Bill will require developers to provide SUDS that have been constructed to adoptable standards and protected by a bond so that householders will be protected. That is something that we learnt when we did our report. There were some horror stories, where sewage had run straight out into fields. I think that in one place in Coalisland the householder realised that their sewerage system just ran into a green field.

Clause 5 will add "sustainable drainage" to the reasons why NIW can refuse connections of surface water to its public sewer network. If the drainage system does not meet the required standards or would damage the system, it can also be refused. Again, that is to be welcomed, as it will protect householders.

As I said, as a result of the Committee's inquiry into adopted roads back in 2012, one of our recommendations was to tighten up on sewer connections. As I said, we learnt of a number of horror stories, such as sewage running straight out into fields. I welcome the right to connect, depending on the developer having to enter into a sewer agreement. That will certainly go towards protecting the householder.

I look forward to seeing the Bill at the scrutiny stage.

Mr Dallat: I join others in speaking on the Second Stage of the Water and Sewerage Services Bill. The Bill has come to the Assembly after a period of consultation, and as already indicated, it has six clauses.

Clause 1 would allow the Department for Regional Development to continue to pay a subsidy to Northern Ireland Water on behalf of domestic customers until March 2017. It would also enable the subsidy to continue until a later date, subject to regulations. During the consultation process, there was agreement that the subsidy should be extended until the end of the current mandate and that additional powers should be brought forward to allow the Department to extend the subsidy through subordinate legislation.

Clause 2 aims to amalgamate the water resource management plan and the drought management plan into one overarching plan. The water resource and supply resilience plan will mean that, instead of having a water resource management plan every five years and a drought management plan in place every three years, there will be a single plan every six years. It is beneficial that this coincides with the price control period, and I am glad to hear that it is aimed at reducing bureaucracy, red tape and administration costs. God knows, nobody in the Assembly would disagree with that.

Clause 3, of course, is the very exciting one that gives the Department the power to stop installing water meters when making domestic connections. I am glad to hear that, before any regulations are made, there will be a consultation process involving the DOE, the regulator, the Consumer Council, Northern Ireland Water and other stakeholders. I support that. It was soul-destroying, under the previous Minister, to see 25,000 water meters installed, when the stated position was not to introduce water charges. On this occasion, as in the past, I commend Mr Kennedy on stopping that process and ensuring that water charges are not introduced here. The SDLP, just to mention the party briefly, opposes water charges, which we already pay through our rates. We should not be forced to pay twice for water. Forcing a new charge on already hard-pressed householders would increase inequality.

Clause 4 defines a sustainable drainage system, popularly known as SUDS, a structure that is designed to receive surface water from premises and discharge it at either a reduced rate or in a reduced volume to the public sewer system or watercourses. I am sure that those of us who have watched areas of Belfast experience flash flooding hope that this clause will make a massive contribution to reducing the awful hardship that we saw imposed on so many people, many of whom were without house insurance.

Clause 5 relates to surface water connections. The Bill will add lack of sustainable drainage to the reasons why Northern Ireland Water can refuse connections of surface water to its public sewer network. If a drain, sewer or system does not meet the required standards and would prejudice the public system, it can be refused. This clause also means that connections could be refused if suitable alternatives are available. I know that some people in Kilrea, which is built on a hill, will certainly be looking with great interest to this particular clause becoming a power.

Clause 6 is on sewer adoption. The clause was brought forward by the Committee's inquiry into unadopted roads and is included in the Bill to make the right to connect dependent on the developer having entered into an agreement. There will be no certainty of connecting to the

public network unless the article 161 agreement is in place; construction standards have been met, which refers to drains, sewers or SUDS; a bond is in place; and provision is made for the adoption of the infrastructure by Northern Ireland Water. Again, many people in new estates were left with the heartache of living in an area where these connections were not up to standard or not properly connected at all.

In conclusion, we in the SDLP support the Bill moving forward to Committee Stage, when we can tease out more detail on certain areas. The Bill is a good example of bringing forward legislation after consultation, but another opportunity to hear from stakeholders is beneficial. I wish the Bill well in the future.

Mr Cree: The Ulster Unionist Party stood on a manifesto in 2011 that included a commitment not to implement water charges in Northern Ireland during this mandate. I am pleased that I can stand here today and welcome the next stage of the Bill that continues to make that a reality. We should not underestimate the importance of today's debate for households across Northern Ireland, as it will reassure them they will not be faced with yet another bill coming through the letter box at a time when many are finding it increasingly difficult to strike a balance between income and the rising cost of outgoings, such as heating and electricity. It may come as a surprise to him, but I congratulate Danny Kennedy. He is a Minister who has ensured that that Programme for Government commitment has been honoured throughout this Assembly mandate.

4.30 pm

While we —

Mr Lyttle: Will the Member give way?

Mr Cree: No. Let me get started first.

While we recognise that some in the House seemed to have revised their positions and are now in favour of implementing domestic water charging, the Ulster Unionist Party continues to recognise the high levels of opposition to such an additional charge, and we do not believe that it would be fair to implement it at this time. Remember: this is a charge that would apply equally to those who are least able to budget for an additional charge and to those who are most able to pay. In saying that, we do not ignore the issues of the future governance of water in Northern Ireland, but the Bill will continue to provide some breathing space for the Assembly to agree a way forward for what shape that might take in future.

I pause to point out that the Bill will allow the Department to remove the requirement on Northern Ireland Water to install meters at domestic properties that are connecting to public water supplies for the first time. That is proper. I give way to the Member.

Mr Lyttle: I thank the Member for giving way. I appreciate his contribution so far. He said that the Bill will ensure that the commitment to avoid the introduction of an additional domestic water charge in this mandate. It is my understanding that the Bill extends the deferral of additional domestic water charging beyond this mandate and into 2016-17.

Mr Cree: I thank the Member for his intervention. He is quite right: it does that. That is very observant of him. However, remember that we also pay an unhypothecated amount through the regional rate. That is another point for discussion, perhaps on another day.

It is important to remember that Danny Kennedy inherited a system that had seen chronic underinvestment over decades. Since taking up office, he has striven for stability and sought to improve the levels of service, and he should be congratulated for that. Let us remember how things were when he took up his role as Minister for Regional Development and the real water crisis and uncertainty of supply that the public had faced in the preceding years. However, it is important not to become complacent with the current set-up; Northern Ireland Water must always strive to do better and to provide a better service to the public.

The Ulster Unionist Party has said that we will not force water charges on anyone during this mandate, and hopefully for the next couple of years, and we honour that pledge. However, having said that, we recognise the importance of sustainable drainage systems and, despite the weather, drought plans. We look to see how those will be taken forward at the next stage of the Bill.

Mr Lyttle: I welcome the opportunity to speak on the Water and Sewerage Services Bill and, hopefully, to get into the detail of the significant issues more than we have been able to do recently. I thought that it would be a fairly robust debate, but it seems that harmony has broken out across the Chamber, further to a few fairly robust debates in relation to the Minister of late. Maybe he will be glad to see that

development, but, if I am honest, I am not sure that I will contribute to that harmony.

I foresee the Bill passing to Committee Stage, and I am certainly committed to interacting wholeheartedly with it at that stage and to ensuring that it is a constructive process. However, I think that the reason why that will happen is primarily because there is no viable alternative that could be delivered within the time frame that has been created by a lack of action by the Minister on the issue. That is disappointing. There is an urgent need to consider alternatives and to look at how the significant funding that will be required to invest adequately in our water infrastructure will be found.

There are some extremely encouraging aspects of the Bill; however, some cause me significant concern. As MLAs mentioned, there are the key proposals to extend the delay of water charges for another year to include 2016-17; the power for DRD to pay Northern Ireland Water in place of those deferred water charges with taxpayer contributions, which are currently around £280 million per year; and a proposal to give DRD an enabling power to pay a subsidy in future by way of subordinate legislation.

It does mention that there will be consultation, but I think that is a significant development that the Committee will want to consider as well.

The Bill will also introduce measures to streamline obligations on NI Water to produce water resources management plans and drought plans. That is to be welcomed. It will give the Department power to remove the requirement on NI Water to install meters at domestic properties connecting for the first time to the public water supply. I think that needs to be examined in more detail as well. If there is to be any type of universal application of any additional fair water pricing in the future, that may well be a key component in relation to that, so it is important that we at least examine it in detail at Committee Stage.

The Bill also promotes more sustainable means of managing surface water to reduce the volume of surface water being carried and treated by Northern Ireland Water's sewerage system. Many constituents will welcome that provision. I know that many of my constituents in East Belfast have seen significant trouble when combined sewerage systems are in place.

The Bill also includes powers to require new sewerage that will be connected to the public sewerage network to be constructed to standards that NI Water can then adopt. The Minister has mentioned a keen commitment to introducing sustainable urban drainage. Again, many constituents who live in fear of heavy rain will welcome those particular developments as well.

The provision of water and sewerage services for everyone in Northern Ireland is indeed a serious and important matter. It is estimated that it will cost Northern Ireland around £2·8 billion to address waste water infrastructure issues. My understanding is that an investment of £750 million is required to address Belfast's waste water treatment alone. Those are indeed significant investments that are needed if we are to meet those targets. It is also a serious matter because it is central to health, safety, environmental protection and social and economic development in Northern Ireland. People in my constituency know painfully well that the current level of investment in water and sewerage infrastructure is not enough. The current model does little to help vulnerable households that live in fear every time we see heavy rain and have concern for the damage that flooding can cause to their homes.

We should not reduce the debate to misrepresentative political campaigning. I am glad that we have not seen too much of that yet today. We need mature, open and honest debate around what we are going to prioritise in the Department for Regional Development's budget and, indeed, in the Executive's Budget.

Mr Dallat: Will the Member give way?

Mr Lyttle: I will give way, yes.

Mr Dallat: I just ask the Member innocently — maybe he is an aspiring future party leader in the Alliance — when is he going to stop adopting the clocking-hen approach, on the eggs one day in relation to water charges and off the eggs the next day?

Mr Lyttle: I thank the Member for his intervention, but I will continue with my contribution. Maybe he will make his mind up about what exactly I am calling for. To be clear, we need an open and honest debate. We have a contribution of around £280 million — out of a DRD budget that is struggling to make ends meet — going towards subsidising the full cost of water services in Northern Ireland. That is £280 million lost to other vital public services. We cannot put our head in the sand and pretend that it is a straightforward policy. We need to look at it in detail and be clear about

the priorities that we are making via that decision.

Significant work has already been done in this policy area. In 2007, the independent water review panel did some detailed work on water policy. Indeed, it was at a time when the Northern Ireland Executive and Assembly were suspended and the direct rule Administration had announced far-reaching reforms in relation to water and sewerage services. It proposed that the Water Service would become a government-owned company and that all households would be required to pay a direct water charge. The aim was to make the service self-financing. Understandably, there was significant concern about these proposals. Some people objected that they had already been paying for water through rates and should not have to pay twice. Some argued that water was a human right, not a commodity, and so should not be treated like other utilities. Some saw the creation of a Government-owned company as a step towards eventual privatisation and were opposed to the selling off of public assets. I am glad to help to restore public confidence: the Executive announced that privatisation would not be an option.

The Minister for Regional Development at the time set up the independent review panel to carry out comprehensive analysis of the reform process and also to make recommendations on the two key areas for water policy: how to cover to the costs of water provision and how we should govern the model that will do that. The panel's first report covered costs and funding. The second report dealt with governance. The panel was made up of substantial experience, knowledge and skills from utility regulation to representation of consumers' interests, social justice, economic research, sociology and social policy. It had at the forefront of its considerations a desire to avoid any increase in the pain that would be felt by poor families or any proposals that would cause any further poverty to them. It was keen to balance economic, social and environmental objectives.

Its initial findings were that public services in Northern Ireland have two main sources of income — the block grant from Westminster and the regional rate — and if water and sewerage services were paid for from either of these sources, there would be less available for other public services. The initial report stated that:

> *"If as a society we want to replace our out-dated Victorian sewers or stop the discharge of sewerage into our beautiful coastal waters, we will need to invest in new infrastructure. The money for this will have to be found, whether through the rates or user payments. There is no other option. We face hard choices."*

Unfortunately, they seem to be hard choices that, to date, the Minister has been unwilling to even discuss or bring forward proposals on for us to consider.

Interestingly, the Executive response to the independent panel's strand one report was led by the Minister for Regional Development at the time, Sinn Féin MLA Conor Murphy. In his opening statement, the Minister paid tribute to the work of the panel. He stated clearly that:

> *"Through the collective application of their knowledge and experience they have produced a report which offers us an opportunity to reform our water and sewerage services in a better way than direct rule ministers were proposing."*

Referring to the panel, the Minister said that the Executive:

> *"agree with the panel's message that we need to reduce our carbon footprint and develop sustainable ways of delivering clean water and disposing of our sewerage. As a society we will have to pay more in the short term to achieve these objectives: but we must do so for the sake of future generations."*

The Minister went on to say that:

> *"This is an important message and one we must not, and cannot, duck. We were elected because our people have had enough of being governed from a distance. We were elected because our people had confidence in our ability to take hard decisions on their behalf."*

He also went on to say that:

> *"The Executive has accepted the recommendation that ... there should be full recognition that domestic regional rates revenue makes a contribution to the funding of water and sewerage services. In 2008/09, this will be households' only contribution to the services; the balance will be paid from the NI [Budget]. This represents the Executive's commitment to tackling the [issue] of double charging."*

However, noting the panel's conclusion that the revenue from the regional rate did not — and indeed does not — cover the full cost of water services, Mr Murphy said that:

> *"The Executive accepted the case made by the report that without an uplift in what people currently contribute, other public services would be deprived of funding."*

He said that the Executive recognised this and had agreed that from 2009-2010, there would need to be additional contributions from householders. He said that:

> *"We have concluded that these additional contributions should be phased in with domestic households paying two thirds of their full liability in 2009/10 and full liability the year after. The amount due to be collected from domestic households will be reduced by the amount of the contribution that households are already making via the rates ... This means there will be no double payment".*

4.15 pm

The Sinn Féin MLA Conor Murphy, as Minister for Regional Development, concluded by saying:

> *"The position I am outlining today on behalf of the Executive provides a firm basis for delivering a better deal for all water customers than the Direct Rule administration. However, there is still a great deal of work to be done by the Executive, the Independent Panel, the Regional Development Committee and all the stakeholders. With goodwill and commitment by all parties I am confident we will achieve our goal of better services at an affordable cost."*

That is fairly clear. Unfortunately, as the chair of the panel acknowledged, reports were prepared, and the numerous recommendations and detailed proposals for alternative considerations appear to be sitting on a shelf somewhere today.

It is correct that concern exists in the community regarding any potential additional cost, which some have estimated could be in the region of £400 per year if all households pay the same amount. It has also been argued that if alternative proposals were considered in a robust and mature way, it could be possible to introduce a more progressive system of payment based on the ability to pay and could protect the most vulnerable.

The chair of the panel, in recent conversations, went as far as to suggest that the failure to introduce a fair pricing policy for water and services, coupled with the failure to establish a municipal company as recommended by the independent water review panel, meant that DRD was paying a subsidy out of taxpayers' contributions of around £270 million — say, £280 million today — to Northern Ireland Water; most likely a capital depreciation charge of around £200 million; and as a result of that model, Northern Ireland Water must borrow capital at a higher rate than if it was a stand-alone municipal company.

All of this could mean that households are, indirectly, paying more for the provision of water and sewerage services than if a direct charge of an additional £400 per household was introduced.

That is quite concerning and a level of detail that I hope the Committee for Regional Development will be willing to go into at Committee Stage, because it is unfortunate that the debate today does not seem to have gone into that level of detail. It might be for that reason that the Chair of the Committee for Regional Development was quoted on 4 October 2014 as saying:

> *"Water charges in Northern Ireland have been deferred until 2016 but everything is potentially up for discussion".*

It is my understanding that our Minister of Finance and Personnel made similar comments in recent weeks.

The Alliance Party — and perhaps Mr Dallat will be eager to hear my contribution at this point — have been clear that we oppose the introduction of an additional water charge at this time, in line with the Executive agreement that we supported. This is primarily because other Executive parties have, frankly, failed to tackle waste and inefficiency in their Departments. We certainly do not want households to be paying additional fair water pricing simply to paper over the cracks of financial mismanagement by other parties.

Existing charges for water should be more open and transparent. They should be separated from the rates bill in an identifiable way, and no household should pay twice. This would provide a clearer picture of how our water and sewerage system is being paid for, with protections for vulnerable households.

Northern Ireland Water may then have in part an improved borrowing capability for capital investment in its vital service.

The Minister of Finance and Personnel said that the Budget was about tough choices, yet by continually deferring difficult decisions on many issues — on this occasion, water services, but on other fair revenue-raising and redistribution — the Executive are failing to adequately invest in our public services.

We heard recently that the Department for Regional Development was struggling to provide adequate funding to Northern Ireland Water for operational and capital costs. We heard recently that, should the Minister's bid for June monitoring funds be unsuccessful, the Department could be around £20 million short of the funds necessary to deliver only the minimum required standards on street lighting, grass cutting, gully cleaning and general road maintenance, all of which are essential services for public safety and flood prevention in our community.

We also heard, when officials gave evidence at the Committee for Regional Development, that there is a wider issue. If there is an ongoing inability to modernise the water infrastructure and it does not keep pace, it could become an inhibitor on basic social and economic development. That shows clearly that there has been a failure on the part of the Minister to generate full and proper consideration of appropriate alternatives and recommendations that will be around 10 years old by the time this deferral is extended. The Committee Stage represents an opportunity for the Regional Development Committee to show leadership on the issue, to take evidence and to generate open, mature public debate on the two key issues facing water provision in Northern Ireland: financing and governance. How do we cover the full cost of water services, and what model do we need to bring forward to improve the capacity of Northern Ireland Water? Despite that, the proposals defer financing for yet another year, and, as far as I can see, they say absolutely nothing about governance. We need to see significant improvements in that regard.

The Executive Budget, as put forward by the Minister of Finance, shows that tough decisions are needed. This demonstrates a Minister who is reluctant to debate and put forward the difficult decisions that are needed on behalf of the people of Northern Ireland. The Alliance Party has been accused by the Ulster Unionist Party of politically motivated comments about some of these issues and of lacking collective responsibility. To that, I can say only that the Alliance Ministers in the Executive have endeavoured to show leadership on some very difficult decisions on difficult issues. For the Minister of Justice, legal aid budgets have been a very difficult process. The Minister for Employment and Learning put forward courageous, forward-thinking proposals on teacher training, but support and collective responsibility from the Ulster Unionist Party was lacking on those issues. Indeed, the Minister of Justice and the Minister for Employment and Learning have shown leadership in shared future-proofing every policy that they bring forward.

My party has also, however, acknowledged that the political intransigence of Sinn Féin, the SDLP and the Greens on the Stormont House Agreement and welfare reform is costing the Executive and the people of Northern Ireland dearly, and we need urgent progress on that issue. We also want leadership from the Minister for Regional Development on these key issues, and I hope that that will be possible at the Committee Stage of the Bill and, indeed, that the Executive will begin to demonstrate their ability to take difficult decisions and to govern for the common good of everyone in Northern Ireland.

Mr Easton: The Bill allows the Department to extend existing arrangements to allow it to pay subsidies to Northern Ireland Water to ensure that there are no household charges for homeowners — in other words, that there will be no water charges. This is allowed up to March 2017 and is welcomed right across Northern Ireland.

Clause 2 will put in place measures to amalgamate water resources management plans and drought management plans into an overarching plan. That will reduce bureaucracy and is welcomed. Clause 3 will remove the requirement for Northern Ireland Water to install water meters in new-build domestic properties. That will create savings of around £135,000 per annum, and I believe that it is a sensible way to save money. Clause 4 will see further powers given to Northern Ireland Water to enable it to adopt infrastructure and to enter into agreements about adoption. It will also give powers to ensure that those constructing any new builds construct sustainable drainage systems as a condition of adopting a drain or sewer. That makes practical and economic sense. Clause 5 adds lack of sustainable drainage to the reasons why Northern Ireland Water can refuse connection of surface water to its network. If a drain, sewer or SUDS system does not meet the standards set down,

connection can be refused. This is an important protection for the ratepayers and for Northern Ireland Water.

Clause 6 introduces a requirement to enter into a sewer adoption agreement. This will allow Northern Ireland Water to set the standards to which private sewers, including any necessary sustainable drainage system, must be constructed, and an appropriate security, which is a bond, will have to be paid. If all the standards are met, connection may not be refused by Northern Ireland Water. This protection is good news for those who are purchasing or renting a new home, as they can now be assured that the sewerage connection to their home will be up to the appropriate standard. I support the Bill.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh an Bhille seo. I welcome the Bill and commend the Minister for what he has brought to the House.

I have a particular interest in clause 6 and will address most of my comments to that clause. I commend the Committee for its previous report on unadopted developments, and I am grateful that the Minister has taken forward some of the recommendations. Through previous correspondence with the Minister, I am aware that he is sympathetic to some of the issues facing households and developers and is keen to find a resolution. It is in that spirit that, I believe, the Bill has been introduced.

I want to highlight where there have been problems in the past and where the Bill can help to address them. I am hopeful that minor changes can be made to prevent such problems recurring. Residents in Galliagh Shore, Enniskillen, face the situation of drains outside their front door being constantly blocked by waste, including sewage. The development is unadopted, and, as the developer went bankrupt or into liquidation, he is not under a statutory obligation to involve himself. It is very much a case for the residents and NI Water. Officials from NI Water have been very helpful, coming to the site to engage with residents and explain how they can get the site adopted. The residents, however, have to pay to bring it up to standard. That is a huge burden for people who have already purchased a property, many of whom are now in serious negative equity because the house is worth less now than when they bought it. They just do not have the money to invest.

I am trying to work with the residents, who have a range of conveyancing solicitors, each of whom was required to hold back money under the Water and Sewerage Services Order 2006 in case the work was not completed. Thankfully, some of the solicitors have the money, but I find it a bit burdensome that residents, through a local MLA, have to chase up this money with their solicitor. There does not seem to be a central database kept by NI Water that indicates whether the bond money exists. Perhaps that system does exist, and it just has not been communicated to me. Perhaps the Minister and the Committee could look into that and see whether a central list could be kept, showing whether bonds are kept under the 2006 Order, whether the money taken at the time still exists and whether it is held by the conveyancing solicitor or by NI Water.

Mr McManus, who came out with me, gave me a couple of examples of residents who came together and managed to get all the money that had been paid in bonds and use it to, largely, offset the development works. I am hopeful that the same position might be reached in Galliagh Shore, but it is a problem that there are barriers in the way of resolving issues that could be fairly straightforward, if the mechanisms were in place to help residents who wanted to explore this avenue to find it.

Another case involves a small unfinished housing development in Garrison. As the waste water treatment plant in Garrison is full to capacity and Lough Melvin is so heavily protected, it should be a priority for an upgrade. However, because the population of Garrison is small, the work has not been prioritised in the current round of funding. When the development was brought forward in Garrison, the developer was forced to construct a stand-alone waste water treatment works inside the plant, which increased the cost of buying and building the homes.

5.00 pm

Mr Deputy Speaker (Mr Beggs): I remind the Member that we are on the general principles of the Bill, not individual cases. I allow the Member to continue.

Mr Flanagan: I am coming to a finish. The point that I want to make is that, after the developer went into liquidation, the residents had to pay Power NI the costs of operating it and keeping the management going, and that left them with a debt of £15,000 for something that they had not expected. They are now left facing that.

There is another issue that I would like to see resolved though the Bill. I want some credence

to be given to the need for waste water treatment works in various areas to be upgraded to allow developments to take place where they need to take place. We need to see movement on that. On how those decisions are made —

Mr Frew: I thank the Member for giving way. He will recognise, I am sure, if he is on the ground like I am, that a lot of our waste water treatment plants are over capacity — some well over — and some are bordering on it, being over 80% of capacity full. That needs to be addressed in the future.

Mr Flanagan: I completely agree with the Member. There are not too many waste water treatment plants in Fermanagh that are at under 80%. Some of them are at around 120%. The investment has not really been coming in as quickly as we want, and that holds back the ability of people to build houses. It affects private developers, but it is also a serious barrier for housing associations that want to build houses yet cannot go into an area where there is need. I would like to see greater transparency in how NI Water decides where it wants to put in investment and in how the Utility Regulator decides whether that investment is warranted and whether it is a priority.

Clause 3 is very welcome. It gives the Minister power to bring forward regulations to amend the 2006 Order so that water meters no longer have to be a requirement of a connection notice. I merely ask the Minister whether he intends to bring forward those regulations once the Bill comes into effect. There was perhaps another way in which this could have been dealt with through the legislative process, and I am interested in finding out from the Minister whether he intends to bring forward the regulations before the end of this mandate, if we get that chance. We will all be keen to see the installation of water meters stopped where they are not required, because that is a huge financial barrier to NI Water. I commend the Minister for bringing forward a solution to the problem. I am sure that, when he is responding, he will be fit to tell us whether he thinks that it is the best possible solution and whether he will bring the regulations forward.

The final point that I make to the Minister is on the incentive for NI Water to produce accurate bills. He will be aware that that issue has been raised by the Consumer Council, Manufacturing NI and other organisations. The most high-profile example was when Altnagelvin Hospital was able to claim back a quarter of a million pounds with support from the Consumer Council. Figures that the Minister provided to me at one stage indicated that NI Water had got its bills wrong by £4·5 million and that £136,000 had been written off. Therefore, when an organisation has only a 3% rate of bad debt, it is not much of an incentive for it to improve. I would like to hear from the Minister his plans, maybe through this legislative process, to encourage NI Water not merely to have the option to claw money back for up to six years but to issue accurate bills to commercial and non-domestic customers in the first instance.

I thank the Minister for bringing forward the Bill. I look forward with interest to looking at it once it comes out of Committee to see how we can improve it at that stage.

Mr Kennedy: I thank the Chair and members of the Regional Development Committee, as well as Members of the House, for all their contributions to the Second Stage of the Water and Sewerage Services Bill. I am genuinely pleased to present the Bill to the House, and I am grateful for the attention that Members have given it. I think that it is of very considerable importance that the Bill obtains Royal Assent before the end of the mandate, as my Department's power to pay the NI Water subsidy is due to expire in March 2016. That is one of the key reasons for the legislation, but there are other important aspects of the Bill, which Members rightly alluded to.

I know that Members appreciate the importance of the issue. In addition to securing the subsidy-paying power, the Bill will make significant progress on important governance and environmental issues and will, I believe, benefit everyone in Northern Ireland. There are a number of contributions that I want to refer to. Mr Clarke, as Chair of the Regional Development Committee, welcomed the Bill and its scope. There was useful work and engagement before we reached this stage of the Bill's life in briefings with him, the Deputy Chair and members of the Regional Development Committee generally on what we were seeking to do. I think that that has been sensible, and it sets the scene for very positive engagement at the Committee Stage of the Bill.

Mr Lynch welcomed the Bill and indicated widespread support for it, particularly those aspects that will address red tape. He referred back to the report of the Regional Development Committee from a couple of years ago on sewer connections and other such issues.

