



Northern Ireland
Assembly

**COMMITTEE
FOR THE OFFICE OF THE
FIRST MINISTER AND DEPUTY
FIRST MINISTER**

**OFFICIAL REPORT
(Hansard)**

**Armed Forces and Veterans Bill:
Clause-by-Clause Scrutiny**

19 January 2011

NORTHERN IRELAND ASSEMBLY

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DEPUTY FIRST MINISTER**

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Members present for all or part of the proceedings:

Mr Tom Elliott (Chairperson)
Dr Stephen Farry (Deputy Chairperson)
Ms Martina Anderson
Mr Allan Bresland
Mr William Humphrey
Mr Barry McElduff
Mr Francie Molloy
Mr George Robinson
Mr Jimmy Spratt

Witness:

Mr David McNarry MLA

The Chairperson (Mr Elliott):

We will now consider the Armed Forces and Veterans Bill, and proceed with our clause-by-clause scrutiny. Mr David McNarry MLA, the sponsor of the Bill, has been invited to answer any queries that members may have about the individual clauses. I invite Mr McNarry to the table to discuss the proposed amendments to the Bill and to discuss issues in respect of clause 2. This session is being reported by Hansard.

Mr McNarry, I ask that you give the Committee an outline of where you stand in respect of the

Bill and to make yourself available for questions.

Mr McNarry:

I wish to thank all Committee members for their interest in my Bill. I am happy to take forward the amendments. The first amendment to which I will refer is to replace references to “the Department of Finance and Personnel” with “the Office of the First Minister and deputy First Minister”. There are seven such applicable references, at clauses 1, 2, 4 and 5.

The Chairperson:

David, we are happy for you to go through all the clauses, and we will come back to you on any issues.

Mr McNarry:

I also take the opportunity to thank the Examiner of Statutory Rules for his contribution, which was most worthwhile. I am happy to take his advice on the following matters. On the issue of secondary legislation-making power, in clause 1(3) and clause 1(4), the amendment would be, in clause 1(3), to replace “by regulations” with “by order”. In clause 1(4), the amendment would be to replace reference to regulations being subject to “negative resolution” with provision for a draft order to be approved by resolution of the Assembly.

A further suggestion, which I accept, is to define “the Department” as the Office of the First Minister and deputy First Minister in clause 6, which relates to interpretation. Therefore, the remainder of the Bill would merely refer to “the Department”, which is much neater.

Another proposal, item 5 in the Examiner’s list, is that, for good reason, the draftsmen inserted the words:

“insofar as they relate to Northern Ireland”.

The reason for that was for clarity in clause 1. That is important for confidence. It does not relate to the functions of any organisations outside Northern Ireland, so I am content to leave that phrase in the Bill.

Chairman, those are the only amendments that I propose, and I would be happy to bring them forward, as I have said, or to leave it to the Committee to do so.

The Chairperson:

Thank you very much, David. Do any members have any questions?

Dr Farry:

I welcome Mr McNarry. Long time, no see, David. I am largely content with the Bill, and the evidence session with the Equality Commission was very useful in helping me in that regard. As you will be aware, the commission was happy with the Bill overall, but expressed some reservations on clause 2. I ask you to reflect a bit more on that and to explain your rationale for leaving it as it is, bearing in mind what the commission said.

Secondly, clause 2(2) states that:

“A co-ordinator’s duty shall be to take responsibility for identifying...matters” — which seems reasonable, but also for “addressing matters”. I question how can a single co-ordinator be responsible for addressing all matters within a Department that affect the services community, and whether that particular line needs to be redrafted to make it a little more reasonable in respect of implementation.

Mr McNarry:

You make a very valid point, Stephen, and I picked that point up from the Hansard report. I have sought guidance. The clear understanding from that guidance, and my own interpretation, which I have just had confirmed, is that the co-ordinator will take responsibility and also has to follow guidance. If guidance is required, it would be expected, as I hope is implicit, that the co-ordinator would look to bodies such as the Equality Commission for that guidance. The Equality Commission is quite prepared to play that role, if called upon. If that is a course that it is found necessary to explore — although it may not be — such guidance would be referred to the Equality Commission.

