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# Northern Ireland Assembly

Monday 24 May 2010

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

*Members observed two minutes' silence.*

## Speaker's Business

### Ministerial Appointment

**Mr Speaker:** I advise members that I have been notified that Ms Margaret Ritchie has tendered her resignation as Minister for Social Development to the First Minister and deputy First Minister in accordance with section 18(9) (a) of the Northern Ireland Act 1998. The resignation is effective from today.

In accordance with section 18(10) of the Act, Mr Alex Attwood has been nominated to hold the office of Minister for Social Development. Mr Attwood affirmed the terms of the Pledge of Office, as set out in schedule 4 to the Act, in the presence of the Clerk to the Assembly/Director General and me this morning. I therefore confirm that Mr Attwood has taken up office as Minister for Social Development. As a result of his appointment as Minister, Mr Attwood ceases to be a member of the Assembly Commission. A vacancy now exists on the Commission.

## Assembly Business

### Committee for the Environment

**Mr Speaker:** I advise Members that I have received Mr Dominic Bradley's resignation as Deputy Chairperson of the Committee for the Environment, which took effect from 21 May 2010. The nominating officer of the Social Democratic and Labour Party, Ms Margaret Ritchie, has nominated Mr Patsy McGlone as Deputy Chairperson of the Committee for the Environment with effect from 21 May 2010. Mr McGlone has accepted the appointment. I am satisfied that that correspondence meets the requirements of Standing Orders, and I therefore confirm that Mr Patsy McGlone is Deputy Chairperson of the Committee for the Environment with effect from Friday 21 May 2010.

### Assembly Commission

**Mr Speaker:** The next item on the Order Paper is a motion to appoint a Member to fill the vacancy on the Assembly Commission. As with other similar motions, this will be treated as a business motion. Therefore, there will be no debate. Before we proceed to the Question, I advise Members that the motion requires cross-community support.

*Resolved (with cross-community support):*

*That, in accordance with Standing Order 79(4), Mr Pat Ramsey be appointed to fill a vacancy on the Assembly Commission. — [Mr Burns.]*

## Executive Committee Business

### **Dogs (Amendment) Bill: First Stage**

**The Minister of Agriculture and Rural Development (Ms Gildernew):** Go raibh míle maith agat, a Cheann Comhairle. I beg to introduce the Dogs (Amendment) Bill [NIA 20/09], which is a Bill to amend the law relating to dogs.

*Bill passed First Stage and ordered to be printed.*

**Mr Speaker:** The Bill will be put on the list of future business until a date for its Second Stage is determined.

### **Commissioner for Older People Bill: First Stage**

**The junior Minister (Office of the First Minister and deputy First Minister)(Mr Newton):** I beg to introduce the Commissioner for Older People Bill [NIA 21/09], which is a Bill to provide for the appointment and functions of the Commissioner for Older People for Northern Ireland.

*Bill passed First Stage and ordered to be printed.*

**Mr Speaker:** The Bill will be put on the list of future business until a date for its Second Stage is determined.

## Committee Business

### **Welfare Reform Bill: Extension of Committee Stage**

**The Chairperson of the Committee for Social Development (Mr Hamilton):** I beg to move

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 17 June 2010, in relation to the Committee Stage of the Welfare Reform Bill [NIA Bill 13/09].*

The Welfare Reform Bill passed its Second Stage on 20 April 2010. The Committee for Social Development has received around 20 substantive written responses and heard oral evidence from seven key stakeholder organisations as part of the Committee Stage. Members indicated that they were concerned about certain provisions in the Bill in relation to, for example, the abolition of income support, the introduction of mandatory “work for your benefit” schemes and changes to community care grants. However, despite reservations, the majority of members wish to see the legislation go forward so as to maintain parity with the rest of the United Kingdom in respect of social security matters. Nonetheless, the Committee asks for a little extra time to consider the numerous responses and the complex welfare issues that have been raised.

To allow sufficient time for the Committee to consider the views expressed and to compile its report on the Bill, I ask the House to support this brief extension of the Committee Stage of the Welfare Reform Bill to 17 June 2010.

*Question put and agreed to.*

*Resolved:*

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 17 June 2010, in relation to the Committee Stage of the Welfare Reform Bill [NIA Bill 13/09].*

### **Statutory Committee Membership**

**Mr Speaker:** The next item on the Order Paper is a motion on Statutory Committee membership. As with other similar motions, it will be treated as a business motion. Therefore, there will be no debate.

**Resolved:**

*That Mr Thomas Burns replace Mr P J Bradley as a member of the Committee for Culture, Arts and Leisure; that Mr Tommy Gallagher and Mrs Mary Bradley replace Mr Conall McDevitt and Mrs Dolores Kelly as members of the Committee for Health, Social Services and Public Safety; that Mr Conall McDevitt replace Mrs Dolores Kelly as a member of the Committee for Justice; that Mrs Dolores Kelly replace Mr Alex Attwood as a member of the Committee for the Office of the First Minister and deputy First Minister; that Mr Conall McDevitt replace Mr Tommy Gallagher as a member of the Committee for Regional Development; and that Mr Tommy Gallagher replace Mr Thomas Burns as a member of the Committee for Social Development.*  
— [Mr P Ramsey.]

### **Standing Committee Membership**

**Mr Speaker:** The next motion is on Standing Committee membership. It will also be treated as a business motion. Therefore, there will be no debate.

**Resolved:**

*That Mr Conall McDevitt replace Mr Alex Attwood as a member of the Assembly and Executive Review Committee; that Mr Thomas Burns replace Mr P J Bradley as a member of the Business Committee; and that Mr Thomas Burns replace Mr Declan O'Loan as a member of the Committee on Procedures.* — [Mr P Ramsey.]

## **Private Members' Business**

### **Caravans Bill: Second Stage**

**Mr McCallister:** I beg to move

*That the Second Stage of the Caravans Bill [NIA 17/09] be agreed.*

The legislation in Northern Ireland pertaining to caravan sites lags significantly behind that in the rest of the UK, particularly where the caravan is an individual's primary or only residence. In Great Britain, caravan owners are protected by the Caravan Sites Act 1968, as amended, and the Mobile Homes Act 1983, as amended. There are no similar provisions in Northern Ireland.

There are approximately 14,000 static caravans in Northern Ireland, and the majority are used as holiday caravans. An estimated 300 caravans spread over three or four sites are used as their owners' primary residence. Those caravans are generally referred to as mobile homes or park homes. Existing legislation relating to caravans in Northern Ireland is limited to the Caravans Act (Northern Ireland) 1963, which makes provision for the licensing and control of caravan sites and authorises councils to provide and operate caravan sites.

There is no statutory requirement for written agreements to be provided by site owners to caravan owners, and many caravan owners appear to rely on verbal agreements, often made many years ago. That lack of written agreement has caused problems in some instances, particularly when ownership of caravan sites has changed hands, and a substantial number of disputes have arisen over the years. An imbalance of power has been created between the site owner and the caravan owner, with some unscrupulous site owners having used that imbalance to exploit their position to the detriment of caravan owners. In 2007, the issue was brought to my attention and that of colleagues from South Down. We were invited to a public meeting where concerns were raised by disgruntled caravan owners who were being subjected to the imposition of new conditions without any prior notice or consultation. Subsequent research into the subject highlighted the fact that that was commonplace across Northern Ireland.

Some of the issues highlighted were the absence of formal agreements, making it difficult to enforce basic consumer rights; a lack of basic

tenant rights for people living in caravans specifically designed for the purpose of providing a permanent residence; a lack of protection from harassment by a site owner through withholding essential services, such as heating and water; having to sell the caravan back to the site owner at a much reduced market value, with the site owner taking as much as 40% of the sale price as a commission; site owners retaining full annual pitch fees, which were paid in advance, despite the agreement's being terminated a short time into the new licence term; and having to use workmen provided by the site owner to carry out work, sometimes at an inflated price.

In 2008, I embarked on a consultation with a large number of stakeholders, including, among others, the caravan industry's trade organisations, organisations that represent caravan owners, and owners of permanent residential and static caravan sites. The National Caravan Council was particularly helpful. The initial consultation generated a positive overall response to my proposals to implement a statutory written agreement containing prescribed clauses that would protect the rights of and provide a basis of negotiation for caravan owners and site owners alike. Most of the responses from caravan owners drew attention to the key areas of concern which I have just outlined. It was clear from the responses that there was overwhelming support for the implementation of a statutory written agreement and for legislation similar to that which exists in Great Britain to protect the permanent residential sector.

### 12.15 pm

The first draft Bill, which circulated in 2009, attempted to provide a level of protection for owners of static caravans on holiday sites similar to that being proposed for permanent caravan residents on protected sites. It was quickly brought to my attention that that would be too prescriptive and unworkable and that it would cause unnecessary detriment to owners of caravans on holiday sites. Following those responses, the decision was taken to rely on the considerable body of existing consumer law, which, in conjunction with the Bill's requirement for written agreements, provides sufficient protection for owners of static caravans on holiday sites.

In November 2009, I had separate meetings with the Minister of Enterprise, Trade and

Investment, Arlene Foster, and the then Minister for Social Development, Margaret Ritchie. Subsequently, a way forward was identified and agreed with Minister Ritchie, who offered her support and that of her officials in redrafting the Bill. I put on record my thanks to Minister Ritchie and her departmental officials, whose support and guidance in getting the Bill to Second Stage was crucial.

The Bill is designed to afford protection to two particular groups of caravan-users. The first group is those whose static caravans are permanently pitched on caravan sites that are licensed for holiday use, which are referred to in the Bill as "seasonal sites". The second group is those for whom the caravan is their only residence. The so-called park home is pitched on a site with a licence that authorises year-round occupancy, and such sites are referred to in the Bill as "protected sites".

The Bill also brings the definition of a caravan into line with the rest of the United Kingdom. It consists of five Parts and 17 clauses.

**Mr Paisley Jnr:** The Assembly would find it helpful if the Member were to state the limited number of caravan park homes in Northern Ireland to which the Bill applies.

**Mr McCallister:** I am grateful to the Member for his intervention. At the start of my speech, I estimated there to be approximately 300 or 400 park homes. However, it is important to say that, increasingly, people are making the lifestyle choice to move into caravans, and, therefore, the Bill does not legislate for circumstances that affect only a small number of people. It is vital that people who live permanently on those sites have the protection of the law.