I thank Mr Dallat for his positive contribution. I am very glad that we are, through this legislation, able to stop the practice of having to install meters when it does not make sense to

provide them. I think that that is a very positive outcome that I hope everyone can share. Mr Cree reminded us of the Ulster Unionist Party's 2011 election manifesto commitment, which we have managed to honour and carry forward. He made an important point, saying that Northern Ireland Water needs to strive to do better and to further improve services, cost-effectiveness and cost efficiencies. Certainly, I am very much seized of that.

We then had the contribution from Mr Lyttle, who pretty much sought to rain on our parade. It is the time of year, I suppose. My difficulty with Mr Lyttle's contribution is that it was fairly lengthy in its criticism of me — I have grown used to that — the Department, other Executive parties and every other political representative except the Alliance Party, which seems to have a monopoly on wisdom in all things, according to Mr Lyttle. But he would say that, wouldn't he? I think that it was short on giving alternative details. Yes, we know that the Alliance Party is broadly in favour of the introduction of water charges, although not in this mandate, it would seem. It seems to have accepted the Executive decision on that, but then he continually criticises me and the Executive for our failure to, in his words, bring forward plans to change that. He was short on detail on whether he or the Alliance Party would like to see privatisation or a form of mutualisation.

As Minister —

Mr Lyttle: Will the Minister give way?

Mr Kennedy: No.

Mr Lyttle: *[Inaudible.]*

Mr Deputy Speaker (Mr Beggs): Order.

Mr Kennedy: We allowed a very reasonable amount of time to listen to Mr Lyttle's contribution, and I am trying to address the points and some of the criticisms that he made. I do not know whether the Minister of Justice or the Minister for Employment and Learning have had time to brief Mr Lyttle on what happens around the Executive table and in the subcommittees. I will leave that to them, but they will know, if he does not, that I have produced a paper to the Executive's Budget review committee outlining full proposals or alternatives and setting out the scope and all the options considered. One hopes that the Executive will move forward in discussions around these issues, but I think that it is unfair and not very politically astute of him to observe that it is my fault as Minister not to bring forward a solution to what will have to be a consensus, arrived at around the Executive table. Whilst I hear the criticisms, in practical terms I do not think that they bear substance because I have remitted that paper to the Executive for consideration. I have no doubt that these issues will be taken up and carried forward.

Mr Easton welcomed, I think, all aspects of the Bill as we go forward. Mr Flanagan took the opportunity to raise a couple of constituency issues, which we will attempt to address through correspondence, largely around what I term legacy issues around the economic downturn, when so many developers and house builders went under, largely through no fault of their own. However, in many cases, they left situations where poor water and sewerage connections meant a very unsatisfactory state of affairs in many places, not only in his constituency but in mine. I am cautious because we are talking about literally hundreds of millions of pounds to address those legacy issues, and that is money that I currently do not have. I suspect that the Executive do not have that money either. We will continue to look at those legacy issues. We have had some discussions with legal representatives, contractors and the construction industry on how best that can be improved. We will seek to continue to do that.

On the question of meters not having to be installed, the Bill represents the best chance for that if it receives Royal Assent by the end of this mandate. The legal situation is that NI Water is, at this point, obliged in law to insist on the installation of meters even though it amounts to a nugatory expense in excess of £135,000 a year. That is money that would be better spent on other aspects of the water system.

I hope that I have addressed most of the points that were raised, and we will study Hansard for any other issues to be picked up. I am committed to the Bill and I want to see the subsidy-paying water power extended to secure the ongoing delivery of water and sewerage services for everyone. I want to make sure that we reduce the unnecessary administrative burden on NI Water, and I believe that we have the power to allow NI Water to stop installing home water meters, not least because I intend to exercise it. I want to protect homeowners by making sure that developers have to construct sewerage to appropriate standards and to provide bonds before they can connect to the public sewer network. I also want to ensure that NI Water has more power to refuse surface-water connections. Furthermore, I want

to ensure that we promote more sustainable solutions to reduce flood and pollution risk and to provide cost efficiencies.

5.15 pm

This has been a valuable opportunity to hear Members' views. I am pleased that the consensus has been positive — perhaps one siren voice — and supportive of the principles of the Bill. I commend the Bill to the House. I am grateful for the support that the Committee for Regional Development and Members have expressed, and I ask for your continued support as we move to the next stage.

Question put and agreed to.

Resolved:

That the Second Stage of the Water and Sewerage Services Bill [NIA 51/11-16] be agreed.

Mr Deputy Speaker (Mr Beggs): That concludes the Second Stage of the Water and Sewerage Services Bill. The Bill stands referred to the Committee for Regional Development.

I ask Members to take their ease for a few moments as we change those at the Table.

Food Hygiene Rating Bill: Consideration Stage

Mr Deputy Speaker (Mr Beggs): I call the Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, to move the Bill.

Moved. — [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Deputy Speaker (Mr Beggs): Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1, 2, 4, 5, 7, 9, 10, 12, 13, 15 to 18, 21, 25, 26 and 36, which deal with timing, operational and technical Information. The second debate will be on amendment Nos 3, 6, 8, 11, 14, 19, 20, 22 to 24 and 27 to 35, which deal with communication, reporting and scrutiny.

I remind Members intending to speak that, during the debates on the two groups of amendments, they should address all the amendments in each group on which they wish to comment. Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Question on stand part will be taken at the appropriate points in the Bill. If that is clear, we will proceed.

Clause 1 ordered to stand part of the Bill.

Clause 2 (Notification and publication)

Mr Deputy Speaker (Mr Beggs): We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 4, 5, 7, 9, 10, 12, 13, 15 to 18, 21, 25, 26 and 36, which deal with timing, operational and technical information.

Members will note that amendment No 26 is consequential to amendment No 5.

I call the Minister of Health, Social Services and Public Safety, Mr Simon Hamilton, to move amendment No 1 and to address the other amendments in the group.

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I beg to move amendment No 1: In page 2, line 8, after second "must" insert

"(in so far as the district council has not already provided the operator with the following)".

The following amendments stood on the Marshalled List:

No 2: In page 2, line 19, leave out "Having given a notification under this section" and insert

"Within 34 days of carrying out an inspection of a food business establishment on the basis of which it prepares a food hygiene rating".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 4: In page 2, line 25, after "appropriate" insert

"; and, if it is required to publish the rating, it must do so no later than 7 days after the end of the appeal period in relation to the rating".— [Mr

Hamilton (The Minister of Health, Social Services and Public Safety).]

No 5: In page 2, line 25, at end insert

"(5A) The "end of the appeal period", in relation to a food hygiene rating, means—

(a) the end of the period within which an appeal against the rating may be made under section 3, or

(b) where an appeal against the rating is made under that section, the end of the day on which the operator of the establishment is notified of the determination on the appeal (or, if the appeal is abandoned, the end of the day on which it is abandoned).".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 7: In clause 3, page 3, line 11, at end insert

"(6A) The district council to which the appeal is made must also, before the end of the period under subsection (5)—

(a) inform the Food Standards Agency of its determination on the appeal (or, if the appeal is abandoned, that it has been abandoned), and

(b) if the district council has changed the establishment's food hygiene rating on the appeal but considers that it would not be appropriate to publish the new rating, inform the Food Standards Agency accordingly.

(6B) The Food Standards Agency, having been informed under subsection (6A)(a) of the determination on the appeal, must, if the rating has been changed on the appeal, publish the new rating online, unless it has been informed under subsection (6A)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so within 7 days of having been informed of the determination on the appeal.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 9: In clause 4, page 4, line 6, at end insert

"(4A) Within 34 days of carrying out an inspection under subsection (2), a district council—

(a) must inform the Food Standards Agency of its determination on the review, and

(b) if the district council has changed the establishment's food hygiene rating on the review but considers that it would not be appropriate to publish the new rating, must inform the Food Standards Agency accordingly.

(4B) The Food Standards Agency, having been informed under subsection (4A)(a) of the determination on the review, must, if the rating has been changed on the review, publish the new rating online, unless it has been informed under subsection (4A)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so no later than 7 days after the end of the appeal period in relation to the new rating.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 10: In clause 4, page 4, line 25, after "applies" insert

", with such modifications as are necessary,".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 12: In clause 4, page 4, line 28, at end insert

"(10) The Department may by order amend this section so as to limit, in the case of each food hygiene rating for an establishment, the number of occasions on which the right to request a review of the rating may be exercised.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 13: In clause 5, page 5, line 1, leave out "having received" and insert "within 7 days of receiving".*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 15: In clause 5, page 5, line 3, at end insert

"(3A) But where, at the time when the Food Standards Agency receives the representations, it has yet to publish under section 2(5) the rating to which the representations relate, the duty under subsection (3) instead applies as a duty to publish the representations within 7 days of publishing the rating under section 2(5).".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 16: In clause 5, page 5, line 4, leave out "(2)" and insert "(3)".*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 17: In clause 5, page 5, line 5, after "2(4)(b)" insert ", 3(6A)(b) or 4(4A)(b)".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 18: In clause 6, page 5, line 29, leave out subsection (4).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 21: In clause 12, page 8, line 8, after "regulations" insert

"(in so far as the district council has not already done so)".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 25: After clause 15 insert

*"**Adjustment of time periods***

***15A.**—(1) The Department may by order amend a provision of this Act which specifies a period within which something may or must be done by substituting a different period for the period for the time being specified.*

(2) Where the period under section 2(1), (4) or (5), 3(6B), 4(3), (4A) or (4B) or 5(3) includes the last working day before Christmas Day, the period is to be extended by 7 days; and for this purpose, "working day" means a day which is not a Saturday or Sunday.

(3) Where, because of exceptional circumstances, it is not reasonably practicable for a district council to comply with section 2(1) or (4) or 4(3) or (4A), or for the Food Standards Agency to comply with section 2(5), 3(6B), 4(4B) or 5(3), within the period for the time being specified (including any extension of that period under subsection (2) above), it must comply as soon as it is reasonably practicable for it to do so.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 26: In clause 16, page 9, line 19, at end insert

'"end of the appeal period', in relation to a food hygiene rating, has the meaning given in section 2(5A);'".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 36: In clause 18, page 10, line 33, at end insert

"( ) An order under section 1(7) may, in reliance on subsection (1) of this section, amend sections 7, 10 and 11 (duty to display rating, offences and fixed penalties).".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Hamilton: I thank the members of the Health Committee for their detailed consideration of the Bill. As always, the Bill has got to this stage only due to partnership between the Department and the Committee.

In total, there are 36 amendments that, I believe, strengthen the Bill and reflect the detailed work carried out by the Committee, the Office of the Legislative Counsel and officials in my Department and the Food Standards Agency (FSA). I put on record my thanks to everybody who has been involved in this process for the efforts that they have made.

The first group of amendments relate to timings and operational and technical issues. I will consider first those amendments that relate to timings.

The Bill requires district councils to provide specified information about the food hygiene rating scheme to operators of food business establishments within set time frames. Amendments Nos 1 and 21 introduce flexibility for district councils in that the specified information does not have to accompany the rating or be issued to new food business establishments within the set times where it has already been provided. Amendment No 25 also provides flexibility for district councils and the Food Standards Agency to comply with certain time-bound requirements as soon as is reasonably practicable, where, due to exceptional circumstances, they have been unable to do so within the required period; for example, a major outbreak of food poisoning that requires deployment of resources. It also extends certain time-bound requirements by seven days over the Christmas period to take account of office closures.

Amendment Nos 2 and 9 place a new requirement on district councils either to notify the Food Standards Agency of an establishment's rating or that it is not appropriate to publish the rating within 34 days of carrying out an inspection. Amendment No 7 also requires the district council to notify the Food Standards Agency of the determination of an appeal before the end of the appeal period. Amendment Nos 4, 7 and 9 require the Food Standards Agency, having received food hygiene ratings from district councils, to publish those ratings online, unless it is not appropriate to do so, within seven days of receiving them.

Within the Bill, the operator of an establishment is afforded the opportunity to make written

representations on their establishment's food hygiene rating to the district council, and the Food Standards Agency is required to publish online written representations it receives from district councils alongside the rating to which the representation relates. Amendment Nos 13, 15 and 17 require the Food Standards Agency to do this either within seven days of receiving the representation or within seven days of publication of the rating to which the representation relates.

I turn now to the amendments that relate to operational and technical issues. Amendment Nos 5 and 18 simply move the definition of the "end of the appeal period" from clause 6 to clause 2. The definition remains unchanged, and amendment No 26 refers the definition of the "end of the appeal period" in the interpretation section of the Bill to the definition to be laid out at clause 2. Amendment No 10 is a technical amendment to ensure that the appeal mechanism in clause 3 also applies when a food hygiene rating is produced following a request for a rerating in clause 4. Amendment No 16 corrects an incorrect reference in subsection 4 to clause 5. Amendment No 36 is a technical amendment providing that, where an order is made under clause 1(7) to amend the definition of "food business establishment", consequential provision in such an order can amend clauses 7, 10 and 11. Amendment No 12 provides a power for the Department to amend subsection 5 to clause 4 to limit the number of occasions on which the right to request a review of each food hygiene rating may be exercised. Amendment No 25 also provides a power for the Department to amend time periods specified in the Bill. Both of those powers would be exercised following a review of the scheme as required by clause 14 only if necessary.

That concludes my comments on the first group of amendments regarding timings, operational and technical issues. I hope that the House can support them.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat. On behalf of the Committee, I welcome the Consideration Stage. The Bill is timely and welcome. Having looked closely at the Bill and what it has to offer, the Committee is content that it will take us another step forwards in reducing the incidence of food-borne illnesses caused by poor hygiene standards.

The Bill provides for a mandatory food hygiene scheme, which will give consumers information about food hygiene standards in places where they eat out or shop for food. That will enable consumers to make informed choices, which, in turn, will provide a strong incentive for businesses to comply with existing food hygiene law.

The Bill was referred to the Committee on 11 November 2014. To ensure that there was enough time to scrutinise the legislation, the Committee sought an extension to the Committee Stage until 8 May 2015. However, I am pleased to say that we finished a week ahead of schedule, thanks to the hard work of members and the cooperation of officials.

The Committee received written submissions from 15 organisations and individuals and took oral evidence from a range of interested parties in the time available. The Committee's scrutiny led to it recommending to the Department that it make amendments to a significant number of the 20 clauses contained in the Bill. I am pleased to report that all the recommendations have been accepted by the Minister and are reflected in the amendments that we are considering. I thank the Minister for his cooperative approach in taking on board the Committee's recommendations. I am sure that my Committee colleagues support me in noting the good working relationship that was established between the Committee and the Food Standards Agency officials during Committee Stage. That certainly helped the process along and paid dividends when it came to agreeing recommendations for amendments.

Before I talk specifically about the amendments in the first group, I wish to provide a quick overview of the key issues we identified as we scrutinised this Bill. First, there was a major issue about the display of food hygiene ratings on websites through which consumers make food orders; secondly, timescales for the notification and publication of hygiene ratings; and, thirdly, the scope of any future review of the legislation. Those are all issues to which we can return later in the debate.

I now comment directly on the first group of amendments. Amendment Nos 1, 2, 4, and 5 all relate to clause 2, which concerns the notification and publication of a food hygiene rating. Originally, clause 2 did not contain a timescale within which councils must inform the Food Standards Agency of a rating. Food businesses were concerned about that omission because they had found from experience that it could take up to two and half months between an inspection and the rating being published on the Food Standards Agency website. That means that, for that period, the

Food Standards Agency website could be displaying an out-of-date rating, which could be detrimental to a business that had improved its rating or give a false impression to consumers where a rating had fallen. Food businesses also pointed out that the Bill did not contain a timescale within which the Food Standards Agency must publish a rating on its website. Again, that could lead to delay in an up-to-date rating being displayed on the website.

The Department recognised that those were valid issues and proposed an amendment to require councils to inform the Food Standards Agency of a rating within 34 days, as well as an amendment to require it to publish a rating online within seven days after the end of the appeal period. The Committee was content with the Department's rationale and amendment Nos 2 and 4 will achieve that. Amendment Nos 1 and 5 clarify practical matters and are proposed by the Minister. The Committee supports those amendments.

Amendment No 7 relates to clause 3, which deals with the appeals process. It ensures that a council will be required to inform the Food Standards Agency of the outcome of an appeal or where the appeal has been abandoned. If a rating has changed as a result of an appeal, the Food Standards Agency will be required to publish the new rating online within seven days. That is consistent with the amendments to clause 2 and is supported by the Committee.

5.30 pm

Amendment Nos 9, 10 and 12 concern clause 4, which is focused on the issue of rerating. Amendment No 9 requires a council to notify the Food Standards Agency of the outcome of a rerating within 34 days and for the Food Standards Agency to publish the new rating online within seven days. Again, this is in keeping with previously established timescales and was welcomed by the Committee. Amendment No 10 is a technical amendment proposed by the Minister and supported by the Committee. Amendment No 12 allows the Department, through subordinate legislation, to limit the number of occasions on which a business can request a rerating The Committee took the view that that was a sensible provision and, therefore, supported the amendment.

Amendment Nos 13, 15, 16, and 17 relate to clause 5, which concerns the right of reply of a food business operator. Amendment No 13 requires the Food Standards Agency to publish a right of reply online within seven days, and amendment No 15 ensures the correct linkage between the right of reply and the rating to which it refers. Amendment Nos 16 and 17 are technical amendments. All the amendments relating to clause 5 are supported by the Committee.

Amendment Nos 18 and 21 are technical in nature and are supported by the Committee.

Amendment No 25 introduced a new clause, which will do a number of things. It will allow the Department to amend the period specified in the Bill by substituting a different time period, and it will allow councils and the Food Standards Agency flexibility in meeting the various timescales set out in the Bill because of things like Christmas closure of premises and potential exceptional circumstances. The Committee, again, took the view that this flexibility was sensible and pragmatic to ensure the smooth operation of the legislation and, therefore, supported the amendment.

Amendment No 26 is technical and is supported by the Committee.

Amendment No 36 relates to clause 18, which deals with regulations and orders that may be made under the Act. The Committee received a letter from the Minister relating to this amendment dated 27 May 2015 after we had completed our report on the Bill. The correspondence advised that the Attorney General and the Minister of Justice had asked for some changes to the wording of amendment No 36. It referred to "civil penalties" when, in fact, it should have referred to "fixed penalties". The Attorney General also suggested that the reference in the amendment to "online provision of ratings" should, in fact, have read "duty to display ratings", for the sake of greater accuracy. The Committee noted those proposed changes to amendment No 36 and, at its meeting on 3 June, had no issues with it. The Committee, therefore, supports amendment No 36.

Mr G Robinson: I will be fairly brief in my submission because the Chair has outlined most of the points that the Committee debated. May I congratulate all those people who assisted the Committee's deliberations for their diligent work on crafting the Bill, and I thank all those who gave evidence to inform the Committee decisions. I also commend and support the Health Minister's amendments to this very important Bill.

I will concentrate my remarks on clauses 2 and 4. Clause 2 deals with the notification and publication of a rating and the timescales surrounding the same. It is essential that there

is a clear path for councils to follow and adhere to so that expectations are realistic from premises and owners of businesses.

There was also discussion on the criteria for appeal periods, which permits business owners to challenge an unfavourable decision. It is also welcome that a timescale is established for the FSA to be notified and publish final ratings online. More importantly, the businesses will have the same information, including the reasoning behind the ratings provided.

It is much more important that any areas for improvement are included so that proprietors can address them. As the premise of the Bill is to protect public health by way of ensuring top-quality food hygiene, I appreciate the public being able to identify the ratings that any premises achieves, and I sincerely hope that it will ensure that all businesses will gain top results and ratings.

Clause 4 deals with a request for rerating. If an establishment receives notification that improvements are required and then positively addresses that notification, it is fair that they can request rerating between inspections. This should ensure that improved ratings can be published and will ensure equitable treatment for all businesses.

More importantly, it ensures that hygiene standards are positively addressed, which, I would hope, benefits the general public whom they are there to protect. I ask all Members to support this important Bill.

Mr McKinney: I welcome the Food Hygiene Rating Bill, which, as was described, is designed to build on the voluntary food hygiene scheme and prescribe in law a mandatory obligation for restaurants and some shops that sell food to display food hygiene rating stickers. We have heard how it will give customers valuable information to make informed decisions and provide a strong incentive for businesses to comply with existing hygiene law.

We have come to learn the value of the food hygiene rating scheme in promoting public confidence in many establishments. If, for example, you were to take a walk down Botanic Avenue in south Belfast, as I did last night, you would see a multitude of dining establishments, all proudly displaying their five-star rating. As was highlighted, that was a voluntary scheme, and it played a very valuable role as a pilot by establishing an overall authority. The Bill adds further architecture to that.

We can agree that Botanic Avenue, the Lisburn Road and the Ormeau Road, along with many other areas in my constituency, are bustling and vibrant areas that are populated with diverse food and drink opportunities. That needs to be celebrated, and there is no doubt that the food hygiene rating scheme has added to public confidence across Northern Ireland by providing eateries with the best possible incentives to provide the service that we expect.

Against that backdrop, the Bill can only be welcomed as a step in the right direction. It builds on the voluntary scheme that was outlined and removes the weakness associated with the scheme, whereby a number of businesses with a lower rating failed to display their rating stickers publicly.

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

The consideration of this legislation by the Health Committee has been a valuable experience, with each clause and schedule undergoing extensive scrutiny to ensure the legislation is best placed to fulfil its policy objective. In that context, it is important to take this opportunity to commend all those involved in bringing forward today's Bill, including the Minister and the Department for accepting the Committee's concerns about online purchasing and the timescale for review changes; the Food Standards Agency — I see that two of its officials are in the Chamber — for its diligent work and advice to the Committee; councils; and all the stakeholders who engaged with the Committee during the scrutiny process.

The Committee Stage of the Bill was largely non-contentious and has the broad support of the Health Committee and stakeholders from the private sector. Against that backdrop, I welcome the Minister bringing forward today's amendments. As was described, most are technical and are of a procedural nature, but they do not distort the original purpose of the Bill.

Mrs Dobson: I welcome the opportunity to make a few brief remarks on the first group of amendments.

I acknowledge the beneficial role that the Committee played in scrutinising the Bill, identifying issues and persuading the Department to come back with further amendments. As a result, many of the amendments before us are indicative of the will of the Committee. Amendment Nos 1 and 2 are examples of that: both make sense and show a

greater degree of pragmatism. Amendment No 1 still allows councils to provide information at an early stage, and amendment No 2, along with amendment No 9, makes sure that there are no excessive delays between councils notifying the Food Standards Agency of a rating.

This group also touches on the appeals process. When Pubs of Ulster was before the Committee, it called for a period of grace. I am sympathetic to that idea, but, ultimately, I realise that adopting such a scheme could take away from the purpose of the Bill — namely, self-compliance by businesses.

Amendment No 12 gives the Department the authority to restrict the number of requests for a review. That is a sensible proposal, as it should, in theory, mean that pressures on staff are kept to minimum. However, the right to request a rerating should be exercised equally across all council areas.

The right to reply, which amendment No 13 briefly touches on, was another issue that the Committee took an interest in. It makes sense to allow businesses to write in and state what they have done to improve the hygiene standards on their premises, but it will surprise some people that council officials have the ability to edit these responses. The Food Standards Agency states that it could happen only in cases of inaccurate or defamatory content, but, nevertheless, I urge that caution needs to be exercised here.

Mr Hamilton: I want to make a brief contribution at this stage and thank Members for their contributions. All were positive about the amendments in this group, so I thank everyone for their broad support. Specifically, I thank the Chair and members of the Committee for their diligent scrutiny of the Bill, including this group of amendments.

Some Members talked about the food hygiene rating scheme and welcomed its success. Whilst, as Mr McKinney pointed out, it has been voluntary, it clearly has been well received right across the hospitality sector. It has not just provided good information to allow customers to make informed decisions but has been used almost as a marketing tool by businesses to highlight those doing exceptionally well in food hygiene. It has not been so well used by those who did not do well, but, of course, their absence from the scheme has been noted and will no longer be possible. The scheme has also made it somewhat easier for those in the councils who carry out this work. Instead of having to inspect every business regularly, they can have a degree of confidence in those that get a five-star rating, so they do not need to deploy as many resources to them. Obviously, they have to check them regularly, but they do not have to go back and check with the same scrutiny or as frequently as a business that has scored a much lower rating would require. It has, hopefully, helped councils to deploy their resources more smartly.

Again, I thank Members for their contributions and look forward to their support for this group of amendments.

Amendment No 1 agreed to.

Amendment No 2 made:

In page 2, line 19, leave out "Having given a notification under this section" and insert

"Within 34 days of carrying out an inspection of a food business establishment on the basis of which it prepares a food hygiene rating".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Mr Principal Deputy Speaker: We now come to the second group of amendments for debate. With amendment No 3, it will be convenient to debate amendment Nos 6, 8, 11, 14, 19, 20, 22 to 24 and 27 to 35, which deal with the availability of information through communication, reporting and scrutiny. Members will note that amendment No17 is consequential to amendment Nos 7 and 9. Amendment Nos 20 and 27 are consequential to amendment No 19. Amendment No 30 is consequential to amendment No 12, amendment No 32 is consequential to amendment No 25 and amendment No 33 is consequential to amendment No 29.

Mr Hamilton: I beg to move amendment No 3: In page 2, line 24, leave out "on its website" and insert "online".

The following amendments stood on the Marshalled List:

No 6: In page 2, line 26, leave out "of sticker to be provided under subsection (3)(a)" and insert

"or forms of stickers to be provided under subsection (3)(a); and, in the case of each form so prescribed, the regulations must specify whether the cost of producing stickers in that form is to be borne—

(a) by the Food Standards Agency,

(b) by the district council which provides the stickers, or

(c) by the Food Standards Agency and the district council jointly in the specified manner.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 8: In clause 3, page 3, line 19, leave out "the" and insert "a".*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 11: In clause 4, page 4, line 27, leave out "the" and insert "a".*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 14: In clause 5, page 5, line 2, leave out "on its website" and insert "online".*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 19: In clause 7, page 6, line 2, at end insert

"(3) The Department may by regulations provide that, in the case of a food business establishment which supplies consumers with food which they order by means of an online facility of a specified kind, the operator must ensure that the establishment's food hygiene rating is provided online in the specified manner.