Dr Farry:

To expand on that, perhaps clause 2(2) should read along the following lines:

“A co-ordinator’s duty shall be to take responsibility for identifying matters affecting members of the services community and members of families of members of the services community insofar as such matters relate to the work of the department, with those matters to be addressed by the department.”

It is the concept of one individual being accountable for addressing all of the issues relating to a Department. Surely, that individual should identify matters as part of his or her job description.

In turn, it would be for the Minister of that Department to ensure that the matter is addressed, rather than a lowly civil servant.

Mr McNarry:

The co-ordinator's role, at all times, is to be accountable, and in taking responsibility for carrying out his or her duties, it would be expected and normal that they would follow guidance. That may be an amendment that you particularly wish to pursue. My whole aim was to keep the Bill simple. I do not think that you are complicating matters; I am just saying that I picked up on what you said at the previous meeting, I have followed it through, and I am giving you the best explanation that I can. However, you personally may wish to pursue that amendment.

Dr Farry:

I may reflect further on that matter, and have a private word with you. Perhaps it could be addressed independently at Consideration Stage.

The Chairperson:

For clarification, David, are you content to accept all the amendments that are in the list that has been provided to the Committee, and that you have indicated that you are willing to take forward?

Mr McNarry:

Yes.

The Chairperson:

Thank you very much. Those amendments are tabled, members. Do members have any further amendments to propose?

Mr Molloy:

Other than scrapping it?

The Chairperson:

That is not an amendment, Mr Molloy.

Ms M Anderson:

It is a waste of members' time.

The Chairperson:

We will now commence our clause-by-clause scrutiny of the Bill. Members have had the opportunity to raise any concerns or suggest any amendments. Members should read the relevant clauses in the Bill, along with the related commentary in the explanatory memorandum. The Bill has eight clauses, each of which will need to be considered in turn. The Committee will have four options: first, to agree the clause as drafted; secondly, to agree that the Committee recommend to the Assembly that the clause be amended; thirdly, where a majority of members support an amendment, the Committee Clerk and the Bill Clerk will take away the proposal and draft the appropriate wording for consideration at a subsequent meeting; or, fourthly, to reject the clause as drafted.

Members must clearly state their position during the scrutiny session if they wish to oppose a clause or do not feel that they are able to agree a clause. In such cases, members will be asked to set out their opposition or their proposed amendment. Consideration of a clause may be deferred until the next meeting. Members will have the opportunity to consider any amendments to each clause following the reading of that clause.

Members, I should have declared an interest as a member of the Royal British Legion and as a former member of the services.

Clause 1 (General duty to have due regard to the impact of the exercise of functions on the services community)

The Chairperson:

Subsections (1) to (4) of the clause require certain authorities to have due regard to the impact that the exercise of their functions has on members of the armed forces, veterans, and their families. The clause also allows for the adding or removal of authorities.

The Examiner of Statutory Rules has suggested the following amendment: In page 1, line 14, leave out subsections (3) and (4) and insert

“(3) The Department may by order amend the list of authorities in section 1(2) by adding to, or removing from, the list an authority other than a Northern Ireland department.

(4) No order may be made under subsection (3) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.”

Question proposed:

That the Committee is content with the clause, subject to the wording of the amendment proposed by the sponsor.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 1 agreed to.

Clause 2 (Co-ordinators)

The Chairperson:

I refer member to pages 1 and 2 of the Bill, and to page 2 of the explanatory and financial memorandum. Subsections (1) to (3) require each Northern Ireland Department to appoint a co-ordinator who will take responsibility for identifying and addressing matters that affect members of the armed forces, veterans, and their families.

Amendments to clauses 2, 4 and 5 are to remove the spelling out of the Department's name. If those are agreed, the amendment to clause 6 is consequential.

The following amendment was suggested by the Examiner of Statutory Rules: In page 2, line 4, leave out

“The Department of Finance and Personnel”
and insert “The Department”.

Question proposed:

That the Committee is content with the clause, subject to the wording of the amendment proposed by the sponsor.

The Committee divided: Ayes 5; Noes 3.

AYES

Mr Bresland, Mr Elliott, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms Anderson, Mr McElduff, Mr Molloy.

ABSTENTIONS

Dr Farry.

Question accordingly agreed to.

Clause 2 agreed to.