Clause 1 sets out the purpose of Part 1 and to whom it applies, namely the permanent residential caravan sector. It covers any residential agreement that is made before or after the Bill's commencement with regard to an owner-occupier of a caravan who is entitled to station it on a protected site and to occupy it as his or her only or main residence for more than three months. A protected site is one for which planning permission and site licences are not restricted to holiday use and the times of the year during which the site can be used are not restricted. The three-month period is necessary to ensure that sites that are used to provide temporary accommodation are not brought inappropriately into the scope of Part 1.

Clause 2 requires that the owner of a protected site must provide the owner-occupier of a caravan on that site with a written agreement, within a specified timescale, which covers a range of issues, including the express terms of the agreement. The clause gives DSD the power to make regulations that extend the range of requirements for the written agreement. It also provides caravan owners on protected sites with a mechanism by which to seek redress through the courts, should a site owner fail to provide a written agreement in accordance with the clause.

**Mr Wells:** For the sake of clarity, will the Member assure the House that the requirement will be retrospective and that the right to a contract will apply not only to people who move onto sites from now but to everyone on every site, regardless of how long they have been there or whether they had a contract?

**Mr McCallister:** I am happy to give the House that assurance. Even if a caravan owner's current contract is verbal, it is still a contract. Clause 2 takes that to a new level by requiring contracts to be put in writing. Therefore, a term that is deemed unfair, even if it was part of a previous contract, cannot be enforced.

Clause 3 refers to Part 1 of the schedule, which sets out the terms to be implied in any residential agreement. Clause 3 also describes the powers of the court when dealing with matters relating to residential agreements. Either party can make an application to the court within a time specified by clause 3.

Clause 5 deals with successors in title and provides mechanisms for the residential agreement to continue and apply when ownership of the caravan is lawfully assigned or inherited on the owner's death. That will ensure that the rights of those who live with the caravan owner are protected. Where the deceased caravan owner lived alone, there is no automatic right or requirement on the successor in title to live in the caravan as their main or only residence.

Clause 7 sets out the purpose of Part 2 and to whom it applies; that is, to the seasonal holiday sector. It covers any seasonal agreement made either before or after the Bill's commencement relating to caravan owners with entitlement to station their caravan on a seasonal site for more than 28 days. The period of 28 days is specified to ensure the exclusion of touring caravans, camper vans and holiday

motorhomes, for which the requirements of the Bill would be wholly inappropriate.

Clause 8 requires seasonal site owners to provide caravan owners using their sites with written agreements, within a specific period of time, that cover the terms and conditions on which the agreement is based. Any express term of the agreement not included in the written agreement will be unenforceable by the site owner. The purpose of that is to give site owners an incentive to comply with their duty as stipulated in clause 8 and to protect the caravan owner from the application of terms that have not been given in writing.

Part 3 deals with the protection of residential occupiers on protected sites from eviction and harassment. Clause 9 clarifies to whom Part 3 applies; namely, owner-occupiers entitled to station their caravan on a protected site and those who rent a caravan on a protected site where, in either case, the caravan is the person's main or only residence.

Clause 10 provides protection for those living in caravans on protected sites by making it an offence for the owner of a protected site or their agent to withhold or withdraw services; to carry out any act likely to interfere with the peace and comfort of the caravan occupier or anyone living with them with the intention of causing the occupier to abandon their caravan or remove it from the site; or to prevent access to their rights or a form of redress. The penalties for someone found guilty of such an offence are set out in subsection (8). Subsection (9) creates a defence where the accused:

*"had reasonable cause to believe ... the occupier of the caravan had ceased to reside on the site."*

Subsection (10) creates a defence where the accused:

*"had reasonable grounds for doing the acts or withdrawing or withholding the services or facilities in question."*

Clause 11 establishes the courts' powers in relation to proceedings for enforcement or eviction and the factors that they should have regard to before exercising such power — for example, if:

*"the occupier has failed ... to observe ... any terms or conditions of that agreement ... or ... any reasonable rules made by the site owner for the management and conduct of the site".*



Part 4 relates to the meaning of the term “caravan”. Clause 13 updates the definition of “caravan”, bringing it into line with England and Wales. Clause 14 applies the new definition to the existing caravan legislation, the Caravans Act (Northern Ireland) 1963.

The schedule applies to agreements made under Part 1 — permanent residential agreements on protected sites —and is broken into three parts. Part 1 sets out the terms to be implied in a residential agreement. It deals with the agreement’s duration and how it can be terminated by either the occupier or the site owner. The occupier must give at least four weeks’ notice in writing, and the site owner must seek termination through the courts. Part 1 provides the mechanism for the caravan owner to recover overpayments for a period following the termination of a residential agreement. It establishes the process for the sale of a caravan on a protected site and creates entitlement for the site owner to receive a maximum commission of 10% on the sale. That is the same process as is used across the rest of the United Kingdom.

The site owner’s right to resite the caravan to conduct essential or emergency repairs or to apply to the court to move the caravan to another comparable pitch is explained in Part 1. The site owner will meet all the costs associated with such moves. Site owners are entitled to charge a pitch fee, and the conditions for changes to and payment of the pitch fee are set out in Part 1. There is provision for establishing a qualifying residents’ association on a protected site, and the site owner must consult that body on certain matters such as, for example, a change in pitch fees.

Part 2 sets out in full the terms that a court is allowed to order as being implied in a residential agreement. Part 3 relates to the sale of a caravan on a protected site and deals with the circumstances in which a caravan owner makes a request to someone other than the site owner to approve a person to whom they wish to sell their caravan and assign the residential agreement.

**Mr Paisley Jnr:** I thank the Member for giving way once again. Will he confirm that that point relates solely to the very small group of caravan owners whom we talked about earlier and not to holiday caravan owners?

**Mr McCallister:** I am happy to confirm that. The Bill deals primarily with two groups. The first group is the seasonal sector. It is much bigger than the other group, with 13,000-odd pitches in Northern Ireland. However, only a small percentage — 25% to no more than 30% — have a written agreement. The Bill will allow them to have a written contract. However, Mr Paisley Jnr’s point was about protected sites for permanent residential occupiers, which is the second group. It is right and proper that we give people in that group enhanced protection, because their caravans are their only place of residence. Therefore, it is crucial that they have the highest level of protection.

In summary, permanent residential caravans or park homes, if you prefer, provide an important housing option, particularly for older people in Great Britain. They have become an increasingly popular lifestyle choice. I said in response to Mr Paisley Jnr’s point that people in Northern Ireland have used that option to release equity from their existing bricks and mortar. That lifestyle choice allows people to feel protected and secure and enables them to downsize and release equity from their homes. However, the number of people doing so has remained small because, as we have discovered, there is no legal basis for taking that option in Northern Ireland. That is the crux of what the Bill seeks to address. By bringing Northern Ireland legislation into line with the Mobile Homes Act 1983, which applies in the rest of the UK, businesses can now move forward with confidence. Citizens who want to buy into that lifestyle choice can also move forward with confidence because they will have legal protection.

With regard to holiday caravan owners, a statutory requirement for site owners to issue written agreements will provide the necessary mechanisms to prevent abuse by either party. A written agreement is good for the caravan owner and the site owner.

**Mr Wells:** The Member knows that I broadly support what he is trying to do, because it is very relevant to South Down. However, am I right in thinking that implicit in that agreement is the right of the caravan site owner to demand that the caravan owner sell the caravan back to them? Alternatively, will what the honourable Member is suggesting allow the caravan owner to get the best price for their caravan on the open market?

**Mr McCallister:** We have been debating that point. We are trying to strike a balance with the written agreements. A caravan owner has the right to sell their caravan to whomever they like. However, they do not have the right to sell the pitch with it. Individuals can sell their caravans but not necessarily the pitch. That is the balance that must be struck.

The reason why site owners still need to have some control over who moves onto their pitches is that the majority of our holiday sector is aimed at the mums, dads and young kids who want to enjoy a summer down by the coast.

*(Mr Deputy Speaker [Mr Molloy] in the Chair)*

### 12.30 pm

**Mr A Maginness:** The Member raises an interesting point. However, although the occupiers of sites are given the opportunity to sell their caravans, the problem is that they are not permitted to sell them on site. The Member says that owners have the right to sell their caravans at large. However, that is a very constrained right, because, in most situations, caravans cannot be moved. Even if a caravan can be moved, a lot of disruption is caused and the transportation costs are very high, particularly if it is an old caravan. Therefore, the right that is being established is very limited.

**Mr McCallister:** I accept the points made by my two colleagues. What Mr Maginness said is absolutely true. However, I argue that there cannot be a system in which anyone has the right to sell a pitch. Caravan owners do not own the pitches. I accept that the right is limited due to the fact that a caravan can be sold but only to someone who has been approved by a site owner.

**Mr F McCann:** Will the Member give way?

**Mr McCallister:** Let me clarify this point.

That is important. Given the type of holiday that is envisaged by people going to a caravan park, caravan owners cannot have the right to sell to just anyone as that could bring someone unsuitable into a family-friendly holiday environment. It is about accepting the balance between two competing identities.

**Mr F McCann:** I am sure that Alban did not mean that people who may behave badly would be brought on site. However, the fact remains that if someone who leases a pitch buys a caravan, as is usually asked of people leasing

a pitch, and then moves off site, most caravan owners will not allow that person on to another site. People are caught no matter what way it goes. Obviously, there would be regulations to ensure that people who may behave badly are not allowed on site. Surely, however, people who want to sell their caravans should, in agreement with site owners, be allowed to do so in a way that does not result in a big financial hit.

**Mr McCallister:** The majority of the caravan sector is made up of people who hand down second- and third-generation caravans and who enjoy their caravans. There are issues arising from the sale of caravans. However, a balance has to be found. We do not want a set-up in which anyone can buy a pitch because, as Mr McCann said, people buy a caravan but lease a pitch. Therefore, they can sell their caravan to whoever they chose, with all the associated costs of moving it. That is the hold that caravan owners have over site owners in trying to bargain a fair price. However, there cannot be a free-for-all on caravan sites.

I have consulted all sides on this matter, and the one area of consensus among site owners and caravan owners was that they did not want a free-for-all in the caravan industry whereby anyone could move on site. Families with young children want some degree of control over who comes onto a site and, as such, buyers have to come with a recommendation. For example, people could sell their caravan to a friend or relative, but it is up to the site owner to approve or disapprove of that person.

**Mrs M Bradley:** Will the member give way?

**Mr Wells:** Mrs Bradley is looking to intervene as well.

We are perhaps being a bit rough on the Member for South Down, but we are simply sharpening our knives for the incoming Minister's contribution; it is good practice.