(4) The regulations may, for example, require a food hygiene rating to be provided online by means of a link to the rating in the form in which it is published by the Food Standards Agency under section 2(5).".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 20: In clause 10, page 6, line 32, leave out "7" and insert

"7(1) or a duty in regulations under section 7(3)".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 22: In clause 14, page 9, line 6, at end insert

"(7A) The Department must publish its response to the report; and its response must indicate—

(a) whether it proposes to exercise one or more of the powers under sections 1(7), 3(10), 4(10) and 15A(1),

(b) in so far as it does so propose, the amendments it proposes to make and its reasons for doing so, and

(c) in so far as it does not so propose, its reasons for not doing so.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 23: In clause 14, page 9, line 7, leave out subsection (8).*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 24: In clause 14, page 9, line 8, at end insert

"(9) The Food Standards Agency must promote the scheme provided for by this Act.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 27: In clause 18, page 10, line 19, at end insert

"(1A) No regulations shall be made under section 7(3) (online provision of ratings) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 28: In clause 18, page 10, line 20, after "under" insert "any other provision of".*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 29: In clause 18, page 10, line 21, leave out subsection (3).*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 30: In clause 18, page 10, line 27, at end insert*"( ) section 4(10) (power to limit number of requests for review of rating);".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 31: In clause 18, page 10, line 28, leave out paragraph (c).*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 32: In clause 18, page 10, line 29, at end insert*"( ) section 15A(1) (power to amend time periods);".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 33: In clause 18, page 10, line 30, at end insert

"(4A) An order under any other provision of this Act, other than section 20 (commencement), is

subject to negative resolution.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

No 34: In clause 18, page 10, line 31, leave out subsection (5).*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

No 35: In clause 18, page 10, line 32, leave out subsection (6).*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Mr Hamilton: As you said, Mr Principal Deputy Speaker, the second group of amendments relates to communication, reporting and scrutiny issues. First, I will consider the amendments relating to communication. Amendment Nos 3 and 14 change the requirement on the Food Standards Agency from publishing the rating on its website to doing so "online", the purpose of which is to provide flexibility for future technological developments.

5.45 pm

To reflect current practice in the voluntary scheme, where district councils can produce the food hygiene rating sticker showing their council name and logo, amendment Nos 6, 8 and 11 provide for regulations to prescribe more than one form of sticker. In particular, amendment No 6 provides for the regulations to specify whether the cost of producing the prescribed stickers is to be borne by the Food Standards Agency or district councils.

The Committee held strong views that, where a food business establishment provides a facility for ordering food online, consumers should be able to have sight of the business's rating on the website or, alternatively, to be provided with a link to the Food Standards Agency's website, where all ratings are available. Amendment No 19 therefore introduces a regulation-making power for the Department to require operators of food business establishments that supply consumers with food through an online facility to provide their rating online in the manner specified. Amendment No 20 provides for an offence where an operator fails to comply with that requirement. Amendment No 24 requires the Food Standards Agency to promote the food hygiene rating scheme.

I turn now to the amendments that relate to reporting and scrutiny functions. Clause 14 requires the Food Standards Agency to review the operation of the Act within three years of its commencement and to send the review report to the Department for it to be published.

Amendment No 22 introduces a requirement on the Department to publish a response to the report indicating whether or not, along with reasons, it intends to exercise certain regulation-making powers. The Examiner of Statutory Rules expressed concern that the order-making power in clause 14(8) is too wide to be an appropriate delegation of legislative power. In response, amendment No 23 removes that power.

Amendment Nos 27 to 36 relate to scrutiny functions laid down in clause 18. They are technical amendments to improve the order of drafting of the clause and address consequential matters arising from other amendments earlier in the Bill. Amendment No 27 requires regulations made for online provision of ratings to be subject to the draft affirmative procedure of the Assembly. Amendment No 28 requires that all other regulations be subject to negative resolution. Amendment Nos 30 and 32 add two order-making powers to the list of orders that are required to be laid before, and approved by, a resolution of the Assembly. Amendment No 33 requires that all other orders be subject to negative resolution. Consequential to amendment No 23, amendment No 31 removes the reference to the wide-ranging power at clause 14(8), as noted by the Examiner of Statutory Rules. Amendment Nos 29, 34 and 35 remove a number of subsections as a result of the reordering of clause 18.

That concludes my second group of my amendments, which concern communication, reporting and scrutiny issues in the Bill. Again, I hope that the House can support the amendments.

Ms Maeve McLaughlin: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I will now comment on the second group of amendments.

Amendment No 6 relates to clause 2 and deals, as the Minister said, with the sticker that advertises a establishment's food hygiene rating. The format of the stickers will be set out in regulations. The amendment allows for the potential for there to be different types of stickers; for example, FSA or local council branding. It also allows for the regulations to cover who pays for the sticker, whether it is the Food Standards Agency, local councils or both. The Committee was of the view that that is a pragmatic approach that will allow for those sorts of details to be ironed out during the process of drafting the necessary regulations. We therefore support amendment No 6.

Amendment No 19 relates to clause 7, which deals with the duty to display the food hygiene rating. It is fair to say that that issue exercised the Committee the most. We engaged in lengthy debates with the Food Standards Agency on it. Clause 7(1) sets out the duty for food business operators to display a valid rating sticker in a location and manner to be specified by the Department in regulations. The Food Standards Agency advised the Committee that its intention was that businesses will be required to display a sticker, made of plastic, only at the physical location of their premises. Clause 8(1) sets out the duty for food business operators to inform customers verbally of their rating on request. That provides for people with visual impairments who are at the premises and for people making a telephone order or enquiry.

The Committee was concerned that the Food Standards Agency did not intend for the rating to be displayed on businesses' websites in certain circumstances. Given that customers can place orders for food through websites, we were of the view that those websites should display the business's rating.

We drew a distinction between websites that simply advertise a business's existence and those that allow for the direct ordering of food online for either collection or delivery. In relation to those types of transactions, where customers do not visit the physical location of the premises or talk to someone over the phone before placing an order, the Committee believed that customers should be able to have sight of the business ratings on the website through which the transaction is made or be provided with a link to the Food Standards Agency website, which contains ratings for all food business establishments in the North. Where websites that allow online ordering from a range of businesses are concerned, the Committee believed that the website should provide a link to the Food Standards Agency website.

Initially, the Food Standards Agency advised the Committee that it had given consideration to the issue but had come to the view that it would not be viable for a range of reasons. Its aim is for the mandatory scheme to be as resource-neutral as possible, and it argued that introducing a requirement for business websites would introduce an additional cost for businesses and for councils for policing compliance. It also advised that the issue had been explored in Wales but that, due to the complexities involved, it has not been progressed there. The Food Standards Agency attempted to address the Committee's concerns by proposing an amendment to require it to promote the scheme. While the Committee had no issue with the proposed amendment, it did not believe that it addressed members' concerns on access to ratings on websites used for ordering food.

The Committee asked the Food Standards Agency to provide more detail on the challenges associated with the Committee's proposal, particularly on the experience in Wales. It stated that there were a range of difficulties, including the arrangements that would be required for multinational companies that operate across a number of jurisdictions, as well as the location of the rating on the website. However, in the Committee's view, many of the challenges related to having a blanket requirement for all websites linked in some way to food businesses having to display a rating. The Committee's proposal was much more limited in nature, in that we believed that only those websites that allow for the direct ordering of food online for either collection or delivery should be required to display a rating or provide access to the ratings on the Food Standards Agency website.

Furthermore, the Committee was not convinced by the Food Standards Agency argument that that requirement would require additional resources from councils for policing compliance. Members made the point that businesses should be required to provide a link to the Food Standards Agency website, rather than having to display their own rating directly. That would prevent councils having to devote resources to check whether ratings were out of date.

Furthermore, given the duty under clause 8 for businesses to verbally inform customers of their rating on request, the councils advised the Committee that they would not be actively policing compliance but would be more likely to carry out test purchases only if they received specific complaints. Therefore, the Committee expects councils to take a similar approach to the enforcement of the display of or access to ratings on websites. The Food Standards Agency proposed to deal with that as part of the review of the Act. Clause 14 requires the FSA to review the Act within three years of it coming into operation. It suggested that clause 14 could be amended to require, as part of the review of the Act, consideration of whether it would be feasible to impose on a food business the requirement to publish online ratings relating to the establishment. If the FSA decided that that was feasible, it would bring in regulations to impose that requirement. However, again the Committee's view was that the proposal would simply mean that

consideration of the issue would be deferred for three more years. Furthermore, it offered no guarantees that, following review of the Act, businesses that allow for the ordering of food online would be required to display or provide access to the rating.

After ongoing discussions with the Committee, the FSA finally proposed an alternative amendment to provide regulation-making powers for the Department to require food businesses supplying food by means of an online facility to ensure that the establishment's rating was provided online. The manner of display would be specified in the regulations and could include providing a link to the FSA website. That amendment is amendment No 19, which is before us today and is very much welcomed by the Committee. However, the Committee was concerned that the proposed amendment did not contain a timescale in which the regulation-making power would be exercised. It was also concerned that other priorities could mean a delay in bringing the regulations forward. Therefore, the Committee again requested a written ministerial assurance that the power would be exercised as part of the first set of regulations made when the Act comes into operation. The Minister subsequently provided that assurance to the Committee, which agreed that it was content with the proposed amendment. We therefore support amendment No 19.

Amendment No 20 is directly linked to that issue in that it amends clause 10 so that failure to comply with the duty to display a rating online would be an offence under clause 10, with the possibility of a fixed penalty notice being served under clause 11. The Committee supported amendment No 20.

Amendment Nos 22 and 23 relate to clause 14, which deals with how the operation of the Act will be reviewed. Clause 14 requires the FSA to review the operation of the legislation within three years of its commencement. The Bill as drafted allows the Department to amend the legislation to implement recommendations produced by the FSA as part of its review of the scheme. The Committee was concerned that those powers, which were contained in clause 14(8) of the Bill as drafted, were too wide-ranging. It took the view that this would be an inappropriate delegation of powers and would, indeed, set a dangerous precedent. As an alternative, the Committee suggested that the clause be amended to provide for order-making powers to allow the Department to be able to alter time limits in the Bill only following review of the Act. The Committee also believed that those powers should be subject to draft affirmative procedure rather than negative resolution, as envisaged in clause 18(6). The Department accepted the Committee's position and proposed an amendment to omit clause 14(8), as set out in amendment No 23.

The Department also proposed an amendment to clause 14 to require it to indicate whether, after having conducted a review, it intends to exercise any of those draft affirmative order-making powers, and, if so, to explain why; and, if not, to explain why not. The Committee was therefore content with that approach, which is set out in amendment No 22.

Amendment No 24 requires the Food Standards Agency to promote the scheme, and the Committee again believed that this was a sensible idea that would, indeed, enhance public awareness. It therefore supported that amendment.

Amendment Nos 27 to 35 all concern clause 18, which deals with regulations and orders made under the Act. The amendments take account of the amendments made to clauses 7 and 14, and specify how subordinate legislation will operate in relation to the new clause on adjustment of time periods. The Committee supports amendment Nos 27 to 35. Amendment Nos 3, 8, 11, and 14 are technical in nature and were proposed by the Minister. The Committee supports those amendments.

Mrs Cameron: As a member of the Committee for Health, Public Safety and Social Services, I rise to support the Consideration Stage of the Food Hygiene Bill and to address the second group of amendments. I would like to begin by commending the hard work carried out by the Food Standards Agency following consultation with the Committee. That work has been vital to ensure that the Bill is comprehensive and thorough but, above all, is user-friendly for establishments that serve food and environmental health officers who will oversee its day-to-day outworkings. I also place on record my thanks to the Committee Clerk, staff and the researchers, who worked hard to provide members with all relevant information throughout the scrutiny process.

The current scheme has been operated on a voluntary basis for a number of years. Whilst it has worked well in instances where establishments have achieved a good rating, I believe that it has led to consumers being less well informed when choosing establishments with ratings that have not been so good. It is my perception that most of the public assume that the scheme is mandatory. Therefore, it is to be welcomed that the Bill will remove this

grey area and allow the public to make clear and informed choices when eating food outside of their homes.

The Bill's primary function is to reduce instances of food-borne illnesses in Northern Ireland, around 48,500 cases of which are reported each year, resulting in 450 hospitalisations and 20 deaths. I believe that this figure is only the tip of the iceberg, with many more cases going unreported. The health of the public is of the utmost importance, and the Bill will provide a structure to enable food establishments to improve standards across the industry.

6.00 pm

Under the current voluntary scheme, 56% of businesses display their ratings. However, that falls dramatically to only 13% in businesses that were given ratings of between zero and two. The new mandatory scheme will provide a more consistent approach to food hygiene ratings and will increase consumer confidence in the hospitality industry. During the Committee's scrutiny of the Bill, we agreed a number of amendments that will help businesses to administer the scheme.

I am particularly pleased that the Committee agreed to table amendment No 19 to clause 7 to require businesses supplying food via online facilities to display their ratings online through regulations, and I look forward to seeing those regulations in the near future. I spoke out consistently, and throughout the Committee's scrutiny of the Bill, for the need for online food outlets to be included in the legislation.

In 2015, we see an ever increasing reliance on the Internet to order food directly to our homes, and I believe that it is vital that those who supply food online be equally subject to this important piece of legislation and that we, as consumers, can see clearly on our screens the food hygiene rating awarded to a food provider. Just as you would now expect to see the rating displayed clearly in a prominent place, such as the door or window of a premises, you should also be able to see it online, or at least a link to the FSA published ratings.

Increasingly, we rely on technology in all aspects of our lives, and the ordering of food has not escaped that change. Many of us order food through websites or apps on our mobile phones, tablets and computers; we pay for it and arrange delivery without ever actually visiting the premises. The new ratings scheme should be as easily identifiable and recognisable through online ordering processes as it would be as if the consumer were visiting the premises and observing the rating displayed in the establishment.

It is testament to the work of the FSA and departmental officials that the Bill has gone through the Committee with minimal amendments. I look forward to it progressing to the next stage.

As I have already said, the Bill will, without reservation, provide consumers with a clear and simple way of identifying the hygiene standards of a food outlet and allow them to make choices based on that information. That will undoubtedly improve standards across the hospitality industry, and I trust that it will be broadly welcomed on that basis.

Mr McKinney: I will be brief, as I only want to say that I concur. Amendment No 19 did exercise the Committee, and, after substantial toing and froing and a reasonable amount of tension between all involved, we eventually arrived at the amendment. We welcome the provision from the Department and the assurance from the Minister that it will not be delayed.

To add to the comments that were made by Pam Cameron, you only have to watch your television at night to see the extent to which advertisers recognise that there is an online market for food. It is a sensible provision, and we welcome it.

Mrs Dobson: As has been said previously by Members, one area of the Bill that the Committee spent a lot of time on was how the ratings could be communicated online. That is what I will focus my comments on. As we have heard, amendment Nos 3, 14 and 19 all relate to that.
At the moment, the Bill proposes to place a duty to display a sticker or notice on a prominent position in a premises. Many businesses operating the voluntary scheme already display those stickers on doors on the way into their premises, but that is not surprising, given that they have something to be proud of. Last year, however, only 13% of businesses that received a poor score took part in the scheme. Thankfully, they will not have the luxury of choosing after the Bill has been implemented.

As we know, the means by which people order their food is significantly different from what it was even a few years ago. The requirement to physically display stickers on a premises showed no cognisance of the fact that more and more people choose to order their food over the Internet. In fact, a whole new industry

of websites is developing to catch the market of astute consumers who want to conveniently chose from the range of takeaways in their areas. I know that that has worked very successfully for businesses in my area. By ignoring the fact that so many people are now ordering online, the Bill would have missed on impacting the decisions of a significant number of people.

People eating in restaurants would see the rating, but many people ordering from takeaways would not. The Bill is just as important for customers of takeaways as it is for those of restaurants, so it is important that it is adopted correctly for both.

I got the sense in Committee from the Food Standards Agency that it was reluctant to broaden the scope to include online sales. They said that it would not be resource-neutral, as staff time would be required to check for compliance. While it would undoubtedly require some supervision, I do not accept the broader argument given. In the time taken by a council official to make one physical inspection of premises to ensure compliance, dozens of websites could be checked in the same period. Eventually, after challenging the Committee's concerns for some time, the agency shifted ground. They have agreed to move the focus from a specific website to a more general online presence.

In addition, amendment No 22, relating to the review, at least offers some possibility for further improvement again in three years, but I warn the Department and the Food Standards Agency not to use the amendment to simply appease and defer the concerns that have been raised with them during the Committee meetings.

Mr Hamilton: Again, I thank all Members for their contributions, and I particularly thank the Chair for summarising the Committee's work on this group of amendments. I concur with all the comments made, particularly around the online publication of ratings. We are absolutely right to change the requirement on the FSA to publish on a website to a requirement to publish online. In so doing, we are future-proofing the legislation and the scheme because of the need to publish the rating on a website selling food or at least to provide a link to the FSA's website. That issue was particularly pursued, most vigorously by Mrs Cameron, during the Committee scrutiny. I congratulate her and thank her for pursuing that. We are right to take account of and try to future-proof our legislation. It is something that I would like to see across the House in all legislation that comes forward. Even though we may not be able to precisely predict what technological advances there will be, we should at least try, so far as we can, to ensure that we keep up with the times.

It is interesting, though, that, even though we are trying to future-proof the legislation by ensuring publication online, we are not just as sophisticated in ensuring that a sticker is still produced. That is a good old-fashioned way of communicating the message, but a very important one nonetheless. For a significant number of customers, it will be the way in which they see the food hygiene rating. It may not be as sophisticated, but it is absolutely necessary for our customers. It is absolutely right that it should be visible to customers at the establishment that they go to buy food at.

The figures show, roughly, that, for the last three years, around 40% of establishments have visibly displayed the sticker on the outside of their premises. Between 50% and 60% have displayed it somewhere. It is interesting that not even close to 100% of those who have a four or five — the highest rating — have chosen to display it, even though, as we have said, it is a useful marketing tool for them. The proportion of those who have had four or five ratings who have displayed their sticker has ranged from 57% to 67% over the last three years. It is right that we should make it mandatory and ensure that it is done.

Again, it is Mrs Cameron's amendment — if I can call it that, even though it is in my name — that requires the online publication of the rating. As other Members have said, an increasing number of people purchase takeaway food, in particular, online. I have minimal experience of that, of course, Mr Deputy Speaker, as you can tell. There is an increasing volume of people who purchase directly from a takeaway or via what might be described as aggregating websites that sell on behalf of a range of local food establishments. I understand that all will be covered by the legislation. We are right to seek to keep pace with technological advances. We are right to ensure that it is not just people walking physically into premises that is covered and that we recognise the changing habits of many people who order food via their mobile phone or other online devices.

Again, I thank Members and the Committee for the scrutiny that they have given. I hope that Members see fit to support the amendments in the group.

Amendment No 3 agreed to.

Amendment No 4 made:

In page 2, line 25, after "appropriate" insert

"; and, if it is required to publish the rating, it must do so no later than 7 days after the end of the appeal period in relation to the rating".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 5 made:

In page 2, line 25, at end insert

"(5A) The "end of the appeal period", in relation to a food hygiene rating, means—

(a) the end of the period within which an appeal against the rating may be made under section 3, or

(b) where an appeal against the rating is made under that section, the end of the day on which the operator of the establishment is notified of the determination on the appeal (or, if the appeal is abandoned, the end of the day on which it is abandoned).".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 6 made:

In page 2, line 26, leave out "of sticker to be provided under subsection (3)(a)" and insert

"or forms of stickers to be provided under subsection (3)(a); and, in the case of each form so prescribed, the regulations must specify whether the cost of producing stickers in that form is to be borne—

(a) by the Food Standards Agency,

(b) by the district council which provides the stickers, or

(c) by the Food Standards Agency and the district council jointly in the specified manner.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 (Appeal)

Amendment No 7 made:

In page 3, line 11, at end insert

"(6A) The district council to which the appeal is made must also, before the end of the period under subsection (5)—

(a) inform the Food Standards Agency of its determination on the appeal (or, if the appeal is abandoned, that it has been abandoned), and

(b) if the district council has changed the establishment's food hygiene rating on the appeal but considers that it would not be appropriate to publish the new rating, inform the Food Standards Agency accordingly.

(6B) The Food Standards Agency, having been informed under subsection (6A)(a) of the determination on the appeal, must, if the rating has been changed on the appeal, publish the new rating online, unless it has been informed under subsection (6A)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so within 7 days of having been informed of the determination on the appeal.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 8 made:

In page 3, line 19, leave out "the" and insert "a".*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 (Request for re-rating)

Amendment No 9 made:

In page 4, line 6, at end insert

"(4A) Within 34 days of carrying out an inspection under subsection (2), a district council—

(a) must inform the Food Standards Agency of its determination on the review, and

(b) if the district council has changed the establishment's food hygiene rating on the review but considers that it would not be appropriate to publish the new rating, must inform the Food Standards Agency accordingly.

(4B) The Food Standards Agency, having been informed under subsection (4A)(a) of the determination on the review, must, if the rating has been changed on the review, publish the

new rating online, unless it has been informed under subsection (4A)(b) that publication would not be appropriate; and, if it is required to publish the new rating, it must do so no later than 7 days after the end of the appeal period in relation to the new rating.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 10 made:

In page 4, line 25, after "applies" insert

", with such modifications as are necessary,".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 11 made:

In page 4, line 27, leave out "the" and insert "a".*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 12 made:

In page 4, line 28, at end insert

"(10) The Department may by order amend this section so as to limit, in the case of each food hygiene rating for an establishment, the number of occasions on which the right to request a review of the rating may be exercised.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 4, as amended, ordered to stand part of the Bill.

6.15 pm

Clause 5 (Right of reply)

Amendment No 13 made:

In page 5, line 1, leave out "having received" and insert "within 7 days of receiving".*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 14 made:

In page 5, line 2, leave out "on its website" and insert "online".*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 15 made:

In page 5, line 3, at end insert

"(3A) But where, at the time when the Food Standards Agency receives the representations, it has yet to publish under section 2(5) the rating to which the representations relate, the duty under subsection (3) instead applies as a duty to publish the representations within 7 days of publishing the rating under section 2(5).".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 16 made:

In page 5, line 4, leave out "(2)" and insert "(3)".*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 17 made:

In page 5, line 5, after "2(4)(b)" insert ", 3(6A)(b) or 4(4A)(b)".*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 (Validity of rating)

Amendment No 18 made:

In page 5, line 29, leave out subsection (4).*— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 (Duty to display rating)

Amendment No 19 made:

In page 6, line 2, at end insert

"(3) The Department may by regulations provide that, in the case of a food business establishment which supplies consumers with food which they order by means of an online facility of a specified kind, the operator must ensure that the establishment's food hygiene rating is provided online in the specified manner.

(4) The regulations may, for example, require a food hygiene rating to be provided online by means of a link to the rating in the form in which it is published by the Food Standards Agency under section 2(5).".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 and 9 ordered to stand part of the Bill.

Clause 10 (Offences)

Mr Principal Deputy Speaker: Amendment No 20 has already been debated and is consequential to amendment No 19.

Amendment No 20 made:

In page 6, line 32, leave out "7" and insert

"7(1) or a duty in regulations under section 7(3)".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 ordered to stand part of the Bill.

Clause 12 (Provision of information for new businesses)

Amendment No 21 made:

In page 8, line 8, after "regulations" insert

"(in so far as the district council has not already done so)".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 12, as amended, ordered to stand part of the Bill.

Clause 13 ordered to stand part of the Bill.

Clause 14 (Review of operation of Act)

Amendment No 22 made:

In page 9, line 6, at end insert

"(7A) The Department must publish its response to the report; and its response must indicate—

(a) whether it proposes to exercise one or more of the powers under sections 1(7), 3(10), 4(10) and 15A(1),

(b) in so far as it does so propose, the amendments it proposes to make and its reasons for doing so, and

(c) in so far as it does not so propose, its reasons for not doing so.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 23 made:

In page 9, line 7, leave out subsection (8).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 24 made:

In page 9, line 8, at end insert

"(9) The Food Standards Agency must promote the scheme provided for by this Act.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 14, as amended, ordered to stand part of the Bill.

Clause 15 ordered to stand part of the Bill.

New Clause

Amendment No 25 made:

After clause 15 insert

*"**Adjustment of time periods***

***15A.**—(1) The Department may by order amend a provision of this Act which specifies a period within which something may or must be done by substituting a different period for the period for the time being specified.*

(2) Where the period under section 2(1), (4) or (5), 3(6B), 4(3), (4A) or (4B) or 5(3) includes the last working day before Christmas Day, the period is to be extended by 7 days; and for this purpose, 'working day' means a day which is not a Saturday or Sunday.

(3) Where, because of exceptional circumstances, it is not reasonably practicable for a district council to comply with section 2(1) or (4) or 4(3) or (4A), or for the Food Standards Agency to comply with section 2(5), 3(6B), 4(4B) or 5(3), within the period for the time being specified (including any extension of that period under subsection (2) above), it must comply as soon as it is reasonably practicable for it to do so.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

New clause ordered to stand part of the Bill.

Clause 16 (Interpretation)

Mr Principal Deputy Speaker: Amendment No 26 has already been debated and is consequential to amendment No 5.

Amendment No 26 made:

In page 9, line 19, at end insert

'"end of the appeal period', in relation to a food hygiene rating, has the meaning given in section 2(5A);".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 16, as amended, ordered to stand part of the Bill.

Clause 17 ordered to stand part of the Bill.

Clause 18 (Regulations and orders)

Mr Principal Deputy Speaker: Amendment No 27 has already been debated and is consequential to amendment No 19.

Amendment No 27 made:

In page 10, line 19, at end insert

"(1A) No regulations shall be made under section 7(3) (online provision of ratings) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 28 made:

In page 10, line 20, after "under" insert "any other provision of".— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 29 made:

In page 10, line 21, leave out subsection (3).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Mr Principal Deputy Speaker: Amendment No 30 is consequential to amendment No 12.

Amendment No 30 made:

In page 10, line 27, at end insert*"( ) section 4(10) (power to limit number of requests for review of rating);".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 31 made:

In page 10, line 28, leave out paragraph (c).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Mr Principal Deputy Speaker: Amendment No 32 is consequential to amendment No 25.

Amendment No 32 made:

In page 10, line 29, at end insert*"( ) section 15A(1) (power to amend time periods);".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Mr Principal Deputy Speaker: Amendment No 33 is consequential to amendment No 29.

Amendment No 33 made:

In page 10, line 30, at end insert

"(4A) An order under any other provision of this Act, other than section 20 (commencement), is subject to negative resolution.".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Amendment No 34 made:

In page 10, line 31, leave out subsection (5).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 35 made:

In page 10, line 32, leave out subsection (6).— *[Mr Hamilton (The Minister of Health, Social Services and Public Safety).]*

Amendment No 36 made:

In page 10, line 33, at end insert

"( ) An order under section 1(7) may, in reliance on subsection (1) of this section, amend sections 7, 10 and 11 (duty to display rating, offences and fixed penalties).".— [Mr Hamilton (The Minister of Health, Social Services and Public Safety).]

Clause 18, as amended, ordered to stand part of the Bill.

Clauses 19 and 20 ordered to stand part of the Bill.

Schedule agreed to.

Long title agreed to.

Mr Principal Deputy Speaker: That concludes the Consideration Stage of the Food Hygiene Rating Bill. The Bill stands referred to the Speaker. I ask the House to take its ease as we move to the next item of business.

6.30 pm

Road Traffic (Amendment) Bill: Consideration Stage

Mr Principal Deputy Speaker: I call the Minister of the Environment, Mr Mark Durkan, to move the Consideration Stage of the Road Traffic (Amendment) Bill.

Moved. — [Mr Durkan (The Minister of the Environment).]

Mr Principal Deputy Speaker: Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list. There are two groups of amendments, and we will debate the amendments in each group in turn.