Clause 3 (Consultation with United Kingdom and devolved authorities)

The Chairperson:

I refer members to page 2 of the Bill, and to page 2 of the explanatory and financial memorandum. Subsections (1) to (3) require each Northern Ireland Department to consult with the Minister exercising the equivalent function in England, Scotland and Wales before they exercise any functions affecting the armed forces, veterans, or their families.

Question proposed:

That the Committee is content with the clause.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 3 agreed to.

Clause 4 (Service Personnel and Veterans Charter)

The Chairperson:

I refer members to page 2 of the Bill, and to page 3 of the explanatory and financial memorandum. Subsections (1) to (3) require the Department to publish a service personnel and veterans charter for Northern Ireland not later than one year after the Act comes into operation.

The following amendments have been suggested by the Examiner of Statutory Rules:

In page 2, line 31, leave out

“the Department of Finance and Personnel”

And insert “the Department”.

In page 2, line 36, leave out

“the Department of Finance and Personnel”

And insert “the Department”.

In page 2, line 38, leave out

“the Department of Finance and Personnel”

And insert “the Department”.

Question proposed:

That the Committee is content with the clause, subject to the wording of the amendments proposed by the sponsor.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 4 agreed to.

Clause 5 (Reports)

The Chairperson:

I refer members to pages 2 and 3 of the Bill, and to page 3 of the explanatory and financial memorandum. Subsections (1) and (2) enable the Department to require all Northern Ireland Departments to report on progress on meeting their obligations under the legislation, and requires the Department to report to the Ministry of Defence.

The following amendments have been suggested by the Examiner of Statutory Rules:

In page 2, line 41, leave out

“the Department of Finance and Personnel”

and insert “the Department”.

In page 3, line 3, leave out

“the Department of Finance and Personnel”
and insert “the Department”.

Question proposed:

That the Committee is content with the clause, subject to the wording of the amendments proposed by the sponsor.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 5 agreed to.

Clause 6 (Interpretation)

The Chairperson:

I refer members to page 3 of the Bill and to page 3 of the explanatory and financial memorandum. Subsections (1) and (2) set out the definitions used in the Bill. As it stands, “the Department” means the Department of Finance and Personnel. The Department of Finance and Personnel and the Committee for Finance and Personnel suggested that any reference to the Department of Finance and Personnel be changed to “the Office of the First Minister and deputy First Minister”.

The Examiner of Statutory Rules has therefore suggested the following amendment: In page 3, line 23, at end, insert

“‘The Department’ means the Office of the First Minister and deputy First Minister”.

Question proposed:

That the Committee is content with the clause, subject to the wording of the amendment proposed by the sponsor.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 6 agreed to.

Clause 7 (Commencement)

The Chairperson:

I refer members to page 3 of the Bill, and to page 3 of the explanatory and financial memorandum. The clause provides that the Bill will come into operation on receipt of Royal Assent.

Question proposed:

That the Committee is content with the clause.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 7 agreed to.

Clause 8 (Short title)

The Chairperson:

I refer members to page 3 of the Bill, and page 3 of the explanatory and financial memorandum.

The Act may be cited as

“the Armed Forces and Veterans Act (Northern Ireland) 2010”.

Question proposed:

That the Committee is content with the clause.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Clause 8 agreed to.

Long title

The Chairperson:

The long title is

“A Bill to provide for the benefit of personnel and veterans of the naval, military or air forces of the Crown and their families”.

Question proposed:

That the Committee is content with the long title.

The Committee divided: Ayes 6; Noes 3.

AYES

Mr Bresland, Mr Elliott, Dr Farry, Mr Humphrey, Mr G Robinson, Mr Spratt.

NOES

Ms Anderson, Mr McElduff, Mr Molloy.

Question accordingly agreed to.

Long title agreed to.

The Chairperson:

Thank you very much, Mr McNarry, for your attendance.

Ms M Anderson:

Mr McNarry will be well aware of this, but I want it on record that Sinn Féin is opposed to this Bill, and we do not agree with any of the amendments or the clauses. We do not think that the Bill should go to the House to be debated, and it has been a waste of time. We have wasted a lot of time here.

The Chairperson:

The draft report will be prepared for Committee consideration on 26 January 2011, and the Committee is required to report to the Assembly by 28 January 2011. Thank you all very much

for your co-operation.