Mr McCallister is saying that a site owner can buy a caravan back and is not allowed to make more than 10% commission on that sale. Is that only for the permanent residential sector?

**Mr McCallister:** Yes, it is.

**Mr Wells:** Even so, what the Member is suggesting still puts the site owner in a very strong position. In my contribution, which I will probably not make until teatime given the way that we are going, I will quote many examples

where a site owner has used that power to charge a purchaser a ridiculous price for a caravan, buy the caravan back for a ridiculously low price when that person sells, perhaps because of health reasons, and then flog it on at an exorbitant price later.

I do not see anything in the Bill that stops that abuse, even though it is one of the main issues in the industry. For instance, if one gives a dealership the franchise to sell all the cars in a certain town, that dealership has the right to charge what it wants for the cars. It can demand that people use them to sell the cars back and can charge whatever it likes for the second-hand vehicle. Obviously, that dealership would sell a huge number of cars, because it would have sole control of the market. If someone in the town wanted a car, he or she would have to go to that garage.

We are giving similar powers to site owners. I have heard some very unsavoury examples of those powers being abused. How does the Member's Bill tackle that abuse?

**Mr McCallister:** The simple answer is that the Bill is addressing that by making everyone have a written agreement. The commission fee would need to be specified in a written agreement. I am speaking only about the holiday sector, because that is where the issue arises. The 10% limit on commission applies to the permanent residential sector.

In the holiday sector, the commission fee will be in the written agreement, so people will know what it is when they sign the agreement. The industry standard commission in the holiday sector is 15%. However, I know of many examples, as I am sure Mr Wells does, in which the commission is more inflated than that. A balance must be found between those competing issues. The best way of doing that is through a written agreement, which brings openness and transparency to the situation. Most of the problems arise due to a lack of openness and transparency.

The Trading Standards Service has received between 70 and 80 complaints each year over the past 10 years. Most of those complaints could be dealt with through written agreements so that people would know that there could be no problems with workmen charging inflated prices. With a written agreement, a person would know what the commission fee is when selling a caravan. People could also negotiate

the terms on which they might refuse to let someone buy a caravan.

How a caravan is sold on needs to be looked at in the written agreements. For example, if I were selling a caravan to Mr Wells, would the site owner refuse him permission to buy it? If the site owner's only reason for withholding permission was that Mr Wells is a member of the DUP, it would be deemed unfair. However, denying him permission for that reason could be fair enough. *[Interruption.]* I see that the Member is getting a lot of support from his colleague Mr Paisley Jnr, who, he will be relieved, is going to Westminster.

**Mr Paisley Jnr:** Does the Member accept that his Bill must contain a protection for the holiday caravan park owner who, for years, has built up a credible business and established a quiet area where people can enjoy a particular standard of holiday? A willy-nilly selling of caravans on sites and pitches to anyone whom the person exiting the site wanted could destroy overnight the fabric of that caravan park and the enjoyment that many people get from it. That would put to naught the tens of years that the site owner has invested in making his holiday park what it is.

There must be that guarantee and protection, otherwise our holiday businesses on the coast could be ruined. In my constituency, caravan parks at Ballycastle and Bushmills could be ruined overnight by unseemly people being allowed to buy a caravan. Many such people would line up to buy a caravan.

The Member will know that drug dealers have attempted to buy caravans on holiday sites, which could destroy parks overnight. It is essential, therefore, that the Bill contains protections. Like the Member, I believe that the person who cares most about a holiday park is the person who owns the park, makes a living from it and has a vested interest in ensuring its future success; it is not necessarily the person who is exiting a park.

**Mr McCallister:** I agree with Mr Paisley. It is about trying to balance those positions. It is my firm belief, in introducing the Bill, that giving a legal basis, through a written agreement, to every caravan on a holiday site is good not only for the caravan owner but, as Mr Paisley rightly said, for the site owner. We considered the issue and worked with Minister Foster, who, in the Department of Enterprise, Trade and



Investment, is in charge not only of tourism but better regulation. How do we get the balance right between those competing needs?

There was no difference of opinion between caravan owners and caravan site owners on whether site owners should have some control over who comes on and off their sites. Mr Paisley gave the example of drug dealers. A potential buyer could also be on the sex offenders' register. Families come on holiday, and they should be protected, as well as the investment by the businesses that run caravan sites. It is about getting the balance right.

I accept the points made by Mr Wells, Mr Maginness and Mr McCann. The Bill will get the balance right between caravan owners and site owners. There could be slightly unscrupulous site owners who could seek to abuse that arrangement. If two or three people whom a caravan owner recommended bringing onto a site were turned down, is there a mechanism, and a need to challenge a site owner, through the courts? That could be an option, because a site owner's behaviour could be deemed unfair.

However, caravan owners cannot simply sell to the highest bidders and then move off site, with no regard to the residents who are left behind or to how suitable or unsuitable the people buying their caravans might be. The Bill requires a written agreement for everyone in the holiday sector, so the balance is there. I am confident that the balance is right between those two competing needs, because I consulted widely with the industry and the relevant stakeholders.

**Mr Easton:** As the Member is aware, I have been interested in the issue for a considerable time. I have a concern that I do not think is addressed in the Bill. At Seahaven in my constituency of North Down, some elderly couples moved into a caravan park, intending to live there for the remainder of their lives and believing that they would stay in specific caravans. A couple of years later, they received letters from the site owner telling them that they had to upgrade their caravans at a cost of hundreds of thousands of pounds, which would be bought back at a fraction of the cost. Will the Member reassure me that the Bill will contain protections for people who are told that they have to upgrade their caravans or they are out?

**Mr McCallister:** The issue in Mr Easton's constituency refers primarily to permanent residential parks. I assure Mr Easton that the

Bill contains strong protections for permanent residents. As I said earlier, that is right and proper, because those people need a level of protection for what is their main or, in many cases, only residence.

#### 12.45 pm

All those people will have a written agreement and will have the right to form a residents' association, with which the site owner will have to work. The Bill will provide robust protection for permanent residents — the very people for whom the Member has campaigned since restoration in 2007. The Bill's protections are much more robust than those afforded to the holiday sector.

**Mr Wells:** The Member has been extraordinarily generous in giving way. Mrs Bradley has been waiting to get in for a long time and has not been able to catch the Deputy Speaker's eye.

I want to follow on from what Mr Easton said. A major problem, particularly in South Down, is that many caravan site users are instructed to change their caravans every 10 years, regardless of their condition. Some of them are little palaces. Who are people instructed to buy their new caravans from but the site owners? Moreover, they are offered a derisory amount for their old ones. We may reach a situation in which everyone has a written contract, but it will contain those unreasonable terms, as well as conditions that specify that insurance must be obtained from, and maintenance provided through, site owners. In other words, people may have a written contract and know where they stand, but they will still not be happy. However, they can do nothing about that because they have a contract.

**Mr McCallister:** I am happy to respond to that point. Mr Wells used the word "unreasonable". Any term if it is deemed unreasonable, is, by its very definition, unenforceable. Even as legislation stands, under the Unfair Terms in Consumer Contracts Regulations 1999, a site owner cannot enforce an unreasonable term. That protection is there.

One of the big advantages of the Bill, if we move towards having written agreements across the holiday sector, is that the protections will be there in black and white. An individual can send a copy of the contract to the Trading Standards Service for it to determine whether the terms of a contract are unfair or whether the user is liable.

Mr Wells mentioned workmen charging inflated prices. The Bill gives an individual the right to employ whomever he or she wants to carry out works — for example, to install gas or electricity — as long as they are properly qualified and registered. The site owner will have no control over that right, provided that the work is carried out to a suitable standard. That is where the written agreement comes in.

We have spoken over the past number of years to Trading Standards Service representatives and to Minister Foster. A written agreement in the holiday sector will solve more than 90% of the problems that arise over unfair terms and agreements. As I said, some of the verbal agreements that were made date back to the caravan user's grandparents' time and have rolled on without changes being made to them.

Mr Wells mentioned pitch fees. Any agreement will have to set out in black and white what the pitch fee will be. He also mentioned the 10-year rule. That period will have to be established at the start of the contract so that caravan owners know what they are signing up to. The site owner will not be able to appear suddenly in nine and a half years' time and claim that a caravan owner agreed to change his or her caravan after 10 years. As I said, the agreement will be in black and white so that caravan owners know what they are signing up to and the contract is fair to both sides. If either the caravan owner or the site owner does not like the agreement, he or she does not have to sign it.

The consumer has the protection of being able to go to the Trading Standards Service. My interest in the Bill has led me to refer several cases to the Trading Standards Service, and I have been assured that it is taking robust action against site owners. In one case, a written agreement has been drawn up. Where a written agreement exists, it can be examined and can provide advice, and it gives Trading Standards the power to enforce the terms.

I believe that Mrs Mary Bradley wants to intervene.

**Mrs M Bradley:** I had almost forgotten what I wanted to say. The Bill should not just be for site owners. It has to protect people who pay money in good faith to use those sites. The agreements need to cover instances such as resale, so that an owner does not have to sell his or her caravan to a site owner for a measly sum.

Around four years ago, I was made aware of the case of a family who wanted to sell their caravan on a site in the North of Ireland as they could no longer go there because of the husband's disabilities. They wanted to sell their van on the site and leave it where it was. That was not allowed to happen. They were not allowed to sell their van unless it was to the owner of the site. He wanted to give them £3,000 for their van, but he had found a buyer for it and was charging him £12,500. That is the kind of thing that the Bill needs to stop.

I would not back the Bill if it was only to protect site owners. As that couple would not sell the van to the site owner for £3,000, knowing that he would charge the people moving into it £12,500, the site owner made them pay £150 to move the van 400 yards to the gate of his site, and they then had to pay a haulage firm to move the van off the site so that someone else could buy it. I see that as abuse. The Bill cannot cater only for site owners. They have been as much at fault over the years as the people who hire space on the sites.

**Mr McCallister:** I agree. We are trying to find a balance between those two competing factors. There is no point in having 13,500 people who want to have a holiday caravan experience if we drive all the site owners out of business. We have to find the balance between the two. It is not in site owners' interests to excessively abuse families and to put people off having caravans.

The issue that Mrs Mary Bradley raised is one that we have pressed and that the Trading Standards Service is now helping with. That is that site owners have to display the asking price on caravans for people who are looking around. If someone is selling a caravan, he or she can go to see the asking price and does not have to rely on hearsay to find out what it fetches. It is important to stop that practice of a site owner buying a caravan for, for example, £3,000 and selling it on for £12,500. We have to keep pressure on the Trading Standards Service to ensure that it is doing that.