The first debate will be on amendment Nos 1 and 2, 28 to 30, 39 and 40 and opposition to clause 3 stand part, which deal with drink-driving law reform. The second debate will be on amendment Nos 3 to 27 and 31 to 38 and opposition to clause 16 stand part, which deal with the arrangements relating to young drivers. I remind Members who intend to speak that, during the debates on the two groups of amendments, they should address all the amendments in each group on which they wish to comment. Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill, and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

Mr Durkan (The Minister of the Environment): Thank you, Principal Deputy Speaker. At the outset, I should advise Members that a number of the amendments that we will debate today arise from —

Mr Principal Deputy Speaker: Order. No amendments have been tabled to clause 1 or clause 2. I propose, by leave of the Assembly, to group the clauses for the Question on stand part.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3 ("The prescribed limit": further provision)

Mr Principal Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2, 28 to 30, 39 and 40 and opposition to clause 3 stand part. The amendments are on drink-driving law reform. Amendment Nos 30, 39 and 40 are consequential to amendment No 2. If clause 3 should stand part of the Bill, amendment No 28 will not be called.

I call the Minister to address his opposition to clause 3 and to address the other amendments in the group.

Question proposed, That the clause stand part of the Bill.

The following amendments stood on the Marshalled List: No 1:In clause 6, page 7, line 13, leave out "repealed" and insert "omitted".— *[Mr Durkan (The Minister of the Environment).]*

No 2: After clause 6 insert

*"**Choice of specimens***

***6A.**Article 19 of the Order of 1995 (choice of specimens of breath) is amended as follows—*

(a) for the title, substitute "Lower of 2 specimens of breath to be used",

(b) in paragraph (1), the words "Subject to paragraph (2)," are omitted,

(c) paragraphs (2), (2A) and (3) are omitted.".— [Mr Durkan (The Minister of the Environment).]

No 28: In schedule 1, page 29, line 7, leave out "sections 2 and 3" and insert "section 2".— *[Mr Durkan (The Minister of the Environment).]*

No 29: In schedule 1, page 29, line 10, leave out paragraph 2.— *[Mr Durkan (The Minister of the Environment).]*

No 30: In schedule 1, page 29, line 17, at end insert

*"**Choice of specimens***

***2A.**The amendments of the Order of 1995 made by section 6A do not apply in relation to an offence committed before the commencement of the amendments.".— [Mr Durkan (The Minister of the Environment).]*

No 39: In schedule 2, page 33, line 31, in column 2, leave out "In Article 19, paragraph (2)." and insert

"In Article 19(1), the words 'Subject to paragraph (2),'.".— [Mr Durkan (The Minister of the Environment).]

No 40: In schedule 2, page 33, line 31, at end insert, in column 2

"

	Article 19(2), (2A) and (3).

".— *[Mr Durkan (The Minister of the Environment).]*

Mr Durkan: I think that I have already demonstrated how quickly I would like to get through this.

At the outset, I should advise Members that a number of the amendments that we will debate today arise from recommendations made by the Environment Committee. I want to express my appreciation for the work carried out by Committee members and for the timely manner of their consideration of the Bill.

The collective effect of this group of amendments, together with the removal of clause 3, is to remove what is known as the "statutory option" from drink-driving legislation. It may be useful if I explain what the statutory option is. Currently, a driver whose breath:alcohol reading is over the legal limit will normally be arrested and subjected to an evidential breath test. If the evidential reading is marginally above the legal limit, the law allows the driver to opt for a blood or urine specimen to replace the breath specimen.

The Bill as introduced retained the statutory option and applied it to the new lower drink-driving limits that are proposed. However, the retention of the statutory option reflected a lack of clarity prior to the introduction of the Bill on whether removal would be compliant with article 6 of the European Convention on Human Rights, that is, the right to a fair trial. With that in mind, my predecessor decided that the position should be kept under review during the Bill's legislative passage. Such review could also take into account any legal concerns that might arise during the passage of similar legislation in Westminster. The GB legislation — the Deregulation Act — is now in place, and the statutory option was removed from law in April 2015. No human rights concerns were raised. That leaves us as the only jurisdiction among all EU member states and all signatories to the convention to retain such an option.

Why do we need to remove the statutory option? There are at least three key reasons. First is the reliability of the modern breath-testing equipment. When breath-testing was first introduced, the equipment was not as reliable as it is now, so the alternative of a blood or urine test is therefore no longer necessary. Secondly, the time delay in getting a doctor to come out to a police station to take a blood or urine sample means that the blood:alcohol levels are likely to reduce in the interim. That could mean that drivers who were over the limit at the time that they were stopped end up evading prosecution. That will become more pertinent if we apply the statutory option to the new lower limit. Thirdly, the continued operation of the statutory option could force the PSNI in some circumstances to have to close down checkpoints to take the driver to a police station, where the blood or urine test can be carried out.

I firmly believe that the statutory option should be removed from drink-driving legislation. In reaching that decision, I have commissioned further legal opinion that suggests that the removal of that statutory option is compliant with the European Convention on Human Rights. I have listened also to the Environment Committee, which, having considered all the evidence before it, recommended that:

> *"the continued provision of the statutory option as set out in clause 3 of the Bill should be removed".*

Again, I thank the Committee for its detailed scrutiny.

In proposing the removal of the statutory option, I am not weakening the protections against marginal error in the operation of breath-testing equipment. There are a number of safeguards built into the process of obtaining evidence that are designed to ensure that only those drivers who are undoubtedly over the limit are brought forward for prosecution in court. The safeguards include a prosecution threshold,

which is applied by the PSNI. That currently means that a driver will not be prosecuted unless the lower of two breath samples contains at least 40 micrograms of alcohol, despite the prescribed limit being 35 micrograms. The PSNI will continue to apply an equivalent prosecution threshold at the new limits.

The safeguards also include the rigorous testing of breath-testing equipment as part of the type-approval process. Indeed, as I mentioned, the technology used in modern breath-testing equipment is advanced, and it is very uncommon for its reliability to be legally challenged. There is also the laboratory margin of error that is built into the blood or urine testing process, which is also reflected in the breath limits. That margin of error is designed to safeguard the driver who for health reasons has had to provide a specimen of blood or urine for analysis against any imprecision in testing machinery. Indeed, the statutory option has never been available to such drivers.

To finish on this issue, in the light of all these factors — clear legal opinion, the strong support of the Environment Committee, other safeguards that remain in place, its recent removal from legislation in Britain and the fact that no other jurisdiction in the EU has equivalent provision — I now propose to remove the statutory option from the legislation here.

Mr Allister: Will the Member give way?

Mr Durkan: I will, certainly.

Mr Allister: I want to explore the Minister's point that the police will have a practice of not prosecuting a reading below 40 micrograms even though the statutory provision is set at 35 micrograms. Is he emphatically saying to the House that in no circumstances will there be a prosecution of a reading below 40 micrograms?

Mr Durkan: I thank Mr Allister for his intervention. He will be aware that I am not in a position to give that categorical assurance. I have outlined the PSNI's current practice and I can assure the Member and the House that the PSNI has assured me and, I believe, the Committee that that practice will continue.

In passing, I should also mention two of the other amendments in this group. Amendment No 1 is simply a technical drafting amendment, which I am making on the advice of the Office of Legislative Counsel. Its only objective is to ensure consistency with drafting elsewhere in the Bill. Amendment No 29 is a technical amendment to remove a transitional provision in the Bill. The provision is no longer required following the commencement of sections 22 and 23 of the Taxis Act (Northern Ireland) 2008. These are the amendments in group 1.

Ms Lo (The Chairperson of the Committee for the Environment): On behalf of the Committee for the Environment, I welcome the opportunity to outline the Committee's consideration of the Road Traffic (Amendment) Bill. The Bill was referred to the Committee after its Second Stage on 27 May 2014. The Assembly agreed to extend the Bill's Committee Stage until 27 March 2015. Given the Bill's potential to help save lives and improve road safety, the Committee was keen to allow adequate time for scrutiny of this important and significant piece of legislation and to hear from a variety of stakeholders.

A total of 17 organisations responded to the Committee's request for written evidence. The Committee took oral evidence from the Department of the Environment, TTC 2000, the Police Service of Northern Ireland, the Ulster Farmers' Union and the Driving Instructors National Association Council. The Committee also sought an up-to-date report on the views of young people on the provisions of the Bill. The Assembly's research service collated these views on the Committee's behalf through an online survey and focus groups. A total of 582 responses were received, which were interesting and useful for the Committee as it considered the detail of the Bill.

I would like to place on record my thanks to all the organisations and individuals who took the time to provide written and oral evidence to the Committee. I would also like to thank the members of the Committee, past and present, for their contributions during Committee Stage. The Committee concluded and agreed its report on 19 March 2015. The report makes three recommendations, and I am pleased to report to the Assembly that the Minister accepted those recommendations, which are reflected in the some of the amendments that he has tabled today. I would like to thank the Minister and his officials for making themselves available to the Committee and for ably answering members' questions.

I now turn to the first group of amendments on drink-driving law reform. Under current legislation, a driver who provides a breath test that is marginally over the prescribed limit is entitled to ask for a blood or urine specimen to replace the breath test. This right is commonly known as the statutory option and was retained

at clause 3 to apply to the new lower prescribed limits proposed in the Bill. The Department advised the Committee that consideration had been given to the removal of the statutory option but that legal opinion had suggested that the withdrawal of such a right may run contrary to article 6 of the European Convention on Human Rights. Officials indicated, however, that further legal clarification was being sought.

The PSNI outlined the logistical problems of coping with the statutory option. When a driver with a positive breath test has to be accompanied to the station for further blood or urine tests, the impact on police resources may result in the closure of the roadside checkpoint. Police representatives emphasised that modern breath-testing technology has vastly improved since the time when the statutory option was envisaged as an essential safeguard and now provides reliable and consistent evidence. Departmental officials also stressed that the use of a breathalyser at the scene of a traffic collision may provide a more accurate snapshot of a driver's condition than tests carried out a number of hours later.

6.45 pm

In addition, the Committee took into account the fact that no other signatory to the European Convention on Human Rights has ever had a similar statutory option and that Great Britain was in the process of removing the legislative basis for the statutory option in a Bill that was about to receive Royal Assent.

For those reasons, the Committee recommended that the continued provision of the statutory option, as set out in clause 3, should be removed. The Minister accepted the Committee's recommendation. Therefore, the Committee supports the opposition to clause 3 and, consequently, amendment Nos 2, 28, 30, 39 and 40, all of which relate to the removal of the statutory option.

Clause 6 enables police to carry out evidential breath tests at the roadside without the need to have first conducted a preliminary breath test. The clause also extends the police power of arrest, currently linked to the preliminary breath test, to enable police to arrest a person following an evidential breath test. The Committee was content with the policy content of clause 6, but agreed amendment No 1, which is a minor technical drafting refinement made for consistency elsewhere in the Bill.

The Committee also agreed amendment No 29, which was a transitional measure required until the commencement of sections 22 and 23 of the Taxis Act (Northern Ireland) 2008 relating to the definitions of "taxi" and "taxi drivers' licence". Those provisions have now commenced, and paragraph 2 is no longer required.

That concludes the Committee's consideration of the amendments in group 1.

Mrs Cameron: I welcome the opportunity to speak briefly on the group 1 amendments to the Road Traffic (Amendment) Bill as a member of the Environment Committee. The Committee received responses in written evidence from 17 organisations, one of which, as we have already heard, was the PSNI, which was concerned with the practical outworking of the statutory option at clause 3. A classic example would arise in the case of a driver who received a positive reading when the breath test was taken at the roadside and requested to have a further test at the station. That would mean a delay of, possibly, hours, leading to a scenario of a higher or lower reading of alcohol. That, obviously, would have a negative impact on police resources and, we are told, would mean the closure of the roadside checkpoint whilst the alleged offender was escorted to the police station in order to have further blood or urine tests carried out.

The PSNI emphasised that modern technology has improved much over time, provides reliable, consistent evidence, and has lessened the need for the safeguard of the statutory option.

It is worth noting that the statutory option has not been adopted by any other signatory to the European Convention on Human Rights and that Great Britain is in the process of removing the same statutory option from their legislation. The Committee had recommended the removal of the statutory option and is supportive of the Minister's opposition to clause 3.

I am also satisfied that, when looking at clause 3, the Committee has agreed to reduce the legal limit of blood alcohol permitted for driving to 50 milligrams per 100 millilitres of blood, which will bring Northern Ireland into line with much of Europe. The change from 80 per 100 to 50 per 100 will encourage us all not to take chances and drive with excess alcohol in our system. I also welcome the reduction to 20 milligrams per 100 millilitres for professional drivers, such as bus and taxi drivers. Reducing that limit to virtually zero limits the ambiguity, and that will be removed in both scenarios. Hopefully, we will reduce the number of people who endanger lives by driving while under the influence of alcohol.

Mr I McCrea: Will the Member give way?

Mrs Cameron: I will, yes.

Mr I McCrea: Does the Member agree that this is not only a good move but is important in promoting more responsible driving? Whilst it is difficult to know exactly what your limits are, the reduction in the limit goes some way to reducing the amount of drink and getting that into the mindset of people. I know that, in parts of Europe, it is mandatory for motorists to have a breathalyser in their car. While I do not think that we should go that far, does the Member agree that people who intend to take a drink — we would encourage them not to — should take some measures to ensure that they do not drink and drive or at least are not over the limit?

Mrs Cameron: I thank the Member for his intervention and agree with the points that he made. There is no doubt that the reduction in the alcohol limit in the testing will be good, because it takes out of the scenario the question "Can I have these drinks and still be OK to drive?". From the beginning, it makes the decision for the individual. Hopefully, it will make it easier for people to manage their social life, and they will know in advance to make other plans. Obviously, the results from the test can vary depending on whether you are male or female, your size, your weight, what you have eaten and whether you have exercised. There are so many different scenarios in there, and it is difficult to be sure that you are being safe. This will make things easier for the consumer.

I realise that the legislation has the potential to change for ever the habits of the people of Northern Ireland. I cannot imagine that anyone would object to the new measures to ensure that we do all that we can to reduce the number of fatalities and serious injuries that we hear about too frequently on our news channels. I support the amendments.

Mr McElduff: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I rise to speak on the first group of amendments to the Road Traffic (Amendment) Bill, which, as outlined, contains 27 clauses and two schedules. Other Members, including the Minister, have reminded us of the main objectives of the Bill. At the outset of my party's contribution to Consideration Stage, I want to point out that Cathal Boylan, who led for us in Committee, has recently undergone a major operation. I wish him a full and speedy recovery. Cathal certainly played a full role in the scrutiny process of the Bill.

As has been outlined by the Chair and Deputy Chair of the Committee, we have reached consensus in the Committee on the group 1 amendments, as I understand it, and we broadly support the Bill. At an early stage in the process, the Committee expressed concerns about a number of provisions, but, as the Minister outlined, the Department was responsive to the Committee's concerns. I do not always say it, but the Department was well served by the calibre of the officials who came before the Committee and listened carefully to everything that the Committee had to say. The Committee has now arrived at a situation where the Minister has accepted, in this group of amendments, its recommendations.

As has been stated, group 1 relates to drink-driving law reform and the removal of the statutory option. Compliance with European human rights legislation and standards was key to securing our support, and that has been achieved. The Minister said that one of the key factors in that was the reliability of modern breathalysing equipment.

My colleague Ian Milne will speak later on group 2 and will make it clear that we are taking a precautionary approach to other amendments.

I reflect that the Chair and Deputy Chair of the Committee have accurately dealt with the Committee's position on each of the amendments in group 1 relating to drink-driving law reform.

Mr A Maginness: I congratulate the Minister for bringing forward the Bill and the Committee on its good work in cooperation with the Minister and Department on significant elements of it. In particular, the Committee raised the issue of the statutory option and its removal, and that was a worthwhile exercise on the part of the Committee. Initially, I was not minded to be fully supportive of it because I felt that there were certain protections in the present law that were important for the individual citizen. However, I have been convinced by the arguments put forward by the Minister and the Committee on protecting the individual and making sure that the removal of the statutory option is consistent with article 6 of the European Convention on Human Rights.

The Minister and the Chair of the Committee have both adverted to this: throughout Europe you have a similar situation, where there is no statutory option. Indeed, throughout the UK and Ireland, there is no statutory option now available. That is consistent with the law and protecting the individual citizen. The other

reassurance is the reliability of equipment for breath testing, which, I believe, has been so modernised and has become so good and reliable that the citizen can be assured that breath testing is accurate and fair to the individual who is being tested. That is important.

The Minister makes a number of other, collateral points. One of them is that, if you retain the statutory option, there can be a delay in the removal of the arrested person to a designated police station for testing and awaiting a medical practitioner to carry out the testing of blood or urine. That could lead to a person avoiding a charge relating to excess alcohol. The other point that the Minister has adverted to is the closing down of checkpoints established, quite properly, to deal with people who may be breaking the law. The removal of that checkpoint could permit other guilty people to go undetected. That is an important factor to take into consideration. However, the fact, that the Committee had urged the Minister to reconsider the legal opinion that he had initially received and to be reassured that the further legal opinion was supportive of the removal, was important. It was a win-win for the Department, the Minister and the Committee.

7.00 pm

The general approach taken by the Minister will lead inevitably to safer driving and a culture of awareness on the part of motorists who drink alcohol that they must be very careful about their consumption of alcohol. It creates a deeper culture of that awareness and responsibility. That is an important point to understand when making the law in the Assembly. The reduction in the levels for testing is important for better road safety and the reduction of injuries and fatalities and the misery that is caused by them.

I raise one point of concern in relation to dealing with professional drivers. They will be obliged in their employment not to exceed the new limit of 20 milligrams. That is as low as you can get to approaching zero tolerance when dealing with drink driving. It is an important step, and I am supportive of that. It applies to new drivers as well as probationary drivers.

On a first conviction, there can be the acceptance of a driving course, which is important because it provides a method of rehabilitation for those who have committed a first offence. It is important that they be given that opportunity to improve their driving and learn a lesson. That is subject to judicial discretion in any event. The point I will make is this: where professional drivers marginally exceed the new limit of 20 milligrams and that is established on a second offence, they would be subject to disqualification for three years. That is my understanding of the Bill as it stands. There should be a period of disqualification for the professional driver in such circumstances, having been warned, effectively, when carrying out a first offence. However, in my view — I have said this in Committee, so it does not come as any surprise, and I have said it to the Minister and officials — the period of three years is excessive and disproportionate and, in that sense, would be unfair.

If you disqualify a taxi driver or lorry driver who earns their living professionally from driving, you are, effectively, depriving them of employment, not just for three years but possibly for ever. The chances of them getting back into that sector of employment have been seriously and significantly reduced. It may well be that colleagues in the House do not feel sympathetic to the point I am making; nonetheless, it is important to make the point that the law should be proportionate and any penalties imposed should be fair.

In such circumstances, it may be that the law is not proportionate and is, therefore, not fair. I invite the Minister to have a look at that provision again to see whether any alteration can be made to it. I ask Members to think about that carefully.

Mrs Overend: I welcome the Road Traffic (Amendment) Bill's progression to Consideration Stage. On behalf of the Ulster Unionist Party, I will address the group 1 amendments, which specifically relate to drink-driving law reform.

The Committee's scrutiny was detailed, and it is good that everyone here this evening is satisfied with the amendments. I agree that the Chair and the Deputy Chair have fairly covered the Committee's points of view. I welcome the opposition to clause 3, which would have given drink-drivers the ability to ask for a blood or urine specimen to replace the breath test if they were marginally over the limit. That could be perceived to be an effort to buy time until the blood:alcohol level reduced to below the limit. I accept the Minister's assurances on the accuracy of breath-testing equipment and the relative accuracy of other tests.

I accept the other amendments in the group. Mrs Cameron referred to all the variables in the measurement of alcohol levels in the blood. The key message from this legislation on

drinking and driving, which needs to reach the general public, is: just do not do it.

Lord Morrow: Generally, I support the provisions in the Bill. The Committee gave much time and attention to this legislation. The Minister has paid great attention to what the Committee said, which is very welcome. In many cases, he not only listened but took things on board, so that, when the script was written, some of the Committee's amendments and proposals were to be found in the Bill.

As legislators, we have a responsibility to put in place as strong and robust legislation as we possibly can, because, if the legislation is found wanting, and it becomes clear that we should have taken some of the measures that we did not take, it will reflect on this place.

I come from the school of zero tolerance for drink-driving. I am not much out of step with anyone else in the House when I say that. Certainly, when I said that in Committee, no one rose up in arms and said that that was not the way to go. However, when it was pointed out that it may not be physically possible to have a zero limit, we had to reflect on that. I was interested to hear Alban Maginness say that the "law should be proportionate". I thought that that was quite striking. Yes, the law should be proportionate, but "proportionate" means different things to different people. In our country, we have a situation whereby road deaths and road traffic accidents are escalating. The Department is putting on horrendous and horrific advertisements that are hard to watch but are, nevertheless, necessary to bring what is happening on our roads to people's attention.

We have an opportunity here to make change for the better. I think that the legislation goes a long distance in bringing that about, and I trust that the House will find it possible today to support its general principles and clauses. I think that we still have some distance to go. For too long, there has been tolerance of those who have been reckless on our roads and caused mayhem — no other word comes to mind right now. I hope that, as a result of the legislation, there will be a change in attitude to other road users and, in particular, a change in attitude to drink-driving. I do not think that we can ever overdo tackling drink-driving. I think that, if we can come to the position one day of having legislation that is tough enough, the Northern Ireland community will rise up to thank the Assembly for putting in place legislation that is effective in tackling this scourge.

The legislation is still wanting, but that is not a reflection on the Minister, and I want to make that very clear. It is not a reflection on him or his Department. They have been sincere and genuine in trying to put in place legislation that will be effective. However, we need to monitor the situation continually and try to improve our legislation as the weeks and months go by, certainly for the duration of the present mandate. As a party, we will, of course, support the legislation. We support the removal of clause 3 because, as the Committee Chair said, this matter was discussed at some length and in some depth at Committee. Therefore, I support the general principles of what is proposed today.

Mr Durkan: I thank Members for the questions and issues that they raised in the debate on the first group of amendments, and I will comment on a number queries that they raised. Ms Lo, speaking as Chair of the Committee, outlined very comprehensively the Committee's consideration, and she reiterated the rationale behind its support for my amendments and the removal of clause 3.

Mrs Cameron elaborated on evidence heard by the Committee and welcomed changes to the drink-drive limit. In an intervention, Mr McCrea raised the issue of self-testing. I am aware of the availability of such products, but I think that we would all like to get to a point at which, where doubt exists, people should not have to depend on such a device to tell them whether they should be behind the wheel.

Mr McElduff referred to the participation and contribution of Mr Boylan throughout the passage of the legislation, and I would like to take this opportunity to extend my best wishes to Cathal. I am sure that he will be back giving me hell here in no time. I will also check Hansard very closely to ensure that my ears were not deceiving me when I heard the praise bestowed by Mr McElduff on the Department.

Mr Maginness raised an issue that I am aware he had raised at Committee and which he has raised with me in the corridors here on more than one occasion: whether the three-year ban on professional drivers might be disproportionate. If a three-year ban were to be applied to a first offence at the new lower 20 mg limit, it might be viewed as a disproportionate penalty for a professional driver, but this is not the case. For a first offence at the new lower limit — between 20 mg and 79 mg — a professional driver will be offered a fixed penalty notice that will not result in a criminal conviction, and, importantly, no disqualification period will apply.

7.15 pm

I am sure that everyone will agree that it is not unreasonable to expect professional drivers, whether they be bus, lorry or taxi drivers, to be able to carry out their role professionally and safely at all times. It is only when drivers continue to ignore the risk of consuming alcohol while on duty — thereby representing a particular risk to themselves, their passengers and other road users — that the more stringent three-year ban will apply. That level of professionalism is not a new requirement in the industry. Many commercial companies already operate a zero tolerance policy for drivers on duty.

The Department strongly advises people not to drive after having consumed any alcohol. People heeding that advice will often rely on public transport for their journey home. They have every reason to expect that the law should require that their drivers be fully sober and for it to punish them if they are not. If a person is convicted of a second drink-drive offence within 10 years, the minimum disqualification period, as we have discussed, will be increased to three years. As is currently the case, there is room for discretion. The court may, for special reasons, order a shorter period of disqualification or none at all, depending on the evidence and circumstances. The actual level of discretion exercised by the courts is an issue that my Department and the Environment Committee have explored in order to support the decision-making process on how repeat offenders should be treated under new lower limits. Data detailing the number of repeat offenders and sentences handed down between 2007 and 2011 suggested that, in almost one in five repeat drink-driving cases, district judges are indeed exercising discretion and imposing disqualifications that are below the minimum three-year period. In the light of those sentencing trends and the fact that district judges appear content to apply discretion in repeat drink-driving cases, I am satisfied that any concern surrounding a three-year disqualification period being disproportionate in certain circumstances has been addressed. Mrs Overend supported my view on that, I believe, when she said that it is important that we continue to get out what is the key message, which is that people should never ever drink and drive.

I concur with Lord Morrow that any legislation that we bring forward in the House, and we would like to bring forward more, should be as effective and robust as possible. He quite rightly pointed out that the past couple of years have seen an increase in the number of deaths on our roads. As effective as the advertisements that he referred to are, they alone cannot address that. The passage and enforcement of legislation such as this is a key component of the toolkit for reducing the number of lives destroyed on our roads and the number of families devastated.

I ask the House to oppose clause 3 and support amendment Nos 1, 2, 28 to 30, 39 and 40.

Mr Principal Deputy Speaker: Before I put the Question, I remind Members that we have debated the Minister's opposition to clause 3 but that, as usual, the Question will be put in the positive.

Question, That the clause stand part of the Bill, put and negatived.

Clause 3 disagreed to.

Clauses 4 and 5 ordered to stand part of the Bill.

Clause 6 (Evidential breath test without preliminary breath test or check-point breath test)

Amendment No 1 made:

In page 7, line 13, leave out "repealed" and insert "omitted".— *[Mr Durkan (The Minister of the Environment).]*

Clause 6, as amended, ordered to stand part of the Bill.

New Clause

Amendment No 2 made:

After clause 6 insert

*"**Choice of specimens***

6A.*Article 19 of the Order of 1995 (choice of specimens of breath) is amended as follows—*

(a) for the title, substitute "Lower of 2 specimens of breath to be used",

(b) in paragraph (1), the words "Subject to paragraph (2)," are omitted,

(c) paragraphs (2), (2A) and (3) are omitted.".— [Mr Durkan (The Minister of the Environment).]

New clause ordered to stand part of the Bill.

Clauses 7 to 15 ordered to stand part of the Bill.

Clause 16 (Minimum age for licence: small vehicle)

Mr Principal Deputy Speaker: We now come to the second group of amendments for debate. With amendment No 3, it will be convenient to debate amendment Nos 4 to 27, 31 to 38 and opposition to clause 16 stand part. Amendment No 23 is consequential to amendment No 17. Amendment Nos 37 and 38 are consequential to amendment No 25. If clause 16 does not stand part, amendment No 31 will not be called.

