



**Northern Ireland
Assembly**

**COMMITTEE FOR
REGIONAL DEVELOPMENT**

**OFFICIAL REPORT
(Hansard)**

The Transport Bill

10 November 2010

NORTHERN IRELAND ASSEMBLY

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REGIONAL DEVELOPMENT**

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Members present for all or part of the proceedings:

Mr Fred Cobain (Chairperson)
Miss Michelle McIlveen (Deputy Chairperson)
Mr Cathal Boylan
Mr Allan Bresland
Mr Billy Leonard
Mr Fra McCann
Mr Ian McCrea
Mr George Robinson

The Chairperson (Mr Cobain):

We now move to consider the remaining sections of the Committee's draft report on the Transport Bill.

The Committee Clerk:

Last week, we left off at 'Grants' on page 37.

The Chairperson:

Paragraph 185: We are going to have an amendment drafted for that clause.

Members indicated assent.

Paragraph 192: We are going to have an amendment drafted for that clause.
Members indicated assent.

Paragraph 210: We are going to have an amendment drafted for that clause.
Members indicated assent.

Paragraph 212: The Committee is content.
Members indicated assent.

Paragraph 214: The Committee is content.
Members indicated assent.

Paragraph 217: The Committee is supportive of that and is content.
Members indicated assent.

Paragraph 219: The Committee is content.
Members indicated assent.

Paragraph 221: The Committee is content.
Members indicated assent.

Paragraph 223: The Committee is content.
Members indicated assent.

Paragraph 225: The Committee is content.
Members indicated assent.

Paragraph 231: The Committee is broadly content.
Members indicated assent.

Paragraph 232: The Committee is content.

Members indicated assent.

Paragraph 252: The Committee is content.

Members indicated assent.

Paragraph 254: The Committee is content.

Members indicated assent.

Paragraphs 256, 257, 260 and 261: The Committee is asking for the Henry VIII clause to be removed. The Department will come back to us on that amendment.

Members indicated assent.

Paragraph 267: The Committee is seeking an amendment.

Members indicated assent.

Paragraph 268: The Committee is content.

Members indicated assent.

Paragraph 270: The Committee is content.

Members indicated assent.

Paragraph 272: The Committee is content.

Members indicated assent.

Paragraph 274: The Committee is content.

Members indicated assent.

Paragraph 276: We did not receive any comments, and we are content with the short title.

Members indicated assent.

Paragraphs 277 and 278: We had no concerns, and we are happy with schedule 1 and schedule 2.

Members indicated assent.

That is it. Thank you.

The Committee Clerk:

For the record and the Hansard report, I will go over the Committee's decisions. The Committee is seeking an amendment to clause 1(1) on accessibility and sustainability. It is also seeking a change to the type of Assembly procedure that is employed in creating criminal offences via secondary legislation. That relates to clauses 46(4) and 42(3).

The Committee is content that the Department draft the amendment that it wants to make to clarify the role of DOE enforcement officers in discharging functions or being authorised persons in the context of the Bill. The Committee is also content for the Department to draft an amendment to clause 6(2) to reflect a role for the community transport operators in the list of those organisations that the Department must have regard to when considering applications for permits.

In relation to the payment of minimum wage, the Committee is seeking an amendment to clause 1 to reflect social and employment rights. A form of words will be drafted for the Committee to consider, and approaches will be made to the Department to discuss that drafting. The Committee is also seeking an undertaking from the Department that all the elements of clause 1(1) will be reflected in the development of regulations. The Committee recognises that the issue of enforcement is a matter for individuals to pursue with HM Revenue and Customs, but it will be seeking an arrangement similar to the health and safety arrangements, whereby the conditions of the permit and those sorts of things are publicly displayed for employees. That reflects the decision that was taken today.

The Committee has approached the Department about giving a notice period and an appeal and enquiry mechanism in those instances in which permits are not to be renewed. That is not when permits are revoked, suspended or curtailed, but when a decision has been taken not to renew them.

The Committee has also raised issues in relation to clause 45, which is what is called a Henry VIII clause. Clause 45(1) states that:

“The Department may by order make such incidental, supplementary, consequential, transitory, transitional or saving provisions as it considers necessary or expedient for the purposes of, in consequence of or for giving full effect to this Act”.

The Committee raised some questions about that, and the Department is currently preparing a briefing to provide more concrete examples in response to the Committee’s questions. However, the Committee’s consideration thus far has been that the Department needs to be much clearer about its position and why the clause is necessary. If the Committee is not satisfied with the Department’s response, it will need to consider whether it wants to register opposition to the clause.

There are a number of other issues, but they simply reflect the Committee’s sense of this to date. I have highlighted the matters that are currently with the Department, and the Committee awaits its amendments. There are also a number of areas in the Bill that are marked with red comment boxes in the versions that members have. The Committee office is seeking additional information or clarification on those areas for inclusion in the Committee’s report.