We have to find a balance between the competing needs of caravan owners and site owners. The two are not so far apart. One has to make a living from a site, and the other needs to have a safe, secure place to bring their families on holiday, where they can enjoy the peace and comfort of the coast or lakeside or wherever it

happens to be. The important point is to reach a balance between those. I firmly believe that a written agreement in the holiday sector would give that balance. It would be good for both sides because it would bring clarity, openness and transparency to the issue. It would explain what a caravan owner is signing up for without putting an excessive regulatory burden on a site owner. It could also help site owners because if people were to sign up, they would be agreeing to maintain their caravans to the standard that people want in caravan parks.

**Mr Wells:** If the Member was getting paid for every intervention, he would be a wealthy man by the time the debate is finished.

**Mr Hamilton:** He could buy a caravan.

**Mr Wells:** He certainly could buy a caravan.

I congratulate Mrs Bradley on her incisive contribution. Mr McCallister still has not reassured me. He said that the Office of Fair Trading would rule any term or clause in the contract to be unfair or unreasonable. However, the same office has deemed that it is reasonable for a site owner to insist that a 10-year-old caravan must be changed, even if it is kept immaculately and like a palace, otherwise its owner can be thrown off a site. A site owner can insist that a replacement caravan is bought from him or her at whatever price is deemed appropriate. What assurance is there that the Bill will cover that issue?

**Mr McCallister:** It goes back to the written agreement that a caravan owner will have signed up to. If a caravan owner agrees in an initial contract that he or she will change a caravan after 10 years, 12 years or 15 years, the caravan will have to be changed.

**Mr Wells:** I cannot let the Member away with that, and I can assure him that it is not a case of local rivalry. It is important that we get this right.

The person who has had the contract slapped on his or her table is not in a strong position. As has been said, a caravan may have been in a family for several generations, and it may be the holiday home of the entire extended family. The family, therefore, will want to keep it rather than move out. What is the owner to do when he or she is issued with a piece of paper stating that caravans must be changed every 10 years? The owner must sign that contract, otherwise the whole tradition and the holiday

home that the family has had for years will be lost. The knowledge that it was an unrealistic contract that was imposed is no consolation. The owner had no choice about whether to sign it. The Office of Fair Trading, in its wisdom, has said that owners must accept having to change caravans every 10 years. Where does that leave people who are stuck on sites already?

**Mr McCallister:** It leaves them a lot further forward. At the minute, those people do not have security of tenure of any more than a year, because they sign an annual site licence. The very group that Mr Wells speaks about have nothing more than a year's guarantee. There is nothing to stop a site owner coming along today and telling Jim, for example, that he is not going to renew his site licence after this year because he does not like his caravan or he does not like Jim. There is no protection to prevent that.

Although Mr Wells says that 10 or 15 years is not enough, it is an awful lot better than caravan owners have at the minute. Site licences are issued annually, so caravan owners have protection for only one year or maybe even less if a contract runs alongside the holiday season. It goes back to the balance between a site owner and a caravan owner.

Mr Wells referred to caravans that are kept in immaculate condition, but what about a 20-year-old caravan? A site owner may have granted a resident the use of a caravan but may eventually tell that resident that it is beginning to look a bit scrappy. Who wants to reside in a caravan park that looks as though it is falling down? That is not good for business, and there needs to be a mechanism to deal with such situations at some point.

Most site owners and caravan owners whom I have consulted on the issue want some level of control. I have debated with various groups at length on the issue of a 10-year rule and a 15-year rule, as they are known in the business. There is support for the striking of a balance between the two, because there cannot be sites that have a front row that is like a shop window, along the seafront at Cranfield, or wherever, but the rest of which is falling down. Owners of £40,000 caravans will not want to stay beside caravans that take away from the value of their own. Similarly, we would not want someone to open up a car-breaker's yard beside our home.

**Mr B McCrea:** Will the Member give way?

**Mr Leonard:** Will the Member give way?

**Mr McCallister:** Yes.

**Mr B McCrea:** Apologies to Billy; I was up first.

I congratulate the Member on bringing forward the Bill, which has provoked an awful lot of discussion. I listened to the points that were raised by Mr Shannon and others, and I seek the Member's assurance that he has consulted widely with all interested parties. This is the Bill's Second Stage, and, therefore, Members will have plenty more opportunities to raise important issues. I am sure that the Member welcomes support, intervention and contribution from the other Members who are present. They can raise particular issues at other stages of the Bill, and I am quite sure that the Member will be willing to entertain what they have to say.

### 1.00 pm

We look forward to more than rhetoric coming out. I do not doubt that some Members feel passionately about this, but perhaps they might translate some of that passion into a positive contribution to help to develop a Bill that will look after the interests of all parties, including those of the people who the Member referred to.

**Mr McCallister:** I am grateful to my colleague Mr McCrea.

I hope that we are about to go into Committee Stage and subsequent stages, and we are happy at any time in the process that Members should have many opportunities to raise valid points. However, this is about getting a balance that meets the needs of the industry and those of the individuals who are involved.

**Mr Leonard:** I thank the Member for giving way yet again. He has been extremely generous with his time. I realise that his colleague is trying to offer him some protection. This point is not just about rhetoric or anything like that.

I suggest that the Member looks at a local authority on the north coast, if he has not already done so. It runs large caravan sites at a profit. On those sites, people are not told to buy after 10 years or 15 years. Standards are high; the quality of caravans and other items is high; there is no dilapidation; no one suffers because neighbours do not look after their units; drug dealers do not run riot; and families enjoy excellent family-orientated holidays. In that lie some lessons. Why does any caravan park

owner need to have a monopoly? The primary protection that is needed is for the men, women and children who put their hard-earned money into getting a quality holiday. There are lessons in the example that I gave that challenge many of the premises on which the Bill is based.

I take great exception to the idea — it was not the Member's idea, but it was voiced in the Chamber — that we must protect the caravan park owner because of the threat of undesirable people coming onto a site. That is the case to some degree, but the organisation that I referred to has a waiting list, and it ensures that those coming onto the site do not ruin the enjoyment of others. So, there are examples out there that challenge the very premise of monopolies, which I loathe.

**Mr McCallister:** I assume that the Member refers to Coleraine Borough Council. Pitch fees in that council area are at least £300 a year higher than those in other areas.

**Mr Leonard:** We had that debate because there was a move to sell off the sites, which was resisted by the majority of councillors. People were involved in the debate about how they would be restricted by the privatisation of the Coleraine Borough Council caravan parks and how they would pay thereafter. Regardless of the fee that the Member referred to, there is still a waiting list for those sites.

**Mr McCallister:** The existence of a waiting list is probably due to the unique setting rather than any other factor. My wife comes from the East Londonderry constituency, which is a beautiful part of the country. That explains the waiting list. However, there was a major row some years ago when pitch fees were increased.

One of the differences between the Ulster Unionist Party and Sinn Féin is that Ulster Unionists do not believe that government or local government should run every service. I have an issue with the fact that the local authority issues the site licence to itself, because that means that it effectively polices itself. That is most unsatisfactory. There is a balance to be struck.

One of the ideas that Mr Leonard mentioned was that there could be some vetting of a newcomer to a site. This is about getting the balance between the two parties. There is no major disagreement between site owners and caravan owners about having that level of control. People do not want just anyone moving



onto a caravan site. It is as simple as that. People may think of caravan owners and park owners as being on opposite sides; however, both sides agreed on that, and there was a meeting of minds around the idea that some level of control was necessary. However, we have to find a mechanism, and that can be done through a written agreement. Terms for selling a caravan or reselling it can be discussed and entered into through a written agreement. That agreement could include recommendations about who constitutes a family friend. It could become unreasonable for a site owner to refuse three, four or five people; not all of them could be bad. Maybe he is refusing them because they are all in the DUP. Of course, I would say that that was reasonable, although others might question it. *[Laughter.]* I am at least getting support from my colleagues.

On a serious point, the scenario that we want to reach is to use that approach to find a balance between the two. I repeat that we do not want a free-for-all to sell caravans, with all the associated problems that we know can occur.

I see that the Chairperson of the Committee appears to be leaving for his lunch. In closing, I say that the Bill provides a high level of protection for permanent residential caravans, which is important because such caravans are some people's main residence. It also provides a level of protection for the owners of static holiday caravans that we have not previously had in Northern Ireland. I commend the Bill to the House. I welcome the new Minister for Social Development, and I thank his predecessor and, I hope, him for his supportive remarks. Perhaps I should wait to hear his speech. However, the Bill's principles are right and proper, and it will afford protection to those who have not had it in the past. We must ensure that protection, which is why the Bill is so important.

**Mr Deputy Speaker:** Before we continue, I remind Members that the general principles of the Bill are debated at Second Stage. As Basil McCrea indicated, I am sure that long debates lie ahead in the further consultative stages of the Bill.

**The Chairperson of the Committee for Social Development (Mr Hamilton):** Thank you, Mr Deputy Speaker. I hope that future debates on the Bill will not last too long. However, I welcome the opportunity to speak. I join Mr McCallister in welcoming the new Minister to his position.

The procedures that allow individual Members to introduce private Members' Bills that are debated in plenary, such as this Bill, and amended using the same process as for legislation introduced by a Minister is good, positive and a sign of a properly functioning democratic institution. As in this case, when the Bill in question applies to a niche subject that affects groups of individuals, families or communities, it signifies good, mature debate in the Assembly. I praise Mr McCallister for being among the first MLAs to get a private Member's Bill to Second Stage.

Anybody who has observed today's debate thus far will have seen for themselves that issues such as this can elicit good, heated discussion among Members. Who would have thought, Mr Deputy Speaker, that it would have taken a subject such as caravans to get Members so excited? The considered debate between Members, exchanging views, as they have, is another good sign that a democratic institution such as the Assembly is functioning properly.

The Committee for Social Development considered the principles underpinning the Caravans Bill at its meeting on 4 March 2010. The Committee gave a general welcome to the Bill and looks forward to further scrutiny of its provisions after Second Stage. I am pleased that the Bill has, as Mr McCallister indicated, undergone some redrafting since First Stage. If it had not been for that redrafting, only God knows how long and heated the debate would have been, so we give thanks that that happened. The Department for Social Development has played an important role in that process, and the Committee anticipates further useful and constructive engagement with it and Mr McCallister as the Bill moves forward.