Question proposed, That the clause stand part of the Bill.

The following amendments stood on the Marshalled List:

No 3: In page 15, line 17, leave out "12" and insert "6".— *[Mr Durkan (The Minister of the Environment).]*

No 4: In page 15, line 26, after "Order" insert

"(or section 36 of the Road Traffic Offenders Act 1988)".— [Mr Durkan (The Minister of the Environment).]

No 5: In page 15, line 28, after "1998" insert

"(or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995)".— [Mr Durkan (The Minister of the Environment).]

No 6: In clause 18, page 17, line 17, leave out "13 (grant of licences)" and insert

"13A (residence requirement for grant of licences)".— [Mr Durkan (The Minister of the Environment).]

No 7: In clause 18, page 17, line 20, leave out "13A" and insert "13B".— *[Mr Durkan (The Minister of the Environment).]*

No 8: In clause 18, page 17, line 37, leave out "13B" and insert "13C".— *[Mr Durkan (The Minister of the Environment).]*

No 9: In clause 18, page 19, line 17, leave out "13A" and insert "13B".— *[Mr Durkan (The Minister of the Environment).]*

No 10: In clause 18, page 19, line 19, leave out "13B" and insert "13C".— *[Mr Durkan (The Minister of the Environment).]*

No 11: In clause 18, page 19, line 27, leave out "13B" and insert "13C".— *[Mr Durkan (The Minister of the Environment).]*

No 12: In clause 20, page 21, line 28, at end insert*"(ia) the driver is driving at any time between 10 pm and 6 am,".— [Mrs Overend.]*

No 13: In clause 20, page 22, line 25, after "Order" insert

"(or section 36 of the Road Traffic Offenders Act 1988)".— [Mr Durkan (The Minister of the Environment).]

No 14: In clause 20, page 22, line 27, after "1998" insert

"(or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995)".— [Mr Durkan (The Minister of the Environment).]

No 15: In clause 20, page 23, leave out lines 3 to 8.— *[Mr Durkan (The Minister of the Environment).]*

No 16: In clause 21, page 26, line 1, leave out "(1ZD)" and insert "(1ZC)".— *[Mr Durkan (The Minister of the Environment).]*

No 17: In clause 21, page 26, leave out lines 3 and 4.— *[Mr Durkan (The Minister of the Environment).]*

No 18: In clause 21, page 26, line 5, leave out "(1ZD)" and insert "(1ZC)".— *[Mr Durkan (The Minister of the Environment).]*

No 19: In clause 21, page 26, line 14, leave out "a" and insert "the".— *[Mr Durkan (The Minister of the Environment).]*

No 20: In clause 21, page 26, line 17, leave out "5A" and insert "5B".— *[Mr Durkan (The Minister of the Environment).]*

No 21: In clause 21, page 26, line 23, leave out "that".— *[Mr Durkan (The Minister of the Environment).]*

No 22: In clause 21, page 26, line 23, after "Article" insert "5".— *[Mr Durkan (The Minister of the Environment).]*

No 23: In clause 21, page 26, line 23, at end insert

*'"**Only one offer of an approved course during a person's probationary period***

***5A.**The Department may make only one offer under this Order (by virtue of any of Article 5(1ZB) or paragraph 5(1ZB) or 8(1ZB) of Schedule 1) to a person during the person's probationary period.'".— [Mr Durkan (The Minister of the Environment).]*

No 24: In clause 21, page 26, line 25, leave out "5A." and insert "5B.".— *[Mr Durkan (The Minister of the Environment).]*

No 25: In clause 21, page 27, line 25, at end insert

"(4) In Schedule 1 (newly qualified drivers holding test certificate)—

(a) in paragraph 5 (revocation of test certificate: newly qualified driver with provisional licence and test certificate)—

(i) in sub-paragraph (1), after "Department", where it second occurs, insert ", except where sub-paragraph (1ZB) provides otherwise,",

(ii) in sub-paragraph (1ZA), after "Department", where it second occurs, insert "(except where sub-paragraph (1ZB) provides otherwise)",

(iii) after sub-paragraph (1ZA) insert—

"(ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his test certificate.

(1ZC) Where—

(a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;

(b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—

(i) notice of a court order referred to in Article 4(1)(d); or

(ii) he person's test certificate as mentioned in paragraph 4(4),

the Department shall by notice served on that person revoke the test certificate.",

(iv) after sub-paragraph (5) add—

"(6) In this paragraph—

"approved course" means a course approved by the Department for the purposes of this paragraph;

"the relevant date" means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.",

(b) after paragraph 5, insert—

*'**Approved courses under paragraph 5: further provision***

***5A.**Article 5B applies for the purposes of making an offer under paragraph 5(1ZB), and approved courses for the purposes of paragraph 5, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—*

(a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 5 and references to Article 5, and Article 5(1ZB), were references to paragraph 5, and paragraph 5(1ZB);

(b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.",

(c) in paragraph 8 (revocation of licence and test certificate: newly qualified driver with full and provisional entitlements and test certificate)—

(i) in sub-paragraph (1), after "Department", where it second occurs, insert ", except where sub-paragraph (1ZB) provides otherwise,",

(ii) in sub-paragraph (1ZA), after "Department", where it second occurs, insert "(except where sub-paragraph (1ZB) provides otherwise)",

(iii) after sub-paragraph (1ZA) insert—

"(1ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his licence and test certificate.

(1ZC) Where—

(a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;

(b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—

(i) notice of a court order referred to in Article 4(1)(d) and the person's licence and test certificate; or

(ii) the person's licence and test certificate as mentioned in paragraph 7(4),

the Department shall by notice served on that person revoke the licence and test certificate.",

(iv) after sub-paragraph (3) add—

"(4) In this paragraph—

"approved course" means a course approved by the Department for the purposes of this paragraph;

"the relevant date" means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.",

(d) after paragraph 8, insert—

"Approved courses under paragraph 8: further provision

8A. Article 5B applies for the purposes of making an offer under paragraph 8(1ZB), and approved courses for the purposes of paragraph 8, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—

(a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 8 and references to Article 5, and Article 5(1ZB), were references to paragraph 8, and paragraph 8(1ZB);

(b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.'".— [Mr Durkan (The Minister of the Environment).]

No 26: Before clause 23 insert

*"**Orders and regulations under the Order of 1995***

***22A.**Article 110 of the Order of 1995 is amended as follows—*

(a) in paragraph (1) (exception from requirement for orders to be subject to negative resolution), for "this Order", where it first occurs, substitute "paragraph (3A)",

(b) after paragraph (3) insert—

'(3A) An order made under—

(a) Article 13A(4) or (7), or

(b) Article 63(9),

shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly.",

(c) in paragraph (4) (procedure for certain regulations), for "shall be subject to affirmative resolution" substitute "shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly'.".— [Mr Durkan (The Minister of the Environment).]

No 27: In clause 23, page 28, line 11, leave out "a statutory provision" and insert

"Northern Ireland legislation or an Act of Parliament".— [Mr Durkan (The Minister of the Environment).]

No 31: In schedule 1, page 31, line 30, leave out paragraph 12.*— [Mr Durkan (The Minister of the Environment).]*

No 32: In schedule 1, page 31, line 35, leave out "12" and insert "6".— *[Mr Durkan (The Minister of the Environment).]*

No 33: In schedule 1, page 31, line 40, leave out "12" and insert "6".— *[Mr Durkan (The Minister of the Environment).]*

No 33: In schedule 1, page 31, line 40, leave out "12" and insert "6".— *[Mr Durkan (The Minister of the Environment).]*

No 34: In schedule 1, page 32, line 28, leave out "12" and insert "6".— *[Mr Durkan (The Minister of the Environment).]*

No 35: In schedule 1, page 33, line 3, leave out "12" and insert "6".— *[Mr Durkan (The Minister of the Environment).]*

No 36: In schedule 1, page 33, line 12, leave out "(1ZD)" and insert "(1ZC)".— *[Mr Durkan (The Minister of the Environment).]*

No 37: In schedule 1, page 33, line 12, after "of" insert

", and paragraph 8(1ZC)(b) of Schedule 1 to".— [Mr Durkan (The Minister of the Environment).]

No 38: In schedule 1, page 33, line 13, leave out ") has" and insert "and (4)(c)(iii)) have".— *[Mr Durkan (The Minister of the Environment).]*

Mr Durkan (The Minister of the Environment): At the outset, I will address amendment No 12, which is proposed by Mrs Overend, and explain why I am opposing it. The effect of the amendment would be to make the passenger restriction described in clause 20 applicable only between the hours of 10.00 pm and 6.00 am. Supporting such an amendment would weaken the graduated driver licensing (GDL) regime, lessen the effectiveness of the passenger restriction and, ultimately, lessen the road safety benefit and casualty savings that were likely to be derived based on the Bill as introduced.

I am sure that many of you will be aware of the international and local evidence on the risks of new young drivers carrying other young passengers. All new drivers carry the risk of inexperience, but adding other young passengers to that can create distraction and peer pressure to drive faster and so on. To put into context the type of risk I am discussing and the reality of the impact that such driving can have, between 2009 and 2013, 17- to 24-year-old drivers were deemed to be responsible for the deaths of 83% of all passengers aged 14 to 20 who were killed here. I was shocked at the starkness of that figure, and I am sure and can see that many of you here today are as well.

Mr Wilson: Will the Minister give way?

Mr Durkan: Certainly.

Mr Wilson: He quoted the percentage; perhaps he could give us the number of individuals covered by the figure that he just gave.

Mr Durkan: I thank the Member for that intervention. Later in the debate, when I come to wind on the group, I will furnish the Member with the detail that he seeks.

If casualty savings were my only concern, the passenger restriction in the Bill as introduced would have been much more stringent. A complete ban on new drivers carrying passengers would no doubt be more effective, but I appreciate the need to strike a balance between improving road safety outcomes and retaining mobility for young people and new drivers. That is why the passenger restriction in the Bill is for the limited period of six months. The measure allows for one passenger to be carried before any other restrictions are applied, so young farmers who might be concerned about picking up their girlfriend can rest easy; they will not need a chaperone with them to do so.

An exemption applies for close family members and those entitled to a carer's allowance. It also includes the flexibility whereby no passenger restrictions apply if a "relevant accompanying person" is in the front passenger seat. So, I assure you that, if the amendment brought forward by Mrs Overend is to tackle the inconvenience that a restriction will cause, perhaps thinking particularly about the rural community, this has already been given a great deal of consideration during the development and drafting of the Bill.

The suggested amendment will weaken the effectiveness of the Bill, and is perhaps based mistakenly on the belief that the large majority of fatal and serious collisions involving young drivers carrying young passengers occur during the, or late at, night. Certainly, night-time driving poses increased risks to newly qualified drivers. Lower traffic volumes can result in greater opportunities to drive at higher speeds. Night time brings increased social activity, hence an increased number of young people on our roads. Combine that with newly qualified drivers who are lacking in experience, and I

agree that it is a recipe for disaster. However, I have studied the effects of applying the passenger restriction to only a specified time during the night, from 10.00 pm to 6.00 am, as Mrs Overend suggests, and it is not something I can support, given the evidence that I have viewed and will share.

Looking back over that same period, 2009 to 2013, of all the 14- to 20-year-old passengers killed or seriously injured by the 17- to 24-year-old driver who was deemed responsible for the collision, 37% happened during the curfew period suggested by Mrs Overend. So, just over one third were killed during that period. The effect of the amendment would be to forget about the other two thirds killed during the rest of the day. It is also worth —

Mr Wilson: Will the Minister give way on that point?

Mr Durkan: Certainly.

Mr Wilson: I understand the point that the Minister is making, but since he has already ruled out carrying family members as part of these restrictions, is he saying that Mrs Overend's amendment is faulty because she ignores two thirds of the day, whereas his Bill ignores fatalities that might occur among family members?

Mr Durkan: I thank the Member for the intervention. As I have explained, or thought I had explained, if this were based solely and purely on road casualty savings, the restrictions would be much more stringent and we would not be allowing any passengers at all. However, we have arrived at what is in the Bill, and at what Mrs Overend hopes to amend, in an attempt — working with the Committee and various groups who gave evidence to it — to strike a balance between mobility and safety on the roads.

Mrs Overend: Apologies, and I thank the Minister for giving way. I refer him to the statistics that the Department previously made available that indicated that half of all crashes involving teenagers took place at night. That is the basis of my amendment.

Mr Durkan: I can share only the evidence that I have received. It is also worth pointing out that, if you were to take another eight-hour period, such as 2.00 pm to 10.00 pm, you would find that a higher number of passengers were killed during this time. Dig a bit further and you will find that the single hour when most passengers were killed or seriously injured by 17- to 24-year-old drivers was between 9.00 pm and 10.00 pm. We certainly do not want —

Mrs Overend: Will the Minister give way?

Mr Durkan: Yes.

Mrs Overend: Can the Minister outline the ages of the people he is referring to in that statistic?

Mr Durkan: The age profile of the passengers referred to in my latest paragraph is similar to or the same as the one that I referred to earlier; we are talking about younger passengers as well as younger drivers. We certainly do not want to be in a position in which the amendment is supported and we inadvertently increase the number of fatalities. Picture the scene in which young people speed to drop off their passengers quickly so as not to break the law by having passengers in the car at 10.00 pm —

7.30 pm

Mrs Overend: Will the Minister give way?

Mr Durkan: All that would be happening at what is already established as the most dangerous period of the day.

Mrs Overend: I want to come in on that issue — I may end up coming in on every item.

That is why I want to introduce a common-sense approach. I would not like young people coming home in a car at 10.10 pm to be brought in by the police. A common-sense approach would mean the police will pull a car of young people over at 10.45 pm if they saw them heading out at that time. If they were heading home at a reasonable hour, a common-sense approach would be that 10 minutes outside that expected time would be reasonable.

Mr Durkan: I do not doubt the Member's motivation or the rationale behind the amendment. I know that everyone in the House wants us to have —

Mr Ramsey: Will the Minister give way?

Mr Durkan: — legislation that is workable and that works. Over the summer and following this stage of the debate and prior to Further Consideration Stage, I will certainly give further consideration to the clause, even if that requires further evidence being given to the Committee

and further evidence and soundings being taken from the Committee. It is vital that we get something that best serves our young people and other road users. Mr Ramsey.

Mr Ramsey: Following on from your response to Mrs Overend, it is important that the point be made clearly that, over the summer, you would want to reflect on the concerns that Sandra and other Members have, particularly on that issue, and meet those who have those concerns to try to get some reconciliation.

Mr Durkan: As I said, I am happy to do that. I do not think that anyone wants to see the House divide on or bicker over this type of legislation. As I said, we all share a common goal and motivation, which is to get legislation through that works and that saves lives. I am confident that, as drafted, the Bill can do that. I recognise that the intent behind the amendment is also to do that and to strike a balance. As I said, I have already sought to achieve that balance, and I remain committed to achieving it through further work with the Committee, other interested Members and other interested groups.

Mr Beggs: Will the Member give way?

Mr Durkan: Certainly.

Mr Beggs: I attended a Politics Plus 'Deconstructing Legislation' course with Daniel Greenberg, who is a very eminent draftsman. He said:

> *"legislation ... impacts on someone's life: and Assembly Members are directly responsible for authorising the interference. They cannot give that authority without being satisfied that the legislation is the best form reasonably possible to achieve the stated purpose, and that the purpose justifies the intrusion into people's lives and constraints on their liberty."*

Having taken an interest in that subject area, the question that comes to my mind is why there is no clear evidence. There is a question as to when the accidents are occurring hour by hour and over a number of years. Will the Minister publish that information so that there is a clear understanding and so that lives can be protected in a manner that minimises the interference on the public? As yet, I am not certain that there is a reasonable balance to what he proposes.

Mr Durkan: I thank the Member for his intervention, and I am sure that Chuck Feeney will be glad to know that his money is being spent well.

I concur with the Member. I am certainly happy to share all the evidence available to me with Members as we strive to find a way forward on the issue that will save lives but which will not impact negatively and unnecessarily on how people go about their day-to-day lives. It is imperative that as many people as possible have lives to go about on a day-to-day basis.

Mr I McCrea: I want to seek clarity on a point. I know that Mr Ramsey referred to it in his intervention, and there has been some concern about the issue in clause 20 specifically.

I know that the amendment from Mrs Overend has caused a bit of debate through other outside bodies. I will come to some of it in my comments after a while, but I would like to confirm that the Minister would at least be willing to have discussions with Members who have concerns around certain aspects of clause 20 to ensure that we can come to an agreement and do not have to divide unnecessarily on it.

Mr Durkan: I thank the Member for that intervention. I thought that I had given that commitment, but I will certainly reiterate it: I am happy to meet Members, to go to the Committee and to have officials go to the Committee to share that evidence further or to share further evidence in order to get a way forward on this. It is an issue that needs to be tackled. People will be glad to see that we are making efforts to tackle it, but they will be extremely glad to see that we are making efforts to pass legislation that is robust and effective — to use Lord Morrow's words — that it is being interrogated and that we are working collaboratively to ensure that it is as good as it can be when it finally secures passage through the House.

I turn to enforceability and the perceived difficulties in conveying the information around passenger restrictions. There has been a bit of that. I remember that, at a previous stage in the House, I was getting questions on permutations of passengers that almost sounded like 11-plus questions. It has been debated by several of the Members here. With reference to the amendment, I think that to further complicate the restriction by specifying time periods could only add to the enforcement and education challenges. However, again, that is something that we will look at.

I move on now to the other issues in the group. The effect of the removal of clause 16 is that

the current provisional licensing age of 17 years will be retained. In addition, amendment No 3 relates to clause 17, which facilitates the introduction of a minimum mandatory learning period. That means that a learner driver must hold a provisional licence for a minimum period prior to taking the practical test. The amendment that I propose will reduce that minimum period from 12 months to 6 months. A number of the other amendments in the group are simply consequential amendments, giving effect to that amendment elsewhere in the Bill.

I have listened carefully to the views of members of the public, key stakeholders and the Environment Committee with regard to the appropriate length of the minimum period. Concerns were raised from various quarters that a 12-month period could pose difficulties for large numbers of learners by restricting their mobility for an excessive period. I have noted the evidence from rural communities provided to the Environment Committee during its scrutiny of the Bill. It was clear that rural communities felt that that measure would have a disproportionate impact on them.

I have also been mindful of the international evidence on the overall effectiveness of GDL systems. That suggests that a lengthier period of nine months to 12 months delivers an additional safety benefit, in that learner drivers gain increased supervised driving experience prior to driving alone. However, the evidence also indicates that a considerable road safety benefit can still be achieved within the 6-month period if implemented as one element of a package of measures such as we have here.

My amendment takes account of those issues and reflects the recommendation of the Committee. It will still deliver significant road safety benefits when combined with other measures such as the programme of training in clause 18. It also limits the need for an extensive exemptions regime, whilst ensuring that mobility is not unduly impacted. I recall that the need for multiple exemptions to cope with the lengthier 12-month minimum period was noted as a concern by Members at Second Stage and during the scrutiny of the Bill. The Bill provides that any exemptions should be stipulated in subordinate legislation. My officials are currently considering what exemptions will be required, and such regulations will be subject to formal consultation following the enactment of the Bill.

I now want to deal with my proposal to remove clause 16 from the Bill. This means that the provisional licensing age will remain at 17, as it is currently. As I said earlier, it is important to consider clauses 16 and 17 and their associated amendments as a package. Clause 16, as originally introduced, reduced the provisional licensing age to 16 and a half but, combined with clause 17, which required the provisional licence to be held for a minimum of 12 months before the practical test could be taken, effectively raised the full licensing age to 17 and a half.

The combination of measures as introduced meant that learners could start availing themselves of practice at an earlier age, thus building up their on-road experience whilst taking full opportunity of the 12-month minimum period. However, given that I have tabled an amendment to reduce the minimum period under clause 17 from 12 months to 6 months, the arguments for reducing the provisional licensing age no longer carry the same weight. I therefore propose to retain the provisional driving age at 17. I am happy to say that the Committee for the Environment was in full agreement with that approach.

International research evidence suggests that any rise in the full licensing age will have a positive impact on reducing road collisions, and, by making the combination of amendments to clauses 16 and 17, I can still deliver that increase in the full licensing age to 17 and a half. That is consistent with the original objective of the Bill.

I acknowledge that there has been some debate on whether the age increase is necessary. I can assure you however that the relationship between age and collision risk is well established. Full licensing age varies widely across countries. It averages around 16 years old in America but is 18 for all but five European countries. There is an international trend towards increasing the full licensing age due to the safety benefit that can be achieved. I also consider the impact on mobility to be small: only around 4% of those aged between 17 and 17 and a half currently hold a full driving licence.

I therefore ask you to support the amendments together with the consequential amendments. I believe that the legislation is striking the right balance between keeping people safe on our roads and not prohibiting or delaying mobility unduly.

The purpose of amendment No 15 is to ensure compliance with the requirements of the third EU driving licence directive. The Bill as drafted places a range of restrictions on newly qualified drivers, such as the passenger restrictions that

we have discussed and displaying a plate. These are covered in clause 20. Clause 20 also defines what is meant by "newly qualified drivers". The definition as drafted in the Bill includes new drivers from other European states. However, the third EU driving licence directive requires that driving licences should be mutually recognised across member states. We have now been advised that that means that we cannot impose our restrictions on licences that have been issued by other member states. The amendment therefore amends clause 20 to provide that the restrictions apply only to those who have passed a NI or GB test of competence.

I will now deal briefly with amendment Nos 4 and 5, which simply amend clause 17 to also refer to an equivalent GB provision. The Bill as drafted removes the minimum learning period if a driver is required to take their driving test following disqualification. The amendments ensure equal treatment for Northern Ireland drivers who have been disqualified under GB legislation when driving on GB roads and are retaking their test here in the North.

Amendment Nos 13 and 14 are very similar to those that I have just discussed. They deal with the disapplication of restrictions as laid out in clause 20 for drivers who are requalifying following disqualification. Given that disqualifications in Great Britain and Northern Ireland are mutually recognised, we need to amend the clause so that it includes the equivalent GB legislation and ensures that drivers issued with licences from either authority are treated equally.

7.45 pm

Amendment Nos 16 to 25 collectively amend clause 21, which enables the Department to offer new drivers approved courses as an alternative to revocation of their licence. However, some new drivers are driving on the basis of their pass certificate because they have not yet been issued with or even applied for their full licence. As things stand, those drivers could not be offered a course as an alternative to revocation. That is not the policy intent. Therefore, I propose to amend the Bill to provide for their inclusion in the provision.

Finally, I will deal with the key technical amendments in the group. Amendment Nos 8 to 11 are essentially renumbering provisions. The Bill, as introduced to the Assembly, inserts a new article 13A into the 1981 Order. Since it was drafted, however, the Immigration Act 2014 has been passed by Westminster. That Act has already inserted a new article with the same number into the 1981 Order. Therefore, we need to renumber our new clause as 13B and make consequential numbering changes.

Amendment No 26 inserts new clause 22A. The new clause amends article 110 of the Road Traffic (Northern Ireland) Order 1995, which makes general provisions relating to any subordinate legislation made under the 1995 Order. The new clause provides that subordinate legislation made under the order should be subject to draft affirmative procedure in the Assembly rather than affirmative procedure. That reflects a recommendation by the Examiner of Statutory Rules. It is consistent with provisions in other Bills that are being brought through the Assembly.

Amendment No 27, which amends clause 23, is a further technical amendment. It is a wording change that clarifies that any amendment of primary legislation should be subject to Assembly debate.

Those are the amendments in group 2.

Ms Lo (The Chairperson of the Committee for the Environment): I welcome the opportunity to represent the views of the Committee for the Environment on the second group of amendments, which relates to young drivers.

Clause 16 reduces the minimum age for obtaining a provisional licence from 17 to 16 and a half years. The Committee agreed to ask the Department to propose an amendment to remove that clause so that the minimum age remained at the current statutory age of 17 years. There was much discussion on the subject in Committee. The majority of members expressed reservations about reducing the minimum age to 16 and a half years, although there was a view expressed that it should be about a person's ability to drive. The Minister agreed to maintain the minimum age of 17 years, and the Committee agreed to the opposition to clause 16.

Clause 17 makes it a requirement for a person to hold a provisional licence for at least one year before being able to take the practical driving test. The Committee expressed concern that that was an unnecessarily long period and said that six months, provided it was properly structured and recorded in the student logbook, would be more effective. The Committee asked the Department to propose an amendment to reduce the minimum required period of learning to six months. Amendment No 3 and consequential amendment Nos 31 to 35 specify that the minimum period should be six months.

Therefore, the Committee agreed the amendments.

The Committee agreed to amendment Nos 6 to 11, which are technical amendments to clause 18 relating to renumbering as a result of the insertion of a new article 13A by the Immigration Act 2014. The Committee also agreed amendment Nos 26 and 27, which provide for subordinate legislation to be subject to the draft affirmative procedure and not affirmative, as previously proposed. That has been amended following a recommendation from the Examiner of Statutory Rules.

On 28 April, the Minister wrote to the Committee to advise that he intended to table additional amendments at Consideration Stage. The Committee agreed to receive an oral briefing on those additional amendments, and this was held on 21 May. The Committee was advised that, during the Department's discussions with the Department for Transport to ensure compliance with the requirements of the European Commission on the transposition of the third driving licence directive, it became apparent that there were issues with certain provisions relating to the Road Traffic (Amendment) Bill. This resulted in the need for additional amendments to clauses 17, 20 and 21. The additional amendments relate to extending the facility of approved courses for new drivers who have passed their test but not yet obtained their licence; the disapplication of restrictions for those requalifying in certain circumstances; the disapplication of the minimum period for holding a provisional licence in certain cases; and limiting the restrictions on newly qualified drivers. As these amendments came after the formal Committee Stage had concluded, the Committee agreed to note the amendments. However, no issues were raised in Committee on the proposed amendments. That concludes the Committee's views on the group 2 amendments.

Mr Principal Deputy Speaker, I will make a few comments as an Alliance MLA. Whilst the Alliance Party is content in general with the Bill and the many amendments, we are concerned about clause 20, which deals with new drivers in the first six months aged under 24, who will not be allowed to carry more than one passenger aged 14 to 20 unless there is a supervising driver in the front passenger seat. This will not apply to family members. The Alliance Party appreciates the sentiment of the clause. We agree that young people who have recently passed their test are more likely to have accidents when they have a number of passengers in their car. We understand that the principle of targeting this age group is to reduce accidents, and the measures of the Bill aim to prevent casualties. However, in our view, clause 20 is overly bureaucratic, convoluted, indiscriminate and would be extremely difficult to enforce.

During the Committee Stage, we discussed this part of the Bill at length with departmental officials, but it was argued that such restrictions are necessary. Whilst it may seem sound in theory, we need to question the practicality of these measures on the ground. Research was conducted with young people by the Assembly's Research and Information Service on behalf of the Environment Committee in support of our scrutiny of the Bill. When asked about the passenger restrictions in clause 20, the consensus of the respondents was clear: 6·7% did not know what they thought about the restriction; 25·6% thought that it was a good idea; and the majority — 67·7% — thought that the restrictions were a bad idea.

