Baroness Taylor of Bolton  
Chairman, Constitution Committee  
House of Lords  
London  
SW1A 0PW  

4 February 2019

Dear Baroness Taylor,

Thank you for your Committee’s report on the Northern Ireland (Executive Formation and Exercise of Functions) Bill, which received Royal Assent in November. Although Lord Duncan of Springbank responded to the report in the Second Reading debate, I wanted to follow that with a formal response, now that the Act is in place and facilitating decision-making and appointments.

I would like to reiterate Lord Duncan’s thanks for your hard work in scrutinising the Bill and publishing your report in the short time between the Bill’s consideration in the Commons and Lords. As I said during the debate in the House of Commons, the legislation was not something I wished to bring forward. Northern Ireland needs Executive Ministers back in devolved Government, taking decisions on the issues that matter to the people of Northern Ireland. I am grateful for your Committee’s acknowledgement of the unusual and difficult circumstances and that the Act is a proportionate response. I know you share my disappointment about the continued lack of devolved Government in Northern Ireland.

In your report you concluded that, while an extraordinary response was justified in this case, the fast-tracking of the Bill should not be taken as a precedent for future legislation. I would like to reiterate Lord Duncan’s acceptance of that conclusion in his opening remarks in the Second Reading debate. The Government recognises that fast-tracking legislation is far from ideal and seeks to do so only when absolutely necessary, as it was on this occasion. As the Committee acknowledged, it was necessary to pass this legislation to give the NI departments and their senior officers greater clarity on decision making for the continued delivery of public services following the NI Court of Appeal judgment in the Buick case. The Government worked closely with the NI Civil Service and the main political parties after that judgment was delivered and took the time to ensure that the provisions of the legislation and guidance were operable for the Northern Ireland Civil Service, and politically acceptable across the board.
I set out the policy position in my statement of 9 September, repeated by Lord Duncan in the House of Lords. In that statement I explained that I was planning to consult the main Northern Ireland political parties and to bring forward legislation after the conference recess covering both this and public appointments. The legislation was introduced as soon as reasonably possible after that and was required to be in force as soon as possible in order to give clarity to decision makers and in time to enable urgent appointments to be made under sections 5 to 7, including reconstituting the NI Policing Board, appointing Probation Board members, and appointing judicial and legal professional members to the Northern Ireland Judicial Appointments Commission. The Act has already enabled appointments to these bodies, decisions on Public Sector pay, and the publication of guidance under section 3.

KAREN BRADLEY MP
SECRETARY OF STATE FOR NORTHERN IRELAND