I shall now make a few remarks on the principles of the Bill. As has been indicated, the Bill is in several Parts. The first Part, which is of particular interest to the Social Development Committee, refers to statutory protections for those who own or occupy a caravan as their main residence and who rent a pitch on a protected site. As we have heard, the Bill is intended to extend to those individuals and families the kinds of protection available in the private rented housing sector. The Bill will introduce written statements of residential agreement, which will set out the key obligations of the caravan owner-occupiers who rent the pitch and the caravan site owners who own the pitch. During the anticipated Committee Stage,



Members will wish to explore precisely who will be affected by those provisions and also how and, importantly, by whom those aspects of the Bill will be enforced.

The Bill includes provisions to limit the commission that caravan site owners can earn on the sale of an owner-occupier's caravan and on the gifting and inheriting rights associated with caravans. Those issues have already been the subject of some concern among site owners, and it is anticipated that those questions will be scrutinised further in Committee, as they have been today.

The proposed residential agreements include protections for caravan owner-occupiers from harassment and eviction. The agreements are also expected to reference rent-setting mechanisms. The Committee is keen to review the workability and appropriateness of the proposals to ensure that rights are protected and that a good balance is maintained between the interests and duties of caravan owner-occupiers and caravan site owners.

Part 2 refers to seasonal sites and includes consumer protections for caravan owner-occupiers who remain on a seasonal site for more than 28 days. When the provisions were originally mooted, they understandably caused more than a little concern among caravan site owners. As I said, the Committee is grateful to the Department for redrafting the Bill and for clarifying the applicability of those provisions. As it is anticipated that the enforcement of the provisions will fall to the Department of Enterprise, Trade and Investment, I expect that the Social Development Committee will willingly agree to seek the views of the ETI Committee on the relevant clauses. I am sure that the House will hear today from the Chairperson of that Committee on those clauses.

Part 4 includes a legal definition of "caravan". Given that provisions to allow the amendment of the definition will fall to the Department of the Environment, I expect that the Social Development Committee will be free to seek the views of the Environment Committee on the relevant clauses. Again, we are likely to hear today from the Chairperson of that Committee on that matter.

As I said, the Committee for Social Development generally welcomes the Bill. It is anticipated that the Committee Stage will provide an opportunity to review the protections for caravan owner-

occupiers while considering the workability of the provisions in respect of the Northern Ireland caravan industry.

Before I close, I shall speak briefly in a personal capacity. I represent a constituency with a great many caravan sites, perhaps one of the largest concentrations of caravan sites in the whole of Northern Ireland. In fact, more than 20% of holiday caravans are located on the Ards Peninsula, which is dotted with caravan sites. They are an important aspect of the tourism industry in my constituency, where most holiday accommodation is caravan-based. Unlike other parts of Northern Ireland, we do not have a plethora of hotels, but we have a lot of caravans, and they are an important aspect of the tourism economy in Strangford. It is not just the employment that the sites provide, which is relatively small; it is the employment that the industry supports in the wider community. In towns and villages along the Ards Peninsula, particularly in the summer months when sites are well occupied, small shops and businesses get a huge boost in trade because of the people who visit caravans and stay in them on a semi-permanent basis. As a constituency representative of an area with such a high concentration of caravans, I want to see that strong caravan sector maintained, and I will oppose anything that undermines it. I am against anything that harms that important part of our tourist economy.

In the Strangford constituency, we, too, have experienced the park homes phenomenon, and anything that tightens up or closes loopholes so that, as Mrs Bradley said, people cannot be abused is very important. I am glad that holiday caravans will not be subject to many of the restrictions that there will be for park homes, although that will be tested during Committee Stage.

The Committee expects numerous responses from stakeholders during Committee Stage, and it will welcome further engagement with the Department and the Bill's sponsor. I support the Second Stage of the Caravans Bill.

**1.15 pm**

**The Chairperson of the Committee for the Environment (Mr Boylan):** Go raibh maith agat, a LeasCheann Comhairle. Mar Chathaoirleach an Choiste Comhshaoil, cuirim fáilte roimh an díospóireacht ar Bhille na gCarbhán.

I welcome the introduction of the Caravans Bill. I commend the Member for introducing the Bill and wish him well. After that line of questioning today, he deserves a caravan holiday to boot.

The Bill will introduce statutory protections similar to those that exist in England, Scotland and Wales for those who occupy a caravan as their main residence on sites that have been approved for that purpose. The Bill will also create a level of protection for caravan owners on seasonal sites by introducing a requirement for written agreements to be in place between site owners and caravan owners.

According to the National Caravan Council, in excess of one million people in the UK regularly take caravan holidays. Many people say that it is a leisure and lifestyle choice. Research has shown that the overriding reason why people love caravanning is that it represents freedom. In 2002, caravanning represented 19% of all holiday nights. Therefore, it is a substantial industry that, no doubt, will blossom further in the tough economic environment in which we find ourselves today. The Bill will ensure that people in the North will receive similar protection to those in other jurisdictions, and that is welcome.

Thankfully, with all the legislation that the Environment Committee is dealing with at the minute, it has only a minor role in the Bill. Clause 13 covers the meaning of the word "caravan" and seeks to update the definition in line with that which applies in England and Wales. The current legal definition of a caravan is contained in the Caravans Act (NI) 1963 under the section that deals with district council caravan site licences. The DOE has administrative responsibility for that Act. To qualify for a caravan site licence, the applicant must have planning permission to use the land as a caravan site.

There are also planning implications for structures that are regarded as caravans for the purposes of planning control, as the stationing of caravans on land is considered as development that requires planning permission. We have been advised that the Department of the Environment supports clause 13, which also provides the Department with the ability to adjust the maximum dimensions of caravans in the future should it decide to align those dimensions with future revised standards for caravan manufacture.

Similar powers exist in the Department for Communities and Local Government in England, and there is seen to be advantage in having control over maximum dimensions for caravans when it comes to planning control. That power will be introduced by subordinate legislation, subject to consultation with the people whom the Department determines to be stakeholders, and it is proposed that that power should be subject to negative resolution through the Assembly. The Environment Committee will be happy to look closely at that clause and the delegated power in particular on behalf of the Social Development Committee and report back to that Committee with its views.

The Committee also looks forward to receiving a briefing from Mr McCallister at its meeting on 1 July 2010. No doubt, he will receive as many questions as he did today. On behalf of the Committee, I support the principles of the Bill.

**The Chairperson of the Committee for Enterprise, Trade and Investment (Mr A Maginness):**

I welcome the Caravans Bill. I also take the opportunity to welcome the new Minister for Social Development, Mr Attwood. I know that he will do a great job and that he will distinguish himself as well as the previous occupant of that office, Margaret Ritchie. I wish him well.

The Committee for Enterprise, Trade and Investment is generally supportive of the Bill. It is appropriate to congratulate Mr McCallister on bringing the Bill to the House. A great deal of work has obviously gone into preparing the Bill, with a great deal of consultation taking place with many different bodies and Members. Mr McCallister has also, importantly, won the support of the Administration.

Clearly, there is an absence of regulation for caravans, a lack of legal protection for the occupants of those caravans and, in a sense, an absence of certainty in the law, which could, equally, protect caravan site owners. Therefore, it is important for us, as a legislature, to consider the situation carefully and to draw up sensible provisions to give statutory protection to the occupiers of caravans on residential and seasonal sites. This private Member's Bill is an important and significant piece of work, and I congratulate the Member on introducing it.

The Bill applies mostly to occupiers of residential caravans and is, therefore, mainly a matter for the Committee for Social Development. However, clauses 7 and 8 apply

to occupiers of seasonal sites, and, for that reason, it is anticipated that agreement will be reached with the Committee for Social Development to allow the Committee for Enterprise, Trade and Investment to consider those two clauses during the Committee Stage. I welcome my Committee's participation in this important Bill, which will introduce a level of protection for occupiers of residential caravans that is similar to that in Britain. It will also give much greater protection than exists in Britain to caravan owners on seasonal sites. That is important to note.

The discussion has been interesting so far. Although we have strayed into the Bill's greater detail, Second Stage debates are supposed to consider merely the general principles of the Bill. The robust, skilful and informative manner in which Mr McCallister has dealt with the points that have been raised means that there will be fruitful debate and dialogue on the Bill.

I again commend Mr McCallister for introducing the Bill, and I wish him well as it progresses through the Assembly. There may be details on which the Committee for Enterprise, Trade and Investment may take a different or more critical view, but there is general support for the Bill among Committee members, and I welcome it.

**Mr McCarthy:** Like other Members, I support the Second Stage of the Caravans Bill. I congratulate John McCallister on bringing it to the Assembly and withstanding the barrage of questions that he received earlier. It all makes for a very interesting debate.

All Members agree that improvements are necessary to ensure that caravan and caravan site owners get a fair deal. It would appear that, in the recent past, some felt that they were not getting a fair crack of the whip, and that has led to many disappointments and disagreements. The Caravans Bill is designed to legislate for Northern Ireland so that safeguards are in place for everyone in the caravan industry.

I am delighted to represent the constituency of Strangford where there are magnificent caravan sites. Those sites are in locations that stretch from Portaferry on the tip of the Ards Peninsula to Cloghy, Portavogie, Ballyhalbert, Ballywalter and Millisle on the eastern Irish Sea coast and into our neighbouring North Down constituency to Donaghadee and Groomsport. With so many idyllic caravan site locations in my constituency

and nearby, I want nothing but the best for everyone engaged in the industry.

The Bill will specify the definition of a caravan and will, as I understand it, bring Northern Ireland into line with best practice across the water. The aim is to provide protection for owners of caravans, mobile homes or park homes who rent their pitch from a site owner by making it an offence to harass or to interfere with the peace and/or comfort of the occupiers. It also places a statutory duty on the Department for Social Development. I am delighted to see in our presence our new Minister, Mr Attwood. I congratulate him on his appointment, and I am sure that he is anxious to get his teeth into the Caravans Bill as his introduction to the role. I am sure that he will fill the office well.

The Department for Social Development will require that the owner of a caravan, mobile home or park home site gives a written agreement — John made much of that written agreement — to all existing residents who own their caravan, mobile home or park home and rent their pitch from the site owner by a specific date. In the case of proposed occupiers, a written agreement will be required before an agreement on letting stance is made. It will be a requirement to ensure that the terms of such written agreements are approved by the Department. The Bill aims to empower the Minister to make all necessary regulations and to enable the enforcement of responsibilities for caravan, mobile home and park home residents and site owners.