In fact, article 5 of the Road Traffic (New Drivers) (Northern Ireland) Order 1998 already provides for the revocation of licences for six or more penalty points during a person's probationary period. We believe that clause 20, whilst aiming to deter bad driving further, is too complicated to operate effectively. The Alliance Party wants a simpler and clearer system that targets young drivers who offend through tougher penalties. We can think, for example, about making them retake their test if they commit an offence in the first six months. In this way, we target irresponsible drivers as opposed to all young drivers. We would like to work with the Minister and departmental officials to table an amendment at Further Consideration Stage to reflect this position. I am glad to hear that the Minister sounds quite willing to work with other Members to strike a balance between, on the one hand, promoting safety, particularly for younger drivers, and, on the other hand, not restricting young people to that extent. We will listen to other Members when deciding how to vote.

Mrs Cameron: I will speak as Deputy Chair of the Environment Committee and a DUP Member. I welcome the opportunity to discuss the recommendations of the Committee on the Road Traffic (Amendment) Bill and, in particular, the group 2 amendments.

There was a sharp rise in fatalities on our roads in 2014, with 79 people losing their life. That followed several years of decline in the figures and represents a worrying trend that must be halted. Of the 79, 18 were pedestrians, 13 motorcyclists and three cyclists, clearly demonstrating that road safety is not just the

responsibility of those travelling in cars. Each and every person on our roads has an obligation to take their time, pay attention and consider other road users before and during their journey, whether by motor vehicle, bicycle or on foot. Every death on our roads is one too many, and I hope that we can reverse the current trend, reduce the number of fatalities and lessen the pain felt by the families left behind to deal with the aftermath and devastation.

The Committee has fully scrutinised all aspects of the Bill to ensure that it protects road users and provides clear boundaries for motorists. I am particularly pleased that the proposed clause 16, which would have reduced the minimum age for obtaining a provisional licence from 17 to 16 and a half, has been removed, and that the minimum age remains at 17. Coupled with the amendment to clause 17, which will require a young person to hold a provisional licence for a minimum of six months, rather than the previously proposed 12 months, it is, I feel, a sensible and workable compromise. I fully appreciate that people learn at different rates, but maintaining the current age for obtaining a provisional licence and introducing a minimum learning period will hopefully mean that our young people are better equipped to deal with unfamiliar situations when driving. Inexperience is without doubt the biggest challenge to young drivers, and it is hoped that removing the race to pass their test as soon as possible after they turn 17 will allow for a period of extended learning behind the wheel with a practice driver. This should lead to greater understanding of vehicle handling, road conditions and speed awareness, in turn reducing the number of accidents caused by lack of experience.

I turn to the amendment proposed by Sandra Overend. Many of us who are parents of young drivers will understand that the restrictions on newly qualified drivers for the new driver period may be challenging, confusing and, indeed, frustrating, although it is worth noting that the new driver period would be for six months only. Nevertheless, young people, such as those involved in church or youth groups, may be disadvantaged by the restriction imposed by the proposed amendment when returning home from their various activities, even though the amendment actually relaxes the Department's restrictions at clause 20. We can, of course, appreciate the logic of Mrs Overend's amendment and see the benefit of amending the restrictions to allow under-24-year-olds who are new drivers to move freely between 6.00 am and 10.00 pm, whilst retaining the night-time restriction. Given the issues raised in the debate and the convoluted nature of the restrictions in clause 20, the DUP may consider looking again at the restrictions in the Bill for new drivers, and we will be happy to work with the Minister should he choose to amend clause 20 to address the Assembly's concerns. I urge Mrs Overend not to move her amendment until after further discussions.

The Bill will ensure that Northern Ireland's roads are safer for all users and that our drivers are better equipped. We must all support the Road to Zero campaign, and I welcome any steps that we can take to ensure that this happens.

Mr Milne: Go raibh maith agat, a Cheann Comhairle. I agree with the view expressed across the way on the Minister's willingness to allow time to consider further the amendment proposed by Mrs Overend. It is important to get everything right if it is not already right and to have unity in the Chamber on all these matters, because we have the best interests of young people across the board at heart.

8.00 pm

Like the Members who have spoken before me, I convey my appreciation to the Committee staff, the departmental officials and all those who responded to the consultation and surveys and provided opinions and rationale that have assisted and informed the Committee to date. In scrutinising the legislation, I feel that the Committee was robust in ensuring that a common-sense approach prevailed and that any proposed changes are practical, workable and not unreasonable.

(Mr Speaker in the Chair)

The number of accidents and deaths on the roads means that it has been necessary to look very closely at learners and new drivers as a target group, because it is important to give new drivers the opportunity to gain maturity and experience on all roads, in all weathers and at all times of day and night. To that end, I am able, at this stage, to support all the amendments in group 2, with the exception of amendment No 12, which seeks to provide an exemption to the passenger restriction element of the Bill. Although I recognise the spirit of amendment No 12 and its attempt to alleviate the difficulty or inconvenience that may be caused to young people driving to and from sporting activities, places of education or church, we have to keep at the forefront of our mind that the purpose of the passenger restriction proposal is to improve road safety and hopefully save lives. Statistics show that,

between 2009 and 2013, 17- to 24-year-olds were deemed responsible for 83% of passengers aged between 14 and 20 killed on our roads. Of the 83%, 63% of the accidents happened during the time frame that the amendment proposes making exempt from the peak hour, which is 9.00 pm to 10.00 pm. Those are very stark figures and cannot be ignored.

Additionally, the amendment effectively creates a curfew, and I am concerned that it would unwittingly add to the potential for accidents during the peak hour. For example, unforeseen circumstances such as delays in the starting time of an event or unexpected road closures could lead to young, inexperienced drivers trying to beat the clock to get home or even having to abandon their passengers altogether to prevent them breaking the law. The passenger restriction will apply only for the first six months, and only when a driver over 21 and who has been in possession of a full licence for at least three years is not present. I do not believe that that time-limited restriction will prevent young people accessing their place of education or social or sporting events. Only time will tell whether the provision will be effective, but I am in favour of giving it the best possible chance, and I look forward to the further discussions at the next stage of the Bill.

Mr A Maginness: I have listened very carefully to Members' comments, particularly on the restrictions on young drivers. Many people are clearly exercised about that provision. It is important to establish very firmly a principled approach to this and to decide whether there should or should not be restrictions, and, if there are restrictions, the types of restrictions. It seemed to me that the Committee was accepting that there should be restrictions. That is a fact, and the Minister, quite rightly in my opinion, has introduced restrictions on drivers under 24. The question is this: what types of restrictions?

Amendment No 12 from Mrs Overend would bring a time limit into effect for that provision.

I am not certain whether, in fact, it is appropriate in these circumstances. We spent a lot of time in the Committee's work examining the issue. I am not sure whether it is appropriate for us to determine this particular issue now, insofar as there have been various contributions and different views on it. I am not certain —

Mr I McCrea: I thank the Member for giving way. The Member will, and has, stated that there was consensus on the issue in the Committee. He will, however, understand that there are circumstances where Members may be lobbied outside the Committee Stage and where other concerns may be brought up. Whilst it may not be the perfect or, as he said, the appropriate thing to do, it is not beyond the limitation of Members to bring forward amendments. Whilst I am sure that Mrs Overend will mention the reasons behind her amendment, surely it is not inappropriate outside the Committee Stage, given that there are other circumstances that can lead Members to bring forward amendments.

Mr A Maginness: I understand Mrs Overend bringing the amendment. I do not agree with it, but I understand nonetheless. I am sure that in the House and, indeed, outside it there are concerns about putting restrictions on young drivers, particularly in rural areas. There are fewer problems, I think, with young drivers in urban areas, but certainly in rural areas those concerns have been expressed to me personally, by other MLAs and by people outside the Assembly.

The only point I am making is about whether we move forward on the basis of a, that there should be restrictions and b, what type of restrictions they should be. If we accept the principle that there ought to be restrictions, we can move on from there. What I am saying about Mrs Overend's amendment is that it comes fairly late in the day. I am not criticising her for that. I am simply saying factually that it comes very late in the day. We really have not had the space and opportunity to think through the amendment.

Mr Wilson: Will the Member give way?

Mr A Maginness: Yes.

Mr Wilson: I hear the point the Member is making, but what is the point of Consideration Stage and Further Consideration Stage if not to bring forward amendments? To make a criticism about when the amendment has come is, in my view anyhow, a very weak point, otherwise we would not have this stage of the Bill. This stage is specifically to pick up on amendments that were not made at Committee Stage.

Mr A Maginness: The point that Mr Wilson made has merit; I do not dispute that. All I am saying is that this is a particularly different amendment insofar as the Member is introducing a time limit in relation to restrictions. That is not something we considered during the

Committee Stage, and it brings a new element into the debate. I think that Mr Milne raised a very interesting point, if I understood it correctly, which was that, in effect, you are almost introducing a curfew to the way in which young drivers will be permitted to drive.

The point I am making is that Mrs Overend has every right to bring her amendment. She has given thought to it, but I think that the House requires time to consider it. We should not rush into a decision on it. I prefer the Minister's approach. I think that it is a proportionate one and has been well worked out. It may well be complex, as the Chairman of the Committee indicated, but it strikes a balance nonetheless.

Of course, the aim of all of us in the House is to reduce the number of occasions on which young people are in cars, when there are a number of young people in cars and accidents occur.

Mr Beggs: Will the Member give way?

Mr A Maginness: Yes.

Mr Beggs: Does the Member acknowledge that, if there is a total ban on young people driving, we may well end up with more young people walking on rural roads of an evening, which itself is a risk? There are risks living in a rural community whether one is walking or driving, and everything must be considered in the round. You may reduce accidents on one side but contribute to accidents on the other side.

Mr A Maginness: I think the Member's point is straining things. The danger for people walking, albeit on rural roads, is much smaller than the danger for a carload of young people who, perhaps, are in a jolly mood and are distracting the driver in some way. That is the type of danger that I think we can all conceive of and imagine, and that is the mischief that the Minister is trying to address. There is no doubt that there are different ways of addressing it, and I am sure that there are alternatives, but the Minister brought these proposals to the Committee, I believe, in a very balanced and measured way. During the course of the Committee's meetings, there was a general acceptance that this was probably the right structure in which to consider restrictions on young drivers.

I make that point but I am not being overly critical, nor am I saying that Mrs Overend should not have tabled her amendment. I am just saying that this is a very important aspect of the Bill and we have got to get it right. The Minister has asked us to think about it and not be too hasty in introducing changes and new amendments to the Bill. That is wise counsel and I am saying that Members should take their time about this. We have Further Consideration Stage to come and we must try to get this right. If we get it wrong, there could be consequences.

We should also bear in mind that this restriction is not for a year, two years or an excessively lengthy period of time; it is for six months. In that context, it is quite a modest proposal, and there are exceptions in relation to family or to a qualifying driver — somebody who is over 24 and has had a licence for more than three years. These are important qualifications on this restriction on a young driver and I think that they are proportionate, reasonable and fair in the circumstances.

I want to make a further point, which is that we are retaining mobility for young people. I am one for giving young people as much freedom as possible. That is right and proper, but there is a good balance here between giving young people the freedom to drive and restricting the number of passengers that they can carry. It is a fact that, between 2009 and 2013, 17- to 24-year-old drivers were deemed responsible for 83% of all passengers aged 14 to 20 who were killed in Northern Ireland. That highlights the issue that the Minister has, quite properly, recognised and addressed, given the advice from officials and experts.

8.15 pm

Mr Wilson: I thank the Member for giving way. He quotes a figure of 83%. Whilst every death on the road is a tragedy for the families who lose a loved one, will he accept that the actual numbers are very low? It averages out, I think, at about seven per year. I could be wrong on that, but I think that it is about seven per year. If that is the case, the question is this: is the kind of restriction that we are talking about — and we can talk about how ludicrous and contradictory the restrictions are — really proportionate?

Mr A Maginness: I still think that seven a year is very high for the families who suffer a loss of life. In those terms, you are talking about five. It is high, and it is those casualties — those fatalities — that we, collectively, and the Minister in particular, are trying to address. The Minister has a responsibility to get this right, and it is right and proper that he should

approach it, given the extent of the figures. The figures are, I think, unchallengeable.

It is also striking that the hour that most passengers were killed or seriously injured by a 17- to 24-year-old driver was between 9.00 pm and 10.00 pm, and those facts should be considered and taken into consideration when we are determining the issue.

I have to make the point that restrictions are necessary. I belong to an all-party Assembly group on motor insurance. I see Mr Lunn, who happens to be the chair of that group — and a very fine chair he is. One of the issues that came up in exploring the high cost of insurance in Northern Ireland was young drivers. I can be corrected by the chair if I get this wrong, but there was a very positive response from insurers to restricting young drivers. Indeed, on foot of those restrictions and of other provisions — not just young drivers — insurers indicated that there could be a reduction in motor insurance premiums in Northern Ireland. That is an additional consideration. I see Mr Wilson expressing some scepticism. I share that scepticism, Mr Speaker, because I have heard insurers say, in relation to other issues, "If you abolish jury trials for personal injuries in Northern Ireland, that will certainly see the reduction in premiums for motor insurers". Of course, jury trials were abolished, and I did not notice any reduction in premiums by the motor insurers.

Mr Lunn: I thank the Member for giving way. I wanted to thank him for the compliment. He will probably agree that the message from the insurance companies was quite simple: if the claims costs came down in Northern Ireland for a particular group, including age groups, the premiums would also come down. I will give you one statistic to remind you, Mr Maginness. Young drivers here have 11% of the licences, and they are responsible for 44% of the fatal accidents. Those are the last statistics available from the Association of British Insurers (ABI).

Mr A Maginness: I thank Mr Lunn for his intervention. I know that this is a separate issue, but it is germane to what we are discussing. The first important thing is road safety and protecting lives and preserving people from serious injury or, indeed, any injury.

It is also important to take into account the cost of driving here in Northern Ireland, and insurance premiums add to that. If we extract from what Mr Lunn said, and it reflects accurately what the insurance companies say, then, if we reduce the level of accidents and reduce the level of injuries, costs will come down, and that is a good thing for all of us. I make that point, and it is an additional point, but I think that it is relevant to the issue in hand.

I think that the Committee worked well with the Minister, and I said that during the debate on the previous group of amendments. The age of 17 was the right approach, and the Minister has responded to that. I also think that the period of learning for a probationer or a provisional licence holder of at least six months is also an important contribution, because it gives a wider experience over a more prolonged period to the young driver, and that is important. It helps young people. The Minister's original suggestion of one year was too long, but I think that six months is the right balance, and I support that.

Mrs Overend: I rise as environment spokesperson for the Ulster Unionist Party to discuss the second group of amendments. As Members have said, these amendments are primarily in respect of young drivers.

It seems like no time at all since I passed my driving test. Indeed, the anniversary of that date was only three days ago. I will not say how many years, but it seems like only yesterday. Like many rural dwellers, we learned to drive up the back lane, and many have experience of other farm equipment and the dangers that come with that. Many rural dwellers depend significantly on their car as a means of transport, and to have another driver in the family is often very welcome. I agree with the sentiments of ensuring the safety of our young drivers. It is important that they are trained up to be responsible in their driving and yet given the much-desired freedom that being able to drive brings them.

It is with a common-sense approach that I speak in today's debate. We have had some very interesting discussions in Committee about the proposal to allow new drivers to start driving at sixteen and a half, yet not allow them to pass their test until 12 months later. The inability of the passage of time to be a sole tester of a driver's knowledge and experience of driving in all weathers and in all conditions remains to be convincing. As anyone living in Northern Ireland knows, it is possible to have all four seasons in the space of one day, never mind one year, so the imposition of a 12-month learning period would not be very practical and useful. I welcome the Minister's amendments on that issue — changing the minimum age back to 17, with the minimum learning period

being six months. It is important that our new drivers gain experience in differing conditions and, with the addition of the proposed log book system, that can all be assessed appropriately and accordingly.

It is with a common-sense approach that I turn to the restrictions being placed on newly qualified drivers for a new driver period. The present proposals are for a six-month restriction for newly qualified drivers to carry only one passenger aged 14 to 21, except for family members and in cases of emergency. If they are carrying more than one young person, the driver must be accompanied by a relevant person, as has already been discussed. Creating restrictions was, in fact, an area that the Department consulted on in 2012, and I believe that 67% of respondents were against it.

Peer pressure is admittedly a serious problem, and the Minister referred to it earlier. I feel that these restrictions are the Department's attempt to ease the peer pressure from a car full of the driver's friends. However, I do not believe that it is so easily eliminated. Peer pressure can also come from siblings, one person beside you in the car or, indeed, a driver in another car who might be heading to the same destination. I therefore feel that the proposed restrictions for 24 hours a day will not necessarily have the desired effect.

We know that most teenagers' driving, 80% of it, takes place during the day, yet research from the Department has previously indicated that half of all crashes involving teenagers take place at night. That is primarily why the Ulster Unionist Party proposed lifting the restrictions between 6.00 am and 10.00 pm, rather than imposing them for the proposed 24-hour period. Our amendment would, therefore, still allow young people to get to school and attend after-school activities, football, GAA or other sporting practices and other such events.

The debate then came as to what time to start the restrictions, and I looked to the Insurance Institute for Highway Safety, which considers young people driving after 10.00 pm to be most at risk. I think that 10.00 pm seems like a reasonable time. This is about changing the mindset of our young people. Until 10.00 pm, driving is about continuing their day-to-day activities — whatever activities they have started during the day, whether they continue after school — and to get them home for the evening. However, if young people are thinking about going out for the night, they can change the mindset for a more restrictive period and be curtailed by those restrictions. Therefore, I think that 10.00 pm is a balanced time.

Last weekend, my 14-year-old was heading out to a church social, but it did not start until 10.00 pm, so the timings for going out at night have changed since I was 17. It is just about getting into that mindset and taking into consideration the rules that are laid in place and adapting life to them.

I believe that the current proposal would disproportionately impact on rural drivers, and that is why organisations such as the Young Farmers' Clubs of Ulster and the farmers' union have been so opposed. Indeed, all MLAs received correspondence this morning from the Young Farmers' Clubs and I would like to quote what the chief executive said in his email:

> *"At a time where rural isolation and suicide for young people are huge issues we believed the restrictions to be unfair."*

That is a very valid point. They also recognise that travelling to sports training and youth and church groups would be impossible if the Bill is passed in its original form.

Looking back to my Young Farmers' Club days, when young people as a group drove to various events, taking a couple of friends together meant fewer cars on the road and less petrol or diesel to buy, which is also a big factor, especially at that age. Would the Minister prefer there to be more cars on the road with two people in each? I think that, with the restrictions in place, you would normally take two or three friends in a car. However, if you are only allowed one other person in the car, you will end up with more cars on the road, and that will lead to a greater statistical risk of young people being involved in a collision.

We have also to remember that not all young people have their own car. I certainly did not, and we all took it in turns to give our friends a lift. The idea of lifting restrictions for night-time is not a new thing. I believe that the precedent has been set in the New South Wales state of Australia, where it was decided to go for the timing of 11.00 pm to 5.00 am.

Enforcement should not be an issue with my amendment, which restricts the hours for which enforcement is needed to the hours between 6.00 am and 10.00 pm, freeing up more of the much-reduced resources of the PSNI.

In conclusion, we are concerned about the safety of our young drivers, and we must look at how the restrictions disproportionately affect

young rural dwellers. The question remains: would the proposed new restrictions reduce the number of fatalities? Mr Maginness spoke continually in support of clause 20 unamended. Despite the Minister's assurances that he is willing to consider further amendments over the summer, I wonder whether there is a desire to amend it, considering the comments of Mr Maginness.

8.30 pm

Mr A Maginness: Will the Member give way?

Mrs Overend: Yes, certainly.

Mr A Maginness: I am saying that, in my opinion, the restrictions that the Minister has brought forward are balanced, proportionate, reasonable and fair. I am not saying that they are absolutely set in stone. The Minister has indicated that there is space for consideration of other ideas, and so forth. Indeed, in relation to your amendment, what I was saying was that it was coming late in the day. I am not criticising you for that, but it needs further time for consideration. I think that it is right and proper that we aim for that. If there can be flexibility in this, let us show that flexibility now.

Mrs Overend: I thank the Member for that explanation. I will conclude and say that I am still minded to move the amendment and am willing to take into consideration further comments around the Chamber this evening. I think that there is a need to have further statistics from the Department and that we give this proper analysis on an hour-by-hour basis for a number of years and not just one year. I will conclude there and make the decision as the debate continues.

Mr I McCrea: Whilst I understand the comments and take the point that Mr Maginness referred to in respect of bringing forward amendments, it flies in the face of the fact that the Minister brought forward amendments that did not come to the Committee. Whilst they were technical and were bringing us in line with parts of the rest of GB, he brought amendments that the Committee did not have sight of, bar a letter that the Committee received. As a good working Committee, we agreed that it would be a good thing for those to be accepted. Mind you, no doubt, we will find out before today is out whether we agree with them or not, but I expect that we will.

I want to put on record the work that the Committee has done in respect of the scrutiny of the Bill. I want to thank the Minister and his officials for working with the Committee, notwithstanding commenting on the officials of the Committee who helped and advised us as we went through the process.

As other Members have said, the Committee gave the Minister good advice in respect of moving from the age of 16 and a half to 17 and having a six-month testing period and not a year. I saw the Minister's face as his colleague behind him was making his closing remarks, and I am not sure that he agreed with them, but, nonetheless, he accepted that the Committee had wiser counsel in that matter, and that is one of many aspects that the Committee worked on with the officials in coming to a resolution.

I tested the six-month learning period with my daughter who is 16 and a half, and, whilst she is easy-going, I am not sure that she was jumping up and down about the prospect of all this going through by the time she gets to the learning age that she will have to wait for an additional six months before she can do her test.

There are family members who cannot wait until she gets her test so that she can drive them around. There will some joy on my part and my wife's part at not having to do all the runs, but we will have to deal with that when the time comes. In some ways, I could nearly accept that she should be 25 before she is able to do her test, but that would just be to save me from having to take her out for lessons. In all seriousness, the six-month period and the logbook process are important.

There was concern about the additional financial burden that getting the adequate standard of training brought on a household in ensuring that, when our young people go out on the roads, they are adequately trained. It is important that the Minister put it on record, if he can, that that measure is not about putting a financial burden on families but about trying to ensure the safety of our young people.

At this point, I should probably take my jacket off.

Mr Wilson: Feel free.

Mr I McCrea: I do not think that I could be bothered.

The importance of driving on motorways and dual carriageways is another issue. Those who move from 45 mph to 70 mph after being

restricted for a year and, to some extent, not having been trained to drive at that higher speed can cause more accidents than those who have been properly trained. All aspects of the learning experience should be welcomed.

I have some sympathy with the amendment tabled by Mrs Overend to clause 20. Until the amendment was tabled, there was not really a lot of talk from groups about the restrictions the clause would bring. The restrictions were mentioned quite a bit to me over the weekend, particularly for young people involved in church groups and after-church youth rallies. In a number of churches, there are after-church youth rallies that do not start until 9.30 pm or 10.00 pm. It might be 12.00 midnight before those young people get home, so there are some difficulties with the restrictions. That is why I welcome the Minister's willingness to have a debate on whether that is the direction that the House is moving in. There is consensus that there are good reasons to give the issue further consideration and table amendments at Further Consideration Stage if they can be agreed. I certainly sympathise with concerns about the restrictions, and, as I said, it was mentioned to me on a few occasions over the weekend.

Peer pressure is certainly an issue. Mrs Overend referred to the different types of peer pressure. It does not just come from the people who are in the car with you; it can come from other cars that are trying to get to the same destination. Another car with two people in it could be as bad as four passengers in your car. We have to be mindful of that.

I welcome the Minister's confirmation that a boyfriend can take his girlfriend in a car. I was concerned that there would have to be a gooseberry clause, but I am thankful that the Minister has confirmed that that will not be the case.

I am somewhat concerned when I look at the "relevant" people who can travel in young people's cars. Mr Maginness referred to some of those who can be in the car and the number and percentage of road deaths at specific times. Colleagues can take the matter further, but, for me — maybe it is just me because of my family — there is an issue. Under this aspect of the Bill, it is OK for a 17- to 24-year-old to take family members in their car. I do not see how an accident that resulted in the fatality of a family member would be any different from or less important than an accident that killed a member of someone else's family. We have to be careful about these things.

I understand the reason for and support many aspects of the Bill. In fact, I support most of it, but we have to be mindful of an element of our young people. I do not know whether the age limit of 24 is too high. If the Minister were willing to have those conversations, we could certainly look at that. As I said, I encourage Mrs Overend not to move her amendment. It is not about which party gets over the line first. It is important that we get something that everyone can agree to, and, hopefully, as we move to the next stage, we can do just that.

Mr Wilson: It is probably just as well that we are debating this part of the Bill at this time of night. We have buried one of its worst aspects at a time when, probably, very few reporters and very few others are watching the debate. Yet the amendments that we are looking at are important, and this is an important part of the Bill. In fact, it is perhaps one of the most important, because we are contemplating putting restrictions on young people who have just gained a licence, which is, for many of them, one of the best things that ever happen in life. When young people get a licence, they gain their independence. Suddenly, we are going to introduce restrictions. I would not mind if there were some logic or even a compelling case for the restrictions, but the Minister has not produced the evidence, and the Bill certainly does not deal with the issue. Indeed, it is confusing and sends out contradictory messages. I want to look at those in a moment or two. I raised this at Second Reading, and I am glad that we at least have an amendment now, albeit, I think, a flawed one. At least it starts moving towards dealing with an issue that is not properly treated in the Bill.

I welcome a couple of things in the Bill. I welcome the fact that the Minister has reduced the period after which people can apply for their test from 12 months to six months. I raised that issue at Second Reading too. Many people, especially those who are brought up in rural areas and are used to driving tractors about the place and maybe even driving cars on country lanes etc, are competent after six months. However, I have to say, Minister, that, for someone whose party continually harps on about wanting to deal fairly with people from poorer backgrounds, you have placed a lot of restrictions on the new test. They include the whole logbook system, the cost of that and even how it will be implemented. Can a family member fill it in? Does it have to be a qualified driving instructor? If that is the case, what is the additional cost? That will make the test more expensive for many low-income families and people who do not have a great deal of money.

8.45 pm

Let me come to the restrictions. The argument has been that 17- to 24-year-olds are responsible for 83% of the deaths of young people in that age group. The Minister gave the percentage. He has not given the number of people involved. I do not want to sound callous, but the numbers are important. Every death is a tragedy for a family. Nevertheless, if we are going to introduce these restrictions, we have to ask ourselves, first, whether they address a real problem and, secondly, whether they will resolve that problem, given the number of people involved.

The Minister has not indicated to us — I suspect that he could not even tell us — whether, in that 17- to 24-year-old group, the problem rests with those who have had their licence for some time, who feel that they are Jack the Lad now that they have been driving for a year and who are more confident, and, because they are more confident, they speed. If that is the case, the restriction is meaningless, because it will apply only for the first six months. We do not even have the evidential base on which to judge whether the restriction is an essential restriction.