Much more could be said, will be said and has already been said on the subject. I conclude by saying that my party supports the Bill and wishes it well through the House. The end result must be that caravan owners enjoy their caravan and site owners provide them with a first-class service. I support the motion.

**Mr Easton:** I welcome the Bill, which offers caravan owners not only protection but clarity. I have a couple of concerns, which I will mention at the end of my speech.

Caravanning is popular in Northern Ireland, especially at a time of recession. The Bill will provide a protection similar to that afforded to those who live in rented accommodation. It will also clarify a number of issues, which is beneficial to caravan owners and the many caravan enthusiasts throughout Northern Ireland.

I welcome Part 1, which gives owners and occupiers of caravans the necessary protection in stationing a caravan on a protected site to use it as a main residence for periods exceeding three months. Caravan owners will be provided with a written agreement from the owner of the land that includes details of where they are entitled to station their caravan and the terms and conditions of using the site.

I welcome the details listed under clause 10, which gives owners or occupiers protections similar to those for people who face eviction from their normal home. It upholds the law by requiring owners of protected sites to follow the process of the law through the courts. The Bill outlines a number of acts that are deemed illegal, including the removal of a caravan from a site without lawful reason and refusing the use of caravan site facilities to any of the occupants of a caravan. I welcome that clarity. Clause 5 deals with what happens to a caravan should an owner or occupier die, and that clarity also has to be welcomed.

*(Mr Deputy Speaker [Mr McClarty] in the Chair)*

The Bill provides protection for owners of protected sites and sets out what actions they can take for non-payment of rent but, overall, upholds the law.

Once again, that is similar to the laws under which landlords of houses operate.

### 1.30 pm

I welcome particularly the definition of a caravan, which is set out in Part 4, clause 13. Clause 13(1) states:

*"In this Act "caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted".*

I welcome the Bill in principle, but I have some concerns. I mentioned already my concern that caravan owners will be forced to upgrade their caravans even if they are in immaculate condition. Perhaps the Committee will delve further into that issue. I also have concerns about the proposal to allow caravan owners to sell their caravans to people other than site owners. Although I welcome that, I have discovered that some site owners refuse to allow anyone on to their sites to take caravans

away. That, in effect, forces caravan owners to sell their caravans to site owners, so that issue must also be considered.

Overall, I welcome the Bill. It is a good start, but some tweaking may be needed, which we will undertake during Committee Stage.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. First, I congratulate Alex Attwood on his appointment as Minister for Social Development. I hope that he will enjoy the job.

I welcome the Bill and what it endeavours to do. I thank John McCallister for persevering with the Bill. As he said, it has been a long process. One Saturday afternoon in 2007, John and I went to a public meeting at a church hall in Newcastle that was attended by angry caravan owners. We expected a quiet meeting, but TV cameras and Stephen Nolan were there.

Things have moved on since then, and a lot of the issues have been outlined by Members from the other side of the House during the debate. John McCallister talked about getting the balance right between caravan owners and caravan park owners. I will not rehearse the arguments concerning static homes. It seems that arbitration is needed on the price of a caravan that has been sold. There is a need for park owners to maintain the quality of their sites, to ensure that certain celebrities do not get on to the sites, and that they have a say in who obtains a caravan. That has to be monitored closely, and, as has been outlined, drug dealers, people who run brothels and sex offenders might seek to exploit weaknesses and to look for loopholes in the legislation. I do not think that this is just rhetoric. The Committee will have a greater opportunity to consider the issues in detail during Committee Stage and will be able to hold evidence sessions.

The majority of caravan owners are good businesspeople, and they have a great relationship with their clients. It must be understood that, in the majority of cases, it works extremely well. The biggest issue relates to the contracts and written agreements that are mentioned in the Bill. If people know what they are getting into, everything is clear and above board.

Mary Bradley discussed depreciation in the value of caravans and that people felt that they were being ripped off. I do not know whether some form of independent valuation of caravans takes place when they are being sold, but it



might help in some way if an independent valuation was printed and made available at caravan sites, so that it can be seen by anyone who comes to buy a caravan. The amount for which a caravan was sold should also be clearly displayed, so that people can see the margins that are at play. It is a matter of balance. A huge number of caravan site owners operate in South Down, and they have said that if they do not get a better margin with regard to the sale of caravans, they will have to increase their site fees. We have to take people at face value in that regard.

I remember other issues that were raised at the public meeting. People felt that they did not have a right to complain, that their voices were not being heard and that they were being bullied. The ethos of the Bill is about trying to enshrine the rights of both the caravan owner and the caravan park owner. There was talk even that people who were raising genuine concerns about utilities, for instance, and the quality and pressure of the water were being called troublemakers. Some people were not able to get a shower, and people with young children were also being affected. Those are some of the genuine issues.

Caravan park owners ended up telling caravan owners that they knew what they could do if they did not like the arrangements. A caravan owner was told to take himself off, and the park owner told him that he would tow his caravan to the bottom of the park and leave it there, giving him one week to take it somewhere else. For that privilege, the caravan owner was charged £500, and then he had to hire a haulage contractor. There were a number of concerns, and things got out of control.

Billy Leonard made a point about public authorities having a role above and beyond their current one, which relates more to environmental health and fire and public safety. There is an argument for a greater role, and it should be explored at the next stage.

During the Committee for Social Development's evidence session with John McCallister, there was discussion about the Travelling community, and questions were raised about whether that community would have greater protection with regard to contracts with the Housing Executive. Perhaps it would be more appropriate for the Social Development Minister to talk about that. Will there be a similar agreement and a bit more

recognition of both sides of the argument in that regard?

The servicing of caravans is another issue, and I do not want to get into it too much. However, will the servicing arrangements in relation to utilities such as water and electricity and the likes of patios, decking and storage provision be bought through owners, or will it be possible to purchase them from qualified people off site from whom they may be cheaper? I would like some clarification on that.

I agree with John McCallister that we need to strike a balance, and we will have a greater opportunity to do that.

People buy caravans to use for holidays or for retirement; that is their choice, and that is what they do. They want to have peace of mind, because they are putting vast amounts of money into their purchase. Some of the people who choose to buy a caravan are recuperating from illness; some are trying to get away from it all; and some are looking to retire. Life savings are put into the purchase, so if the Bill is endeavouring to provide peace of mind, it has to be welcomed by everyone in the House.

Perhaps Mr McCallister will expand on the procedures that will be followed in cases of antisocial behaviour. Will PSNI evidence be required? Will there be written agreements or contracts? Will it be a matter for councils' environmental health services?

I do not want to hold up the debate any longer. I could go into a lot more detail, but I have covered the broad principles of the Bill. I am happy for the Bill to proceed to the next stage, and I look forward to making further contributions. I thank John for bringing forward the Bill. Go raibh maith agat, a LeasCheann Comhairle.

**Mr Wells:** This debate has shown that when the vice-like grip of a five-minute ceiling is removed from debates, this becomes a true debating Chamber, where those, such as Mary Bradley, who have been shrinking violets, suddenly become great orators, because they know that they have a chance to expand on their arguments and will not find you, Mr Deputy Speaker, constantly badgering them and telling them that they have to stop. Maybe we have learnt a lesson here today that we need to lift the ceiling more often in debates so that we can tease out arguments.



I congratulate Mr McCallister, and I hope that he will not quote that back at me in next week's 'Mourne Observer'. He stood there for a good hour and defended his Bill with great rigour and strength of argument. We may not agree entirely with what he said, and no doubt we will pick holes in his arguments in Committee, but it was a lesson in how the Assembly should perform. People will turn on their televisions and not be bored out of their minds, as they are when some Members rattle through five-minute speeches at 100 mph and then hand them straight to 'The Coleraine Chronicle', 'The Newtownards Chronicle' or the 'Mourne Observer'. Those Members might as well write out their speeches and hand them to the newspaper editors. What are we doing here if all we do is stand up and read out speeches?

Today's debate has been quite refreshing, and I know that the incoming Minister, Mr Attwood, is enjoying it. We have spent most of the past two hours sharpening our teeth and our knives ready for his first appearance as Minister at the Dispatch Box. He will discover why his predecessor, Ms Ritchie, resigned at 9.00 am this morning rather than at 4.00 pm this afternoon, because she has left him right in it, as it were, to defend the Bill. Therefore, it is a baptism of fire for him.

I went to Queen's University with Mr Attwood. I remember him as a rookie fresher in 1977, and I know that he is more than able to answer any points that are made. Who would have thought that that young lad from west Belfast, who came to Queen's University in his short trousers all those years ago, would rise to the exceptionally powerful position of Minister for Social Development? What a massive rise. A plaque will probably be erected on the Falls Road to say that Alex Attwood lived there 40 years ago.

**Mr Deputy Speaker:** Will the Member return to the subject?

**Mr Wells:** I knew that the vice-like grip would once again return. I think that I have been got for deviation rather than for repetition.

To return to the issue of the private Member's Bill, we gave Mr McCallister a difficult grilling earlier, but I welcome the Bill, and I wish the Member for South Down every success because he has dealt with an issue that has caused a lot of concern. Some 13,000 people in Northern Ireland have some form of caravan, whether it is a static caravan in a holiday park

or a permanent dwelling, but not everywhere is affected by the issue. It is very much an East Londonderry, North Antrim, South Down and Strangford issue, where the vast bulk of the caravan sites are located, and it is an extremely difficult issue for people who own or rent those caravans.

I will give a few examples of some of the abuses that I have encountered. It is no exaggeration to say that people sign away all human rights the moment that they go through the gates of some caravan sites, while other sites are extremely well run, have a family atmosphere and do not seem to need any of those draconian powers. Mr Leonard quoted an example that I concur with. I know the site that the Member referred to because my mother has a pitch on it, and I spent many happy days there. It is run by Coleraine Borough Council, although I noticed that Mr Leonard did not declare an interest, and it is run effectively. Everyone is happy there; there is a wonderful family atmosphere and it is very well maintained, yet it does not seem to want to call upon the rules that private site owners in other parts of Northern Ireland feel that they need in order to maintain the same atmosphere.