If we are to have the restriction and we are concerned about young people who get their licence, are subject to peer pressure and put other people in the car in jeopardy, we should at least be sure that we are not putting the age group that the Minister is talking about in jeopardy. However, let us look at what the legislation allows. Even though young people who have just got their licence are in the vulnerable group and are subject to the six-month restriction, they can take somebody under the age of 14 in the car. If they do not have the experience and are likely to be subject to peer pressure, is it OK that they can carry passengers of 12 or 13? They can carry a brother or a sister who is between the ages of 14 and 24 or someone who is a child of the family, even if the child has never lived in the same household as the driver, just as long as they are treated by the driver as a child of the family. They are also allowed to carry a half-brother or a half-sister and so on. The Minister may say that you are less subject to peer pressure from those groups. I doubt very much that that is the case. If the young driver is vulnerable to being egged on or whatever, he or she is as likely to be egged on by a member of the family, a half-brother, a half-sister, somebody whom he or she treats as a child or somebody under the age of 14. If the restriction is designed to protect the young driver from peer pressure, the legislation does not do that.

I noticed that Mr Maginness — I think that it was a slip of the tongue, but it illustrates the logic of the case — said that, according to the legislation, it would be OK, provided that the driver was accompanied by somebody over the age of 24. There is a certain logic in that, but that is not what the legislation states. The driver can be accompanied by someone who is 21, a person who is in the very age group that the Minister says is likely to include the young raker — the one who will disregard safety. Provided that you have somebody of the same vulnerable age group sitting in the seat beside you, you can have three people between the ages of 14 and 24 in the back seat. Furthermore —

Ms Lo: Will the Member give way?

Mr Wilson: Yes.

Ms Lo: There is also the condition that the 21-year-old must have had their driving licence for three years.

Mr Wilson: I am glad that the Member raised that, because it brings me to my next point. It is not just that they have to have had a driving licence for three years; they can have had a:

> *"full licence for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years".*

The person sitting beside them could have had their licence for a year and could have been banned from driving for poor driving behaviour and got their licence back again. According to the legislation, it is quite all right to have that person who has proven to be an irresponsible driver sitting beside the young driver who has just got their licence and to then stick three people in the back of the car. All I am trying to do, Minister, is show that, if the objective is the protection of life — your assessment is that young drivers who have just got their licence are likely to be subject to peer pressure — you have not removed that peer pressure. If they need to have somebody responsible with them, you have not met that qualification; they can have the most irresponsible person beside them, yet they will be exempt from the restrictions.

I will go further than that. In amendment No 15, which the Minister proposed, you could have a situation where — this is particularly relevant in Northern Ireland — someone could get their licence in Letterkenny or Monaghan, have it who for one day and come to a social event or to meet their friends on the other side of the

border and could have as many young people in the car as it will hold but they would not be subject to any restrictions. Indeed, it is worse than that. They could come from France, where they drive on the wrong side of the road. They could have had their licence for only a couple of days. They could get on to the roads in Northern Ireland, and, as a result of amendment No 15, they could drive the roads with a group of those vulnerable people in the car.

Mr Allister: Will the Member give way?

Mr Wilson: Yes.

Mr Allister: I agree with the Member — I had better say that tonight; it is unlikely to be able to be said tomorrow night. We have many eastern European drivers whose licences, if I am correct, are eligible and valid for three years in Northern Ireland before they have to apply for a Northern Ireland licence. They would be exempt for the entirety of those three years, yet the indigenous person who gets his test, etc, is going to be subject to that restraint. Is that not pretty absurd?

Mr Wilson: It is absurd. I hope that I have illustrated, by some of the points that I have made, that clause 20 is badly thought-out. I accept the amendment that Mrs Overend proposed. At least she is trying to exempt some people some of the time from the restrictions. However — this is where I agree with my colleague Mr McCrea — I do not think that it goes far enough. For most young people now, 10.00 pm is not a realistic time to have for coming home. Even if they start off at 7.00 pm, they are not likely to be home by 10.00 pm. For that reason, I believe that the clause is so flawed it needs to be fundamentally changed. It has been useful to debate the amendment, and if Mrs Overend pushes it to a vote I will probably vote with her.

However, I hope that the Minister is minded — after some of the things that I have said, I hope he will be more minded — to rethink this over the summer. We have had the debate. Let us not push it to a vote tonight, because we can come back with this amendment if the Minister does not move, or, I hope, with an even more radical amendment at Further Consideration Stage so that we do not have this kind of confusion. All that I can conclude is that either we are engaging in tokenism or we have an example of total confusion, but neither makes for good legislation. I believe that this will only bring the ire of the people affected by this legislation down on the Assembly.

I will give way to Mr Allister.

Mr Allister: My point is on the logic of not pressing the amendment. If the amendment is not pressed, the clause will stand part, whereas if the amendment is pressed and made, any change that the Minister wants to make will be within the confines of the principle of exemption. If the clause stands part, it is going to be a tougher battle to change that. Is that not right?

Mr Wilson: I will bow to Mr Allister's advice. Since he is agreeing with me tonight, but probably will not tomorrow night, I will agree with him and take his advice on this issue, if that is indeed a better way. I have said that, if the amendment is pushed to a vote tonight, I will be voting for it, albeit with the qualification that it does not go far enough, does not address the real issue that needs to be addressed in clause 20 and that I think that the Assembly will need to come back and look at further and perhaps more radical amendments to it. In the meantime, maybe over the summer the Minister will think more about this issue and come back with an amendment that the whole Assembly can agree with and which deals with what I believe is an inadequacy.

The one thing that I have got to say is this: I believe that the Assembly needs to think very closely about the way in which, sometimes willy-nilly, it passes legislation, often for the best of reasons, that restricts the freedom of individuals in a way that hurts them. Such legislation does not actually achieve the objectives that we want, or is sometimes contradictory to those objectives. Lots of references have been made tonight to people who live in rural areas, and the fact that, because of public transport cuts etc, there is not the mobility that we would like for them. Well, let us not pass legislation that further restricts mobility, especially for a group of people who need mobility for education, work and their social lives. In an environment where there is a greater expectation of that, we should not be legislating just because a road safety lobby has made this kind of push.

Ms Lo: I thank the Member for giving way. We were minded to oppose clause 20, but reserved judgement to hear what Members said in the debate. However, if the Minister is minded to make further amendments, we would certainly not want to divide the House. I think that DUP Members are thinking the same way, are you not?

Mr Wilson: The alternative to the amendment may be for the House to oppose totally that clause 20 stand part of the Bill. That, to me, would be the much better solution, though I am not so sure that it would command widespread support. If I thought that it would command support, that would be a much better avenue to go down than the amendment we are debating at the moment.

Mr Attwood: I want, first, to acknowledge not just the officials — the departmental officials and the Committee officials — but the Committee members themselves. A long time ago, it was my anticipation that a further unpicking of the original Bill, beyond that which has been discussed this evening and that which was amended further at Committee Stage, would have occurred at Committee. The legislation was drafted to try to push limits and best practice when it comes to the safety of people on our roads in the North, both those who are in cars and those who are outside cars. There are a number of areas in which I would have anticipated some further unpicking of the Bill as originally proposed at the Committee, and I welcome the fact that that did not happen. I welcome that because if it had happened, the world of Sammy Wilson would have prevailed. Sammy — Mr Wilson — knows what I will say next.

9.00 pm

When the policy outline in the Bill went to the Executive, Mr Wilson was the only Minister at the Executive who opposed the policy intentions that became part and parcel of the Bill that we are discussing this evening. He will remember, as I do, the critical moments during that Executive discussion when not I but Arlene Foster, Martin McGuinness and Peter Robinson gave their imprimatur to the policy objectives of the Bill. Why did they give their imprimatur to the policy objectives that are now part and parcel of the Bill? It was because they related to their own human experience and the horror and tragedy of road traffic accidents and the effect that they have on people's lives.

Mrs Foster referred to an incident in Enniskillen and the traumatic injuries to a citizen of that town, somebody whom I subsequently got to know because that person was part of one of the advertisements that were referred to earlier that had some part in trying to improve our road safety. Mr McGuinness referred to the terrible incident in Donegal, where a number of young people were killed in a car accident, and he said that he and many others had visited the homes of all those who had been bereaved. The imprimatur of the Executive went into the policy ambitions of the Bill, despite the considerable and lengthy protestations of Mr Wilson. He has narrowed his focus tonight, and I will come back to that, but let us be very clear: at Executive level, he wanted to derail quite a lot of the arguments that are now part and parcel of the Bill, and on which I understand there is no division. I welcome the fact that the Committee saw that level of common sense and ambition, unlike that which informed Mr Wilson's previous views.

When it comes to the issue of young people in a car at any time during the day, my view was informed by a visit that I made to a house not very far from the city of Belfast, when a young woman had been killed in the early hours of Friday night/Saturday morning. She had been in a car with five of her peers. She had been the one person who had been killed and two others had received traumatic injuries. On the way back from Omagh one day, I called to that wake house in a loyalist estate and saw the trauma that is visited on people's houses and families by a serious road traffic accident when there are many people in a car. That should be our touchstone in the ambition and practice of the legislation, whatever the arguments of Mr Wilson and others.

Mr Wilson: Will the Member give way?

Mr Attwood: I will. What can we do in those circumstances in which there were a number of people in a car, where there was a serious road traffic accident, and where there were traumatic injuries and one death? What can we do, throughout the hours of the day, to mitigate a replication of that incident?

Mr Wilson: Given the statistics that the Minister has given, that 83% of deaths of people between the ages of 14 and 24 are caused by drivers between the ages of 17 and 24, is the logic of his argument not to ban driving until people get to 24?

Mr Attwood: That is certainly the logic of Mr Wilson's argument, and I will come back to that. Mr Wilson essentially makes the argument that, if you cannot make sure that the law applies to everybody at every time, let us not have the law at all, or, on the other hand, if you are going to have law, make sure that it applies to every person at all times. That is the logic of his position. I will come back to that in an instant, reminding him that, in 2012, of the 57 deaths on the roads in Northern Ireland — they have been rising ever since, as they have on the island of Ireland — 43% of the people who were killed

were killed by the 10% of the drivers on the road who are classified as young.

Mr Beggs: Will the Member give way?

Mr Attwood: I will in a second. The consequence, as I understand the figures, is that it is not a matter of seven deaths — seven is too many — it is a matter of a multiple of seven deaths in the year 2012, when there were 57 deaths, which was the lowest that had ever been recorded in Northern Ireland history and, in fact, in the history going back to pre-partition days, as far as I recall it. The number of deaths as a consequence of young drivers was disproportionate to the number of young drivers. I will give way to the Member.

Mr Beggs: The Member is using statistics, and I am just seeking clarification about his statistics. He said that they were caused by the 10% of people who would be classified as being young. Will all of them be prevented from driving after 10.00 pm by what is being proposed? Will all of them be banned from driving during the day by what is being proposed? I am just seeking clarification. Is he using statistics at the appropriate time?

Mr Attwood: The way to answer that is simply with a point that has been made before. Two thirds of those who are killed as a result of the driving of young people are killed on our roads between the hours of 6.00 am and 10.00 pm, and one third are killed between the hours of 10.00 pm and 6.00 am, so the answer to the question is not how many are killed during the particular hours of night-time or daytime. The answer to the question surely has to be that two thirds of those who die as a consequence of young drivers die between the hours of 6.00 am and 10.00 pm, and one third of those who die as a consequence die between the hours of 10.00 pm and 6.00 am. The answer to that, surely, it seems to me, is to deal with the problem in every single hour of every single day, not least the hours of nine to 10, when the evidence is that the scale of death arising from an accident involving young people is at its highest. That hour, more than any other hour — an hour not referred to in the amendment by Mrs Overend — is the most acute, critical hour in terms of risk to people and deaths arising from road traffic accidents involving young people. I will come back to that later.

Can I ask the Minister two questions? You have to see this in the round and the broadest context. One of them touches on Mr Lunn's point. Where are we in terms of all-Ireland enforcement of penalty points for those five categories of criminal conviction that carry the greatest risk to the citizens of Ireland? This is not a one-stop shop or one quick answer by the Minister to the issue of road safety, road injury and death on the island of Ireland. It is also a much broader strategy, so it would be useful, in the context of the life of this mandate, which is coming to an end, hopefully not sooner rather than later. Where are we in respect of the recognition of all-Ireland penalty points? It goes back to Mr Wilson's point and Mr Allister's point about citizens from other places, in Northern Ireland, who are not potentially subject to these restrictions. That is already the case. People could be in Northern Ireland who were previously in the South and had been subject to penalty at the hands of the court, and, if we had all-Ireland recognition of penalty points, they would be captured by enforcement. However, because we do not have all-Ireland recognition of penalty points, those people are now driving North with those penalty points and are not restricted. The point that I am making is that the fact that we do not have all-Ireland penalty points does not mean that you take action against all the other categories of drivers in Northern Ireland who may be subject to offence.

Mr Allister: I thank the Member for giving way. I understand what the Member is saying, but that is a very different point. The point here is that, as this Bill is drafted, all those non-UK drivers are exempted from the restrictions that the Minister wants to impose in a blanket way on all UK drivers. That is the reality of this Bill.

Mr Attwood: The Minister — and I think that he is right on this — has said that he will go back over the summer, when there is adequate time, to produce voluminous levels of evidence on what informs the policy ambition of the Bill but, at the same time, informs these hard cases, of which there are quite substantial numbers as our immigrant population grows, which some people in this part of the world would not want to see happen. Nonetheless, there can be, I believe, a scoping of clause 20 in order to mitigate the concerns of any Members in the Chamber, produce the evidence that can mitigate those concerns and adjust clauses so that you capture more people who should be rightly captured by the intention of the clause.

Mr Allister: The Minister cannot address this issue, because he told us that this gap exists on foot of an EU directive, which says that you cannot impose the indigenous restraints on those from other jurisdictions. Therefore, your Polish or Lithuanian driver is entitled to come here, use his licence for three years and

exempt himself from what the Minister wants to impose on local people. The Minister cannot do anything about that given the EU directive.

Mr Attwood: My answer to that is this: the bad should not be the enemy of the good. If it is not within the mandate of the European institutions at this stage to have joined-up thinking and practice when it comes to road traffic penalties, and that is the case, even though that is a deficit in the overall regime, both in law and practice, that deficit should not get in the way of creating some strength and authority around drivers in Northern Ireland, who are subject to our law and who can be subject to mechanisms that improve practice when it comes to road use.

I will give you one example. The Minister is currently taking forward this initiative in relation to all-Ireland recognition of penalty points. When the Department asked the British Government whether they thought it was useful and timely to do the same with regard to both these islands — all-islands recognition of penalty points — the London Government said that they did not think that they wanted to go down that road at this stage. Even though we have on these islands all-Ireland recognition of disqualification, and that is good, the London Government said that they did not want to go down the road of all-islands recognition of penalty points. Despite that, the Department and the Minister are still taking forward that initiative, because even though people will come from Britain who have penalty points, those penalty points will not be recognised in Northern Ireland. That is a weakness and a deficit.

If the Minister and his colleague in the South get their way, you will have all-Ireland recognition of penalty points in respect of five categories of criminal offence, making the point that the bad should not be the enemy of the good. If there is some good that we can do in this legislation, even if it does not capture all the people who we might like to capture and because that is outwith our control, we should take that opportunity going forward.

Could I also ask the Minister a second question? This was touched upon by Mr Lunn. It is my recollection that the Association of British Insurers said at a conference in London that, in the event that the regime that was being proposed by the Minister was put into place, the consequence would be that they would see potentially a 19% reduction in insurance premiums. This is a point —

9.15 pm

Mr Lunn: Will the Member give way?

Mr Attwood: Well, you did refer to the insurance industry indicating —

Mr Lunn: I thank Mr Attwood for giving way. It gives me the opportunity to correct the statistic I gave earlier. The 11% of young drivers who cause 44% of the accidents is a DOE statistic — and Mr Greenway can stop glaring at me now because I have corrected it. The one about the 19% and the Association of British Insurers I do not recognise at all.

Mr Attwood: I stand corrected, but it was stated by the Association of British Insurers at a public conference in London that, in the event of this overall regime being put into law, it could see a reduction in insurance premiums for young drivers by 19%. We should treat that with a bit of caution, because insurance companies might tell people what they want to hear. Nonetheless, does the Association of British Insurers have anything further to say about what insurance premiums in Northern Ireland might be in the event of this legislation being passed?

I want to make a couple of quick points in respect of clause 20. It is always the case when it comes to legislation that you have to balance risk with constraints on liberty. That is a point that Mr Beggs made when he quoted from the documents; from Daniel Greenberg who talked about the constraints of liberty.

It is always the nature of law, or very often the nature of law, that you have to balance the risk to citizens with the need to put only proper and reasonable constraints on liberty. That has always been the case. Look at our legislation in respect of drink-driving. Some people would argue that that gets in the way of their liberty, yet we have decided that in those circumstances, including in this Bill, the risk is going to become more and more important.

Look at the freedom to smoke, that some would claim, where people have to balance the risk of smoking with constraints on their liberty when it comes to where they choose to smoke. That is the essence of this Bill. We are moving more and more to recognising that there are some appropriate constraints on liberty, as some might see it, because the risk is so great when it comes to road traffic in the North.

Given that there were, I believe, 79 deaths in Northern Ireland last year, up from 57 two or three years ago, and that after seven years of decline there is now an increasing volume of

deaths and serious injuries on the roads North and South, we have to have a precautionary approach when it comes to the content of the Bill, whereby the risk is recognised as being significant and growing, and which should result in moderate restriction on people's liberty.

Mr Wilson, as I said, targeted his commentary at one clause and not at the scope of the Bill generally. That seems to acknowledge, after all this debate, that there has been an acceptance that the threshold required in respect of road traffic law is now higher than might once have been the case.

Mr Wilson: The Member will well know that had I gone wider than clause 20, to which the relevant amendments referred, the Speaker would have ruled me out of order, because, of course, at this stage we can refer to only the amendments we are debating. There are other aspects of the Bill that I am still unhappy with but that are not subject to amendments tonight, therefore could not be addressed.

Mr Attwood: Then I stand corrected, but I also stand corroborated that Mr Wilson's ambitions in respect of the Bill are way beyond clause 20 and that there are other areas, in his view, in terms of the draft Bill going way back a number of years, where he saw that the Bill was stretching itself and the threshold in the content of the law and enforcement was going to be too high. I welcome the fact that Mr Wilson has corroborated the very point that I made at the beginning of my speech.

The point that I would like to make is this: it seems to me that, even though all that we might wish to capture through categories of driver will not be captured by the Bill, subject to what the Minister might find out over the next number of weeks and months, at the end of this process, it has to be the case that you cannot differentiate between daytime and night-time hours when it comes to the overall scale and scope of clause 20. If we are to have a consistent approach, which recognises that risk arises at every hour of the day, even if it varies between hours, clause 20 has to recognise that every hour of every day is a risk to every driver.

Mr Lunn: I will just echo a few points made so far. Mr Wilson referred to the fact that passing the driving test is a landmark in a young person's life, and I could not agree more. There are various highlights in life around that time, but I can well remember doing my test in my father's car down in Belfast. He drove me back to Dunmurry after I passed the test at the first attempt and then threw me the keys, saying, "Go off on your own", and I had the pleasure of overtaking someone on Dunmurry Lane. These were highlights.

Mr McCarthy: In a Morris Minor.

Mr Lunn: It was a Morris Minor.

Mr Wilson advised against imposing too many restrictions, particularly restrictions that will not have any effect. The big restriction during my time was the imposition of R plates. I am not quite sure when that was, but it was a big thing at the time. Did it stop the carnage on our roads? I have a feeling that it did not. The things that actually made a difference were the advent of things like 0% finance and no-deposit deals on an Opel Corsa, or perhaps free insurance, which some of my colleagues in the insurance industry must surely regret now. All made it easier for young people, in particular, to get a car without a deposit and without much commitment. A small car in those days would do 100 mph quite easily.

The worst accident involving young people that I ever came across happened out at Templepatrick. Four were killed, two of them from my church. I remember it very well. They were at the tech and were out at lunchtime, at 1.30 pm — not in the middle of the night. They were just speeding. It was dreadful.

I think that I tidied up the statistic for Ian — 11% of young drivers cause 44% of fatalities, which tallies with what Mr Attwood said. There is another statistic worth mentioning. In England, per 100,000 of population, there are 304 collisions that cause injury a year. That is the last available statistic. In Northern Ireland, the figure is 502. If you extrapolate 44% and set it against that figure, you see that there are an awful lot of accidents involving young people. In fact, there was always an assumption in the insurance industry that just about every young driver would have a touch at least, whether it was a very serious or relatively minor accident. It is really in the lap of the gods, because the same conditions could produce a smashed-in front end or leave a couple of people dead. A certain amount of luck is involved.

I understand from what I have been hearing that the Minister is prepared to have another good look at clause 20 over the summer. If that is the case, we will not do what we were inclined to, which was to oppose it. Mr Wilson said that that might be the simplest thing to do, and, in a way, it would: it would be clean, and we could start over. I do not think that we need to, provided the Minister, when he sums

up, gives us a reasonable assurance about that.

I want to talk about some of the detail. Mr Wilson has stolen most of my thunder on the "relevant accompanying" driver. Presumably, the three years' full licence has to be a clean licence, but it does not say so in the Bill. As you rightly say, it could involve convictions without the loss of a licence. It occurs to me is that it could be two years on an R-plate and one year of full driving. It could also be three years after you have passed your test, without ever having driven a car. Not everybody has a car. Who has the experience? Is it the 22-year-old who is into his six months' restriction having passed his test, or is it his accompanying driver, who may, as you rightly say, be 21 and not have driven a car since he passed his test? He has to sit in the front seat and give this driver advice or keep him in check.

The whole concept of the age restriction really bothers me. I cannot help wondering who will police this, and the answer is easy: the PSNI. How will the PSNI police it? The only time that our overstretched police will pull in a young driver is when they think that he has caused an offence or perhaps had an accident. The police do not have the resources or the time — I am sure that they will not have the inclination — to see a car with three people in it and say, "We had better pull that car over. He is not going too fast and is driving perfectly normally, but the person sitting beside him does not look like they have had their licence for three years". It is actually ridiculous.

Mr Wilson: Will the Member give way?

Mr Lunn: Yes, indeed.

Mr Wilson: Even if the police stop him and ask who he has in the back seat, he will say that he has treated that person as a member of his family for the last 10 years. The legislation allows him to do that.

Mr Beggs: Will the Member give way?

Mr Lunn: Aye, go on.

Mr Beggs: In fatal accidents involving young people, the fact is that many of them involve joyriders, who will ignore all the legislation. We can tighten things up and have very restrictive practices for more responsible drivers, but it may not have the impact that is being indicated here. The issue needs to be thrashed out, with much more transparency.

Mr Lunn: I am quite sure that all the statistics that were quoted, either by me or Mr Attwood — he is not listening — probably include joyriders. They are bound to.

I will go back to the way that the police handle this. I am looking at the wording: the police have powers to ask the driver or passengers for their "names, addresses, ages and relationship". You have to produce that within seven days. Failure to produce this information will be an offence, and the person will be liable to a fine of up to £1,000 and three penalty points. Let me take another angle. If the police pull somebody in because they are speeding, and it turns out to be a young person, on the back of that, they will normally have a look around the car. If this legislation were to go through in its present format, they might decide to check the ages, identities and relationships of the three or four people in the car. They might find that one of them transgresses the regulations by a couple of months. Possibly, the driver has quite innocently accepted information and thought that this person had had a licence for three years or that they were 21 rather than 20, and so it goes on.

Ms Lo: Will the Member give way?

Mr Lunn: Just a wee minute. Oh, go on then.

Ms Lo: I thank my party colleague. As for the additional passengers, how many 14-year-olds carry any identification with their date of birth? They will have to go to the police station within seven days; it could be another person who goes to the police station within seven days.

Mr Lunn: That is correct, obviously, but I am not too worried about it. The fact is that they have to produce all this stuff within seven days. If the driver has transgressed by not carefully checking all the information, he will get, hopefully at the discretion of a judge, and thank goodness that we still have judges, a fine of up to £1,000. OK, it is more likely to be £50, but he will get three penalty points. He — I keep saying "he", but he or she — will get another three penalty points for the speeding offence, which means that, straight off, he will have six penalty points on his licence for something pretty minor. I keep going back to this, but, in insurance terms, three penalty points will not normally affect a person's premium. Six penalty points most definitely will.

9.30 pm

I notice the defence. The explanatory and financial memorandum states:

"It will be a defence for the driver if he can show that he exercised all due care and diligence to avoid committing an offence."

Therefore, a 21-year-old has to exercise due diligence. He probably does not even know what it is.

Mr I McCrea: Will the Member give way?

Mr Lunn: Yes. Go on.

Mr I McCrea: Therefore, the Member is saying that the driver has to vet all the people who get into his car. He has to check, before they get in, their full name, address, date of birth and all their credentials before he is deemed to have been responsible. Is that an appropriate thing for a driver to have to do? Does he think that that will actually happen?

Mr Lunn: What is liable to happen is the real point that I am trying to make. If you make silly law, people will ignore it. If you make bad law, it cannot be enforced, or, if it is widely ignored, there is a not a lot of point to it. If that is the case and this is what we were going to do here, Minister, I am glad to hear that you will have a rethink on it, because there are too many idiosyncrasies in this that are just asking for trouble.

The question about insurance has just been touched on. Let us say that a 22-year-old driver has passed his test and managed to get insurance that has cost him about £1,000 — he has comprehensive cover — but then drives around with a bald tyre and crashes the car. His insurance company will probably not pay for the damage to his car. It will have to pay for the third-party claims if he does damage to somebody else, something else or his passengers, but it will not have to pay for his damage. What happens if that person has transgressed by not having a responsible additional passenger in his vehicle when he should have? He will be in breach of the law, if we pass it. Would that mean that the insurance company can say, "You were not properly supervised"? To me, it is much the same as, under the present rules, a provisional driver driving without somebody beside him and crashing the car. His insurance company will almost certainly say, "No, sorry". I could go on all night about this. There are so many bits that need tidying up. I will not go on too long. *[Interruption.]* I am enjoying myself.

The other bits that worry me — well, they do not worry me — are in clause 16. That is the one in which you will reduce the age to 16 and a half from 17.

Mr Durkan: That is the next one.

Mr Lunn: Is it not? Sorry. Which one is clause 16?

Mr Durkan: I do not know what it is called.

Mr Lunn: I know that you are not going to do it now. I must say that I am glad to hear that. The very notion of 16 and a half. What is a half? Is it 182 and a half days? What is it?

Mr Durkan: A leap year.

Mr Lunn: A leap year, yes. Precisely. I do not imagine that it would cause too much trouble, but 16 and a half is ridiculous. Seventeen is fair enough.

I really welcome the fact that you have drawn the requirement of 12 months before you can take a test back to six months, because a lot of people are not learning to drive in a family car. They are taking driving lessons, and there is a limit to how many driving lessons you need, perhaps in some cases, and certainly a limit to the number that you can afford. There is no need to spread it out over 12 months. Some of us passed our test after two months.

That is about it. We were inclined to oppose clause 20 and vote that it should not stand part, subject to what the Minister says. Mrs Overend's amendment is to clause 20 so is linked to what the Minister says.

Mr Wilson: Will the Member give way?

Mr Lunn: Do you want up again?

Mr Wilson: The Member has made the most compelling case that I have heard tonight for rejecting clause 20 in its entirety. I would like to think that he would follow the logic of the arguments that he made, which have been really compelling, and push this through so that we can actually get rid of this clause.

Mr Lunn: I am going to follow the logic of what my party told me to do — for once. *[Laughter.]* I hope it is a pattern that I can develop in the years ahead.

We are inclined to listen to the Minister, and I think we can accept what he is going to say. I ask Mrs Overend this: please do not move the amendment. There is no need for it, and we

can come back to it after the recess as part of a better-developed clause 20.

Mrs Overend: Will the Member give way?

Mr Lunn: Yes.

Mrs Overend: On that point, if the amendment is moved, we will not restrict further amendments to clause 20. If we move it, at least it will be in place, so to speak. Further amendments could be made to clause 20, or it could be totally withdrawn. Is that not the case? So, why not push on with the amendment?

Mr Lunn: I suppose that is the case. I would still prefer if you just did not move it.

Mr Beggs: Will the Member give way? I am seeking clarification. I do not know whether the Member knows what the Minister is about to say. Is he saying that he wants the Minister not to move clause 20? I am uncertain what you are saying.

Mr Lunn: In order that we will not to oppose the notion that clause 20 stands part of the Bill, we would like the Minister to say that he will come back after the recess, after consultation with all the interested parties, with a revised clause 20 that takes into account some of things that have been suggested tonight.

I will just ask him one more thing. Please clear up the situation on a European licence and its validity here for accompanying drivers. I am not on the Committee, and I have not studied this until today, but it seems to be that the Bill says that a licence issued by another European state will be valid. I understood that amendment No 15 would take out that concession, yet I am hearing from other people that maybe under European law you could not do it. I will leave that to the Minister as well. I will conclude with that point.

Ms Lo: Will the Member give way?

Mr Lunn: No. I am finished. Thank you.

Mr Durkan: Go raibh maith agat, a Cheann Comhairle. I thank Members for the questions and the issues that they raised in the debate on this group of amendments. I wish to comment on a number of points mentioned by Members. There have been quite a number of points raised; I am not sure whether I will manage to address them all as I try to sum up tonight. For those that I do not manage to get to tonight, I will certainly get back to the Member in question in writing after checking Hansard.

The first contribution was from Anna Lo, the Chair of the Environment Committee. For her, like many who followed her, the focus was on clause 20 and the proposed passenger restrictions, which she described as overly bureaucratic, convoluted and difficult to enforce. There are questions on practicality and enforcement in every piece of road safety legislation, I will dare to say. I do not know whether the Member herself or anyone here has ever crept over the speed limit and asked themselves how it is enforced. How practical or enforceable was the mandatory wearing of seat belts, for example? What impact has it had? How many lives has it saved?

What is clear, given the evident lack of clarity or understanding on any passenger restriction proposals, is that, regardless of whether clause 20 goes through unamended, the amendment is carried, or it is subject to further amendment, whatever goes through and whatever we end up with, there will need to be a prelude through a serious information and education campaign in advance of any legislative change being introduced. This type of legislation is about changing attitudes and mindsets more than it is about criminalising drivers or catching people doing something wrong.
I welcome Mrs Cameron's contribution, in particular her plea to Mrs Overend to hold fire on her amendment pending further examination of evidence and a collaborative effort to resolve this issue to the satisfaction of parties and for people's safety. I welcome Mr Milne's support for my amendments and his recognition of potential problems should Mrs Overend's amendment be carried in isolation.

Mr Maginness stated that the Committee agreed that there should be some restrictions — that is evidence that the Bill has passed through Committee Stage — but it appears now that the debate is around how much we restrict the restrictions. Mr Beggs made a further intervention in Mr Maginness's speech — he had intervened with me earlier — to say that this could result in more people walking around in rural areas. If Chuck Feeney had heard that intervention, he might be looking for his money back.

There is no total ban on young drivers carrying passengers; that is something else that I have to get out there. In one of Mr Wilson's many interventions, he asked about the small number of fatalities and whether that warranted the introduction of these restrictions. I could not help but recall Lord Morrow's words as we

debated the first group of amendments. He said that we needed to bring forward the strongest and most robust legislation that we can so that we are not found wanting at a later date. I ask the Members on the opposite Benches to think those words over.

Then, we had Mrs Overend's contribution. Of course, Mrs Overend has —

Mr Wilson: Will the Minister give way?

Mr Durkan: Yes.

Mr Wilson: I do not think that there is any contradiction between Lord Morrow's point and what I was saying. Mr Lunn illustrated it much better than I did. This is confusing legislation at worst and tokenism at best.

Mr Durkan: I thank Mr Wilson for that intervention. It is evident that there is confusion, and I certainly agree with Lord Morrow that we need to bring forward legislation that is as robust and effective as possible.

Lord Morrow: Will the Minister give way?

Mr Durkan: In a second, Lord Morrow. While there has been agreement and consensus from the Committee that there is a requirement for restrictions, it seems that Mr Wilson was chipping away at the idea of any restrictions whatsoever. I give way.

Lord Morrow: I just want to offer clarification. There is no difference between what Mr Wilson and I have been saying. Mr Wilson and others are not advocating that we should have less fit-for-purpose legislation than has been advocated. Why would we not have the most robust and capable legislation? No one, irrespective of the angle they are coming from in this debate, is advocating that we should, in some way, weaken things.

Mr Durkan: I thank the Member for the intervention. I had not stated that there was any difference between what Mr Wilson and Lord Morrow said; I just said that I could not help but recall Lord Morrow's words after Mr Wilson's contribution and then echoed those words.

I have no doubt in my mind that, like all of us, Mrs Overend, whose amendment has been the source of most of today's debate, wants to protect young drivers and, indeed, all drivers and road users. She mentioned opposition to the public consultation in 2012 on restrictions but it is to be expected that, any time there is consultation on restrictions of any nature, there is often huge opposition. That does not necessarily mean that they are a bad thing.

I have to ask this: how do young people in rural areas go to school, extracurricular activities, church or GAA clubs before they pass their driving test? Do they just get a new lease of life when they pass their test at 17 and a half? After listening to Members' contributions today, one would have to wonder.

Mr I McCrea: Will the Minister give way?

Mr Durkan: Yes.

Mr I McCrea: The Minister will have to accept that he was 17 at one time. If he did what many others did, he will know that they saved their hard-earned money, bought themselves a car and, if their parents helped them with the insurance, they got out and drove their cars. I think it is being disingenuous to those young people. Yes, they depend on their parents to do it, but he, like many young 17-year-olds wanted to get out in their cars and be independent. So, I see the point he is trying to make, but I think he is being a bit disingenuous to young people.

9.45 pm

Mr Durkan: I thank the Member for his intervention. Indeed, I commend the young people to whom he refers who pass their test, work hard and try to save all they can for a car. I was 17, probably not as long ago as the Member was, but I have to confess that I was 18 by the time I passed my test.

Mr I McCrea: Do not let the hair —

Mr Allister: What hair?

Mr I McCrea: — or lack of hair — fool you.

Mr Durkan: Which one? *[Laughter.]* I was 18 by the time I passed my test, and I have to confess that it probably took me about six months of driving unaccompanied to build up the confidence to let my mates into the car with me for fear that they would slag my driving. We are talking about a six-month restriction that could and, I have no doubt, would save lives.

Mr Lunn: Will the Minister give way?

Mr Durkan: Go on.

Mr Lunn: It is on the six-month restriction and the emphasis on the ages and so on in the proposed legislation. What does the Minister think? There is nothing in the Bill, as far as I can tell, although there is in existing legislation, about the need to sit a retest if you transgress. That is about the fifth time I have said "transgress", but you know what I mean. If somebody obtains a conviction for an offence during their R-plate period, or if they have a motor accident that results in a conviction, in the two years — you could, perhaps, tailor it slightly to the first year and the second year — could they be asked to resit their test and, perhaps, forget about some of these other restrictions?

Mr Durkan: I thank the Member for his intervention. I displayed in my earlier contribution, and I will reiterate as my winding-up speech progresses, my commitment to work with Mrs Overend, who has brought this amendment; other members of the Committee; non-members of the Committee, whose input we could have done with at a much earlier stage, it transpires; and non-members — the groups that Members have been talking and listening to; and who may have inspired this amendment and some of the other contributions.

Mr Allister: Will the Minister give way?

Mr Durkan: One wee minute, Mr Allister. I am thinking primarily of the young farmers' lobby. I remind the House that the farmers' lobby was also outright in their opposition to the thought of having to wear helmets while they were on quads. I know that that is a crusade that Mr Wilson fought and lost at the last stage.

Mr Swann: Will the Minister give way?

Mr Durkan: Mr Allister first.

Mr Allister: I am grateful. I want to explore what the Minister is offering, because he has said, a few times, that if Mrs Overend would not push this amendment, we could talk. What is he going to offer, because, at the moment, he has clause 20, with the restrictions? The amendment from Mrs Overend suggests some exemptions from those restrictions. Is the Minister conceding the principle of exemption from those restrictions? Is it down to fine tuning that? Or, is the Minister, who has not, to date, listened to the young farmers, for example, just trying to get through this without making any commitment? What is the Minister's commitment?

Mr Durkan: Anyone in the House who has heard me give any commitment on anything in the House will know that I generally fulfil them or, at least, always try to fulfil them, until I am voted down when I try to do so. There was another red herring about increasing —

Mr Swann: Will the Minister give way?

Mr Durkan: Sorry, Mr Swann.

Mr Swann: The Minister referred to lobbying by the young farmers' organisation. I declare my hand as a past president of that organisation. I think his misunderstanding comes from lumping all those young people simply as farmers. They are there as rural young people who see this restriction as curtailing their ability to move around the countryside and actually get out of the house. Earlier in the debate, he posed a series of questions about how they get to church or school and all the rest of that. I think that that shows a misunderstanding by the Minister that he does not know the answers to those questions at this stage of the Bill.

I think that that is where Mrs Overend's amendment addresses some of those concerns.

Mr Durkan: I thank the Member for that intervention. I was not aware that he was a distant past president of the young farmers' union. *[Interruption.]* If this displays a lack of understanding on my part, I accept that, and that is why I am prepared to meet. I cited the young farmers' group just as an organisation, because I know that they have one. I am happy to meet other organisations.

I am sorry; I had not quite answered all of the question put to me by Mr Allister as to what exactly I am offering. I am offering to look again at the legislation. I think that any compromise, as he said, or any accepted improvement by the House will also have to be evidence-based. Legislation has to be based on evidence and, therefore, amendments to it should be evidence-based also.

Mr Allister: Is the Minister conceding the principle of some exemption to these restrictions? Is he conceding that principle?

Mr Durkan: I think that my colleague Mr Maginness summed it up pretty well when he spoke about the merits of the detail and the motivation behind the legislation being proposed and the amendments that I brought forward, but then he said that it was all those things but was not perfect. I accept that it is

not, and if there is a way that we can work together and work with others to ensure that it gets as close to perfect as possible, then I am prepared to go there. I look forward to the Member's support and assistance in getting there.

In an intervention, Mr McCrea alluded to the potential financial burden on learner drivers, although I think that he was more worried about the financial burden on their parents. Concerns had been expressed earlier in the legislative process that an overly prolonged mandatory minimum learning period and a minimum required number of lessons, which had been floated again at an earlier stage during the debate, might have a prohibitive cost attached.

Mr Wilson said how passing the test was the best thing that happened to many young people. You have to recognise that we are trying to protect young people from what would undoubtedly be the worst thing that could ever happen to them. If saving lives is not a compelling case, I do not know what is. He also told us that he is concerned about the impact of the legislation on low-income families. Coming from the champion of Tory austerity policies that will reduce further the income that those families get, I found that quite rich. However, to allay the Member's concerns, I will tell him that the log book must be verified by an approved driving instructor or a supervising driver, which is someone aged 21 or over with a full licence for three years, and it is envisaged that that will be a parent or friend. He spoke about peer pressure and the fact that family members might be inclined to put on as much, if not more, pressure as friends or contemporaries. From my experience, I would have thought that family members might be more inclined to tell tales if I were driving too fast.

Mr Wilson also spoke about amendment No 15. Our view is that, without amendment No 15, the Bill would not get Royal Asset. He said that if the Assembly did not get this right or if we should pass it as proposed by me today, we would be facing the ire of the people this legislation will affect. I would much rather face that ire than have to answer to a family somewhere at some stage in the future for not having done all that I could or all that we could to make our roads safer.

Mr Attwood made a telling contribution. At this stage, I would like to pay tribute to my predecessor and my colleague for recognising the need for, and initiating, this radical legislation to save lives. He recounted today the type of tragedies that motivated him to pursue it. Mr Attwood had a couple of questions, one was on the mutual recognition of penalty points. I continue to work hard on that issue. A number of complex issues are being considered and legal advice is being sought on a range of issues, such as the timing of adding and removing points from licences and further examination of core process issues. I am extremely frustrated, as I am sure that the Member, and all right-thinking Members, will be that it is taking this long. I know that my counterpart in the South is equally frustrated, but I am conscious that we need to get this right, given the level of legal challenge to prosecutions in this area.

Another question was about insurance costs. There had indeed been a statement from ABI that insurance premiums could decline by as much as 19%, if a full package of GDL was brought forward but, given that what we are talking about now is an already hugely compromised programme of GDL, it is unlikely that any reduction would be of that scale. However, there has been a commitment from insurers that, as claims reduce, so will premiums, and it is envisaged that this will lead to a reduction in claims.

Mr Lunn questioned whether these restrictions work at all. Earlier, I pointed to other jurisdictions that have taken the bold step of introducing passenger restrictions and the success that they have had in improving road safety as a result of doing so. I have to say that I found some of the other points raised by Mr Lunn very interesting, and we will certainly give them full consideration. However, he said that this was silly law, and he may have been clutching at creating ridiculous scenarios to make the law seem silly.

Mr Lunn: Will the Minister give way?

Mr Durkan: Certainly, in a second. I think the fact that Mr Wilson complemented him on his contribution should certainly give him something to think about. *[Laughter.]*

Mr Lunn: I thank the Minister. I hope that he does not think that I said this was a silly law. What I said was that silly law does not make good law and a bad law would just be ignored, which was also not desirable. I do not mean to say that this is a silly law: there is quite a lot of good stuff in here.

Mr Durkan: I thank the Member for his intervention and contribution. I thank all Members for the contributions, and I ask the

House to oppose clause 16 and support amendment Nos 3 to 27 and Nos 31 to 38.

Mr Speaker: Before I put the Question, I remind Members that we have debated the Minister's opposition to clause 16, but, as usual, the question will be put in the positive. Members should pay attention to that.

Question, That the clause stand part of the Bill, put and negatived.

Clause 16 disagreed to.

Clause 17 (Provisional licence to be held for minimum period in certain cases)

Amendment No 3 made:

In page 15, line 17, leave out "12" and insert "6".*— [Mr Durkan (The Minister of the Environment).]*

Amendment No 4 made:

In page 15, line 26, after "Order" insert

"(or section 36 of the Road Traffic Offenders Act 1988)".— [Mr Durkan (The Minister of the Environment).]

Amendment No 5 made:

In page 15, line 28, after "1998" insert

"(or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995)".— [Mr Durkan (The Minister of the Environment).]

Clause 17, as amended, ordered to stand part of the Bill.

Clause 18 (Approved programmes of training: category B motor vehicles and motor bicycles)

Amendment No 6 made:

In page 17, line 17, leave out "13 (grant of licences)" and insert

"13A (residence requirement for grant of licences)".— [Mr Durkan (The Minister of the Environment).]

10.00 pm

Mr Speaker: Amendment Nos 7 to 11 have already been debated and are technical amendments to clause 18. I therefore propose, by leave of the Assembly, to group these amendments for the Question.

Amendment No 7 made:

In clause 18, page 17, line 20, leave out "13A" and insert "13B".*— [Mr Durkan (The Minister of the Environment).]*

Amendment No 8 made:

In clause 18, page 17, line 37, leave out "13B" and insert "13C".*— [Mr Durkan (The Minister of the Environment).]*

Amendment No 9 made:

In clause 18, page 19, line 17, leave out "13A" and insert "13B".*— [Mr Durkan (The Minister of the Environment).]*

Amendment No 10 made:

In clause 18, page 19, line 19, leave out "13B" and insert "13C".*— [Mr Durkan (The Minister of the Environment).]*

Amendment No 11 made:

In clause 18, page 19, line 27, leave out "13B" and insert "13C".*— [Mr Durkan (The Minister of the Environment).]*

Clause 18, as amended, ordered to stand part of the Bill.

Clause 19 ordered to stand part of the Bill.

Clause 20 (Changes to restrictions on learner and new drivers)

Amendment No 12 proposed: In clause 20, page 21, line 28, at end insert - "(ia) the driver is driving at any time between 10 pm and 6 am,"*— [Mrs Overend.]*

Question put.

Ayes 47; Noes 36.

AYES

Mr Allister, Mr Anderson, Mr Beggs, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mrs Cochrane, Mr Adrian Cochrane-Watson, Mr Craig, Mr Dickson, Mrs Dobson, Mr

Douglas, Mr Dunne, Mr Easton, Dr Farry, Mr Ford, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Humphrey, Mr Irwin, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Lord Morrow, Mr Moutray, Mr Nesbitt, Mrs Overend, Mr Poots, Mr G Robinson, Mr Neil Somerville, Mr Spratt, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wilson.

Tellers for the Ayes: Mr Beggs and Mrs Overend

NOES

Mr Agnew, Mr Attwood, Ms Boyle, Mr D Bradley, Mr Dallat, Mr Durkan, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mr Ramsey, Mr Rogers, Ms Ruane, Mr Sheehan.

Tellers for the Noes: Mr A Maginness and Mr Milne

Question accordingly agreed to.

Amendment No 13 made:

In page 22, line 25, after "Order" insert

"(or section 36 of the Road Traffic Offenders Act 1988)".— [Mr Durkan (The Minister of the Environment).]

Amendment No 14 made:

In page 22, line 27, after "1998" insert

"(or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995)".— [Mr Durkan (The Minister of the Environment).]

Amendment No 15 made:

In page 23, leave out lines 3 to 8.*— [Mr Durkan (The Minister of the Environment).]*

Clause 20, as amended, ordered to stand part of the Bill.

Clause 21 (Approved courses for new drivers as alternative to revocation)

Amendment No 16 made:

In page 26, line 1, leave out "(1ZD)" and insert "(1ZC)".*— [Mr Durkan (The Minister of the Environment).]*

Amendment No 17 made:

In page 26, leave out lines 3 and 4.*— [Mr Durkan (The Minister of the Environment).]*

Amendment No 18 made:

In page 26, line 5, leave out "(1ZD)" and insert "(1ZC)".*— [Mr Durkan (The Minister of the Environment).]*

Amendment No 19 made:

In page 26, line 14, leave out "a" and insert "the".*— [Mr Durkan (The Minister of the Environment).]*

Amendment No 20 made:

In page 26, line 17, leave out "5A" and insert "5B".*— [Mr Durkan (The Minister of the Environment).]*

Amendment No 21 made:

In page 26, line 23, leave out "that".*— [Mr Durkan (The Minister of the Environment).]*

Amendment No 22 made:

In page 26, line 23, after "Article" insert "5".*— [Mr Durkan (The Minister of the Environment).]*

Amendment No 23 made:

In page 26, line 23, at end insert

*'"**Only one offer of an approved course during a person's probationary period***

***5A.**The Department may make only one offer under this Order (by virtue of any of Article 5(1ZB) or paragraph 5(1ZB) or 8(1ZB) of Schedule 1) to a person during the person's probationary period.'".— [Mr Durkan (The Minister of the Environment).]*

Amendment No 24 made:

In page 26, line 25, leave out "5A." and insert "5B.".*— [Mr Durkan (The Minister of the Environment).]*

Amendment No 25 made:

In page 27, line 25, at end insert

"(4) In Schedule 1 (newly qualified drivers holding test certificate)—

(a) in paragraph 5 (revocation of test certificate: newly qualified driver with provisional licence and test certificate)—

(i) in sub-paragraph (1), after "Department", where it second occurs, insert ", except where sub-paragraph (1ZB) provides otherwise,",

(ii) in sub-paragraph (1ZA), after "Department", where it second occurs, insert "(except where sub-paragraph (1ZB) provides otherwise)",

(iii) after sub-paragraph (1ZA) insert—

"(ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his test certificate.

(1ZC) Where—

(a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;

(b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—

(i) notice of a court order referred to in Article 4(1)(d); or

(ii) he person's test certificate as mentioned in paragraph 4(4),

the Department shall by notice served on that person revoke the test certificate.",

(iv) after sub-paragraph (5) add—

"(6) In this paragraph—

"approved course" means a course approved by the Department for the purposes of this paragraph;

"the relevant date" means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.",

(b) after paragraph 5, insert—

*'**Approved courses under paragraph 5: further provision***

***5A.**Article 5B applies for the purposes of making an offer under paragraph 5(1ZB), and approved courses for the purposes of paragraph 5, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—*

(a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 5 and references to Article 5, and Article 5(1ZB), were references to paragraph 5, and paragraph 5(1ZB);

(b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.",

(c) in paragraph 8 (revocation of licence and test certificate: newly qualified driver with full and provisional entitlements and test certificate)—

(i) in sub-paragraph (1), after "Department", where it second occurs, insert ", except where sub-paragraph (1ZB) provides otherwise,",

(ii) in sub-paragraph (1ZA), after "Department", where it second occurs, insert "(except where sub-paragraph (1ZB) provides otherwise)",

(iii) after sub-paragraph (1ZA) insert—

"(1ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his licence and test certificate.

(1ZC) Where—

(a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;

(b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—

(i) notice of a court order referred to in Article 4(1)(d) and the person's licence and test certificate; or

(ii) the person's licence and test certificate as mentioned in paragraph 7(4),

the Department shall by notice served on that person revoke the licence and test certificate.",

(iv) after sub-paragraph (3) add—

"(4) In this paragraph—

"approved course" means a course approved by the Department for the purposes of this paragraph;

"the relevant date" means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.",

(d) after paragraph 8, insert—

"Approved courses under paragraph 8: further provision

8A. Article 5B applies for the purposes of making an offer under paragraph 8(1ZB), and approved courses for the purposes of paragraph 8, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—

(a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 8 and references to Article 5, and Article 5(1ZB), were references to paragraph 8, and paragraph 8(1ZB);

(b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.'".— [Mr Durkan (The Minister of the Environment).]

Clause 21, as amended, ordered to stand part of the Bill.

Clause 22 ordered to stand part of the Bill.

New Clause

Amendment No 26 made:

Before clause 23 insert

*"**Orders and regulations under the Order of 1995***

***22A.**Article 110 of the Order of 1995 is amended as follows—*

(a) in paragraph (1) (exception from requirement for orders to be subject to negative resolution), for "this Order", where it first occurs, substitute "paragraph (3A)",

(b) after paragraph (3) insert—

'(3A) An order made under—

(a) Article 13A(4) or (7), or

(b) Article 63(9),

shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly.",

(c) in paragraph (4) (procedure for certain regulations), for "shall be subject to affirmative resolution" substitute "shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly'.".— [Mr Durkan (The Minister of the Environment).]

New clause ordered to stand part of the Bill.

Clause 23 (Supplementary, incidental and consequential etc. provision)

Amendment No 27 made:

In page 28, line 11, leave out "a statutory provision" and insert

"Northern Ireland legislation or an Act of Parliament".— [Mr Durkan (The Minister of the Environment).]

Clause 23, as amended, ordered to stand part of the Bill.

Clauses 24 to 27 ordered to stand part of the Bill.

Schedule 1 (Transitional and Saving Provisions)

Mr Speaker: Amendment No 28 has already been debated and is consequential to clause 3 not standing part of the Bill.

Amendment No 28 made:

In page 29, line 7, leave out "sections 2 and 3" and insert "section 2".— *[Mr Durkan (The Minister of the Environment).]*

Amendment No 29 made:

In page 29, line 10, leave out paragraph 2.— *[Mr Durkan (The Minister of the Environment).]*

Mr Speaker: Amendment No 30 has already been debated and is consequential to amendment No 2.

Amendment No 30 made:

In page 29, line 17, at end insert

*"**Choice of specimens***

***2A.**The amendments of the Order of 1995 made by section 6A do not apply in relation to an offence committed before the commencement of the amendments.".— [Mr Durkan (The Minister of the Environment).]*

Mr Speaker: Amendment No 31 has already been debated and is consequential to clause 16 not standing part of the Bill.

Amendment No 31 made:

In page 31, line 30, leave out paragraph 12.— *[Mr Durkan (The Minister of the Environment).]*

Mr Speaker: Amendment Nos 32 to 36 have already been debated and are technical amendments to schedule 1. I, therefore, propose, by leave of the Assembly, to group these amendments for the Question.

Amendment No 32 made:

In page 31, line 35, leave out "12" and insert "6".— *[Mr Durkan (The Minister of the Environment).]*

Amendment No 33 made:

In page 31, line 40, leave out "12" and insert "6".— *[Mr Durkan (The Minister of the Environment).]*

Amendment No 34 made:

In page 32, line 28, leave out "12" and insert "6".— *[Mr Durkan (The Minister of the Environment).]*

Amendment No 35 made:

In page 33, line 3, leave out "12" and insert "6".— *[Mr Durkan (The Minister of the Environment).]*

Amendment No 36 made:

In page 33, line 12, leave out "(1ZD)" and insert "(1ZC)".— *[Mr Durkan (The Minister of the Environment).]*

Mr Speaker: Amendment No 37 has already been debated and is consequential to amendment No 25.

Amendment No 37 made:

In page 33, line 12, after "of" insert

", and paragraph 8(1ZC)(b) of Schedule 1 to".— [Mr Durkan (The Minister of the Environment).]

Mr Speaker: Amendment No 38 has already been debated and is consequential to amendment No 25.

Amendment No 38 made:

In schedule 1, page 33, line 13, leave out ") has" and insert "and (4)(c)(iii)) have".— *[Mr Durkan (The Minister of the Environment).]*

Schedule 1, as amended, agreed to.

Schedule 2 (Repeals)

Amendment No 39 made:

In page 33, line 31, in column 2, leave out "In Article 19, paragraph (2)." and insert

"In Article 19(1), the words 'Subject to paragraph (2),'.".— [Mr Durkan (The Minister of the Environment).]

Amendment No 40 made:

In page 33, line 31, at end insert, in column 2

"

	Article 19(2), (2A) and (3).

".— *[Mr Durkan (The Minister of the Environment).]*

Schedule 2, as amended, agreed to.

Long title agreed to.

Mr Speaker: That concludes Consideration Stage of the Road Traffic (Amendment) Bill. The Bill stands referred to the Speaker.

Adjourned at 10.26 pm.

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