My first introduction to the misuse of rules on caravan sites was when I met a lady in Dundrum. She purchased her caravan two years earlier for £18,000. However, sadly, she was diagnosed with a serious form of cancer. As a result of those changes in circumstances, she had to sell her caravan back to the owner of the site. She was offered £11,000, so it had depreciated £7,000 in two years. It was a palace; it was immaculate. However, she had no option other than to sell the caravan back to the site owner. She did so reluctantly. She called by chance to the caravan site a few weeks later and, to her horror, found the same van for sale at £17,500. If that is not abuse of a monopoly position, what is?

#### 1.45 pm

I visited another caravan site in South Down where a lady, who had kept her caravan immaculate for nine years, received a letter from the site owner that told her that she must change her caravan by the end of next year; that the only person whom she could buy her new caravan from was the site owner; that the site owner would decide how much she would pay; and that the site owner would buy her old caravan off her at a price that he

deemed appropriate. She would have to pay a king's ransom for a new caravan. There was no indication of the caravan's condition in that judgement.

I listened to Mr McCallister's comments. I notice that he has been silent during my contribution. He has obviously been pinned to the wall by the force of my argument. He made the point that a site's character must not be destroyed by a row of dilapidated caravans that are 30 or 40 years old and in poor condition. I agree with him. I think that everyone agrees. However, the 10-year rule is entirely harsh because it takes no account of a caravan's condition. That really perplexes me.

**Mr McCallister:** Now, we are really paying the price for lifting the five-minute ceiling on speeches. The Member referred to remarks that I made. My point is that the Bill improves the situation for caravan owners because they will have those terms in black and white and will, therefore, know what they sign up for.

Does the Member accept that the caravan industry relies on caravan sales and not on pitch fees alone? If the right to trade caravans were removed, pitch fees would rise exponentially. I support the idea that we look at what mechanisms can be used to minimise the type of abuse that the Member highlighted.

**Mr Wells:** That is the same as the owners of a Ford dealership in Kilkeel saying that if they are not allowed to increase their servicing fees, they must increase the price of their cars, or vice versa, in a situation in which there is no competition. The difficulty is that those people are trapped in caravan sites. There is no fair, level playing field or open market. I do not like that idea, particularly when councils can run their sites without invoking such strict controls. I am unhappy when people, who are effectively in a monopoly position, argue that if they must reduce a certain income, they must increase other charges. They could, in fact, reduce their profits.

I mentioned the elderly couple who had to buy a new caravan from a site owner. They got a derisory fee — around £3,000 — for their old van. It was moved off the site. However, the couple were not that slow. They googled and checked the local press. They found the van on resale for three times the price that they were paid for it. That happens time after time. No one can tell me that that is a reasonable return or that that should be tolerated.

I have discovered that more insidious activities go on. For example, at one site in my constituency, caravan owners are charged £400 each to insure their caravans. I can accept why insurance is compulsory. However, I find it extremely difficult to accept that the same caravans can be insured with the Caravan Club for £130 each. Indeed, if the site owner had gone to the Caravan Club and bought a group policy, he could probably have got it for around £90 per van. Yet, he charges each van owner £400 per annum. Where does the profit go? Obviously, it goes to the site owner.

**Mr McCallister:** One difficulty that we encountered when we looked at insurance is that the level of cover can vary. As you probably know from your experiences, Mr Deputy Speaker, insurance companies are keen to get out of paying. Sometimes, cheaper insurance covers a caravan only for a limited time. Caravans must be insured for the entire year in case something happens during the winter months. For example, a roof could be blown off and could damage other caravans. I agree that caravan owners should be able to shop around. It is perfectly reasonable for site owners to want to see copies of people's insurance certificates. I strongly support caravan owners' right to shop around and to get the best insurance deal. I have no issue with that whatsoever.

**Mr Wells:** I am relieved to hear that. However, the couple who I dealt with, after receiving a bill for £400, asked elsewhere for identical cover to that which was provided by the site owner and were quoted a figure that was £270 less per annum. It does not take a genius to work out how lucrative it can be if there are more than 100 caravans on a site and the owner is making at least £300 on each of them on insurance alone.

I have come across a further ploy —

**Mr McCallister:** Will the Member accept that that is one of the great strengths of a written agreement? If a written agreement stated that one must buy insurance from a site owner, it would be deemed unfair.

**Mr Wells:** Yes. However, that is the Rubicon between the honourable Member and me. If I were presented with a contract at the door of a caravan site, I could read it to ascertain whether it was fair and whether I was happy with it; if not, I could walk away. The problem is that the vast majority of those who will get contracts are the 13,000 people and their families who might

have been on a site for decades. There is a huge inertia, because they do not want to move off a site.

I do not know how long my family has been on the Coleraine Borough Council site, but it must be at least 30 or 40 years. It would have to be a horrendously onerous contract to force my family to leave that site. Established occupants are, therefore, not in as strong a bargaining position as new customers. The only consolation that many of those people may have is that although it may be horrendously onerous, at least they have a contract. That is no reassurance. The contract could say that they must move every 10 years, that they must insure through the site owner, and sell the caravan back and buy a new one from the site owner. The only consolation that the poor caravan owner will have is that at least they have it on a piece of paper that they are being fleeced. However, that offers no consolation. I am trying to tease out from the honourable Member how his Bill will solve that problem.

**Mr McCallister:** By putting it in black in white. If the terms of a contract are deemed unfair, they are not enforceable by a site owner and will not stand up in any court judgement or with the Trading Standards Service. A site owner does not have the power to write a wish list into a contract and to say that a person must sign it or get out. The terms of a contract have to be deemed fair and reasonable. I hope that that provides Mr Wells with the reassurance that he needs that a contract is a good thing, as people will not have to rely on a conversation that might have been held 10 or 15 years ago; they will have it in black and white. Site owners cannot put unfair clauses in contracts; if they do, the contracts will be unenforceable.

**Mr Wells:** The honourable Member can frame this: for the first and only time, he will find me agreeing with Mr Willie Clarke in the Assembly. Mr Clarke gave an example — I know the one that he means, because I was involved in the case — where a gentlemen was making what, in my opinion, were very reasonable representations about the state of the swimming pool at a site. Because he gathered together a group of residents of the caravan park, which will remain nameless, and met both Mr Clarke and Mr McCallister at a public meeting — perhaps that is where he went wrong — he arrived a few days later to find his caravan across the road in a field,

with a sign on it stating that he must take his caravan away and that he was a troublemaker.

The difficulty with Mr McCallister's suggestion is that those contracts will be produced and there will be what most people regard as unreasonable terms. What is to stop a caravan site owner telling people that they must sign the contract or get off the site? If there is no contract, nothing can be enforceable.

**Mr Leonard:** Does the Member share my concerns about the references in the Bill to the detail of possible contracts? That would have to be tied down, and a great deal of guidance would have to be given about the nature of contracts. Does he further agree with me that there may need to be an arbiter to consider contracts' fairness? If it is left open to the market, different views will be taken by different site owners.

**Mr Wells:** Absolutely, and that is the beauty of Committee Stage. Unfortunately, the Chairperson of the Committee is no longer here, but I understand that the Committee for Social Development has drawn the short straw and will be scrutinising the Bill.

Somewhere along the line, the Department may recommend a definition for a reasonable contract. That will be the yardstick against which everything is measured. At the moment, I have a difficulty with the fact that of the 13,000 people who will get a contract, some will regard it as reasonable and some will think that it is absolutely diabolical. Unfortunately, those who do not want to move will be stuck. If they refuse to sign a contract, they will simply be shown the door. What is the solution in that case?

**Mr McCallister:** We are debating the broad principles of the Bill, so I do not want to get too bogged down. The contract provides a solution in that site owners cannot simply impose terms. As we have heard, site owners run businesses. Therefore, they will not want to disenfranchise 10,000 of their customers in one year. Measures must be brought in by degree. The Trading Standards Service also has the power to review contracts, so caravan owners will not even have to seek expensive legal advice to deal with that.

The Member referred to a case in our South Down constituency. The person whose caravan was removed would have had the power to take court action had a contract been in place. In fact, I think that that person could take

court action at this stage, even before the Bill proceeds any further, because what happened may be deemed unfair under consumer regulations. That individual should, therefore, pursue a case. A written contract will put caravan owners in a much stronger position to take legal action.

**Mr Wells:** I accept the Member's point that a written contract is a good thing, because at least people will know that they are being fleeced. It is good to know that that will be written into a contract. A contract will provide no reassurance to the little old lady who is just about to be evicted from her caravan site.

I still feel that the Department should give broad guidance about what constitutes reasonableness with respect to the content of a contract. We must ask ourselves why many people are holidaying in caravans. No doubt, the honourable Member for South Down and his young wife jet off to Lanzarote or Florida for their holidays and can afford to have a holiday abroad. However, caravanning is the only form of holiday that lots of families in Northern Ireland and South Down can afford. Those folk often tend to have quite low incomes and are not in a position to acquire the knowledge or resources to take a case to court. Those difficulties and burdens will always have to be overcome.

Earlier, I quoted the case of a lady who was given a ridiculous price for her caravan. It was only by chance that I met her during election time and was able to refer her to the Office of Fair Trading. She was able to get some redress through the office, and that was very good. However, I do not think that it is particularly good to put people in a position whereby the only way out of their predicament is through court action, because 90% of citizens will run a mile if they are forced to do that. Perhaps the Committee — again, this is the beauty of Committee Stage — should look at getting some guidance from the Department about the 10-year rule, which is not reasonable. The reasonableness test should be based on the state of the caravan, not its age. Charging three times the market rate for insurance is also not reasonable.

Another issue concerns a practice at some sites in South Down. Until recently, if a caravan had a leaky roof or needed rewiring, the owner rang a local spark or plumber and said, "Fred, come down and fix my caravan." Now, owners cannot do that. Instead, they have to go, cap in hand,

to the site owner to be told which contractor they must use. The contractor will then charge for the work, and the caravan owner will pay the site owner for it. The problem is that that way of doing things will always involve a site owner placing a significant mark-up on the cost. Everything seems to be arranged against poor caravan owners, who are often not the sorts of people who are articulate enough to voice their concerns, and they, therefore, feel intimidated.

Let us not throw the baby out with the bathwater. We have given Mr McCallister a difficult time, but he is more than capable of taking it. He voluntarily decided to introduce the private Member's Bill. His Bill will be all the better for having been tested in the fires of the Floor of the Chamber and in the Social Development Committee. Let us send it off with our blessing to the Committee, which can tease out the crucial issues.

## 2.00 pm

All our difficulties with the Bill concentrate on the uneven relationship between a site owner and a caravan owner.

I am slightly worried about the main thrust of Mr McCallister's argument, which is that site owners must be given incredible, Genghis Khan-type powers of control over their empires in order to stop the mythical undesirable family from moving on to a site. There must be some mechanism achievable whereby the type of people — be it a family or an elderly couple — coming on to a site can be controlled while still affording other caravan owners decent treatment. I ask the Committee to consider that difficult issue to see whether it can be dealt with in some way. As it stands, the Bill gives far too many powers to site owners in order to prevent what is an occasional situation from arising.

To be fair to Mr McCallister, I accept that that situation does arise. I know of two such examples in my constituency, one of which involved a gentleman who had been accused of child sex abuse, and who was subsequently convicted, moving on to a caravan site in South Down. Under the existing powers, the owner was able to move him off the site immediately at the behest of 99% of site owners. The other example involved a caravan site on which a group of young gentlemen were trading in substances that are not yet legal and, hopefully, never will be. Again, the owner had the power to remove them. It is important in those circumstances to have those



powers. However, I do not believe that that justifies the huge control that the legislation will give to site owners.

Apart from that, there is a great deal of merit in the Bill. Private Member's Bills at Westminster do not have a tremendous success rate, and I do not know of too many that have been successful here. However, I wish the Member well and I will be very interested to see what the Committee comes back with on this important matter.

**Mr Kinahan:** It may surprise some Members, but I, too, am very pleased to speak to the Second Stage of the Caravans Bill. There is a caravan site on the lough shore in South Antrim that is well worth considering for a visit or a holiday.

This matter is extremely important to very many people, especially those for whom a caravan is the only way of being able to enjoy the freedom of living in their own home. In many cases, we are talking about a person's only home. We are also talking about people's ability to enjoy a holiday without any stresses and strains, which is how one wants it when having a break.

I congratulate my colleague, his team and the Department for their hard work. We have seen, through today's barrage of questions and queries, that John knows his facts and details. Yes, many issues need to be sorted out at Committee Stage, but we know that the Bill has been looked at thoroughly.

The Bill is essential, because there are issues with caravan sites that desperately need to be resolved. I am pleased to see this type of matter being dealt with in the House, which shows the very best of our legislative system. However, there have been moments today when the five-minute rule might have been worth applying. During a legislative stage of another Bill, I listened to a certain Member speak for three and a half hours, only half an hour of which was worth listening to, the rest being point scoring and petty innuendo. I agree that we should be more lenient in allowing Members time to speak, but mainly when there is no political point scoring to be done.

The Bill provides, for the first time, a statutory requirement for a written agreement between site owners and caravan owners. It lays down certain provisions that must be included in that agreement and protects the rights of both sides, as is its intention. It improves transparency so that both sides know what is in the document

and what they are signing up to. As was raised in a key question at the beginning of the debate, the Bill would apply to contracts that are already in place as well as to those that are signed in future. Some unscrupulous site owners had more influence than caravan owners, and the Bill redresses that imbalance. I say again that the Bill is designed to protect both sides.

The Bill also provides for clear succession rights, both within the family and to others who may be nominated. That is a vital provision, because, as Members know, some caravans are extremely expensive. That was hinted at earlier, with references to people paying £40,000, £50,000 and £60,000, which are huge sums, for caravans. In the tragic event of an owner's death, it is essential for such succession rights to be clear.

Caravan owners must be free from harassment by site owners, and, equally, site owners must be confident that pitches will be maintained to a certain standard by suitable owners. The Bill makes it an offence for a site owner to withhold any service or to carry out any act that would interfere with the enjoyment of a caravan for the purpose of intimidating an owner to the extent that he or she leaves the site.

I will not go into the Bill's many other important clauses today. I look forward to examining the Bill at the Environment Committee, although our role will be small. We will examine the definitions of a caravan and consider the Bill's implications for the work of councils. I am concerned about instances in which a council owns a site and its caravans. The Committee will have to examine that issue. Today has shown that there will be some debate on what is reasonable or unreasonable as far as the law and the Departments are concerned. Therefore, we need more guidance on that.

Again, I congratulate my colleague John McCallister and the Committee for Social Development on their work. I particularly commend them on their thorough consultation, which demonstrates to all Members that consultation means meeting people, listening to them, taking their points on board and, if necessary, changing legislation. I support the Bill and look forward to Committee Stage and thereafter.

**Mrs M Bradley:** I commend John McCallister for placing the issue into a modern legislative framework, which should offer protection to



caravan owners and establish their rights as contributors to the life of holiday parks and the economy. Reasonable site owners will work with their residents to create a better environment and to install better facilities for everyone.

Today's debate has been extremely intense. John was subject to a heavy grilling and defended his Bill well. The Bill, when it incorporates the changes that I hope will be made after today's discussion, will increase the number of people who invest in holiday homes. Over the past few years, the abuse of an unregulated system led many people to give up their holiday homes. The most recent legislative changes happened in 1963, which was some 47 years ago. In light of that, changes must be made to the system, but they must benefit the owners and users of the sites. All I ask for is a Bill that protects people's rights on both sides, so that everyone can enjoy caravan sites. Northern Ireland has some lovely sites, and it is a shame that certain situations mean that people cannot rest easy on some of them.

I look forward to the next stage of the Bill. I hope that the Bill is successful and that everyone supports it.

**Mr Deputy Speaker:** I call the Minister for Social Development, Mr Alex Attwood.

**Mr Wells:** Time.

**The Minister for Social Development**

**(Mr Attwood):** That was the first "time" of many, I am sure.

Jim Wells accurately referred to John McCallister's taking of interventions during the debate as "extraordinarily generous". The way in which the Member for South Down handled himself was not only extraordinarily generous, but enormously competent. He gave a fine parliamentary performance.

Mr Boylan suggested that, after today's debate, Mr McCallister may want to go on a caravan holiday. Once Mr McCallister has taken the Bill through all its stages, I suggest that we perhaps have a collection to offer him more than just a caravan holiday, welcome though that would be. Indeed, we may see that in subsequent times.

I also thank everyone who contributed to the debate. Mr Wells reflected on the fact that the debate was one of quality and robust exchange. Indeed, there has been good consideration of some of the many material issues that arise

from the Bill. It reflected well on the Assembly that the quality of the debate measured up to the importance of the issue that is under discussion.

I thank Mr McCallister for his opening remarks and for bringing forward this important piece of legislation. I am delighted and pleased that the Department was, as Mr Hamilton said, able to assist in redrafting the Bill. I commend Margaret Ritchie for her work in helping the Bill to reach this stage, and I look forward to playing an equivalent role in moving forward.

I ask whether I could take a little time to acknowledge the contribution of the former Minister for Social Development not only to this Bill but to politics in the North over the past three years. I also acknowledge her role as the Minister for Social Development. She has demonstrated, perhaps more than any other Minister, what it means to go into government and into power and what it means to try to address the needs of those who are in need, be they caravan owners or people who are in poverty or disadvantage. The fearlessness that she demonstrated throughout her three years as Minister and her tireless service, as well as her commitment and conviction to politics addressing the needs of the powerless, will stand the test of time. I hope that, in some small way, I can measure up to the legacy that she has left.

I also thank other Ministers and their officials for their support in bringing the Bill to its Second Stage. I thank in particular the First Minister and deputy First Minister for providing access to the expertise of the Office of the Legislative Counsel. I also thank Ministers Foster and Poots for their contributions to Parts 2 and 4 respectively of the Bill. Just as I think that the debate reflected well on the Assembly, the way in which the Bill came before the Assembly, with the assistance of three other Departments and four other Ministers, demonstrates a coherent, cohesive and productive way of managing business on behalf of the people of Northern Ireland. The Bill is a good expression of democratic practice and good government on behalf of the people of Northern Ireland.

As we heard from all the contributions, the Caravans Bill is a much needed piece of legislation that is designed to protect the rights of

caravan owners and residents. I intend to touch on some of the issues that Members raised.

The Bill will provide residential caravan owners and occupants with the same rights as their counterparts elsewhere in Britain. Although there are only a small number of residential caravans in Northern Ireland — an area that is subject to Part 1 of the Bill — there are signs that that number is growing.

I trust that the Bill will do much to generate a new confidence in the park homes sector that will benefit caravan owners and park owners alike. I also trust that it will create new discipline among those caravan site owners who have committed error in the past or who have been on the wrong side of best practice. The Bill will also provide holiday caravan owners with a level of protection beyond that which holiday caravan owners elsewhere in the United Kingdom enjoy. The measures represent a balanced approach, giving a degree of peace of mind to the estimated 14,000 holiday caravan owners in Northern Ireland, without imposing any undue burdens on good caravan park operators.

The main interest of my Department in the Bill is in Parts 1 and 3, which relate to residential caravans. Such caravans are commonly referred to as mobile homes, or park homes.

### 2.15 pm

Part 1 of the Bill provides a detailed statutory framework for protecting the rights of residential caravan owners who live on approved sites. That framework centres on a requirement for written agreements to be in place between site owners and caravan owners, for a series of detailed terms to be applied in any agreements and for courts to have the authority to hear a range of matters relating to residential agreements.

As mentioned earlier, Part 1 is based on the Mobile Homes Act 1983, as amended, and it reflects recent changes in the law in England, following reviews of its park homes industry. It is good legislation; it has been proven to work, and I trust that when the Bill passes through all its stages, it will be proven to work here as well.

Part 3 of the Bill offers protection from harassment and unlawful eviction to those who own or rent a residential caravan on an approved site. Part 3 is based on the Caravan Sites Act 1968, as amended, and it protects the rights of residential caravan occupiers to peacefully enjoy

their homes. All Members will agree that advances in that regard are to be welcomed.

The holiday caravan sector is dealt with in Part 2 of the Bill. There is already a considerable body of existing consumer protection law that applies to that sector. Unfortunately, many holiday caravan owners do not have written agreements with site owners, and that has made it difficult to ensure effective enforcement of the existing law. The requirement in Part 2 of the Bill for written agreements to be in place will address that gap. It represents an important step forward that will put Northern Ireland ahead of Britain on the issue.

Part 4 of the Bill updates the definition of a caravan in line with the definition used in England and Wales. That change is an important building block, which will provide clarity and help to ensure the effective application of the Bill.

I wish to make some comments on the individual contributions of Members, which produced a wide-ranging narrative about the Bill and issues that it may yet seek to address following its Committee and Consideration Stages. I congratulate Ian Paisley Jnr on being elected to Westminster in the recent election. He made a number of interventions, which, curiously, captured attentions in and around the Bill. He rightly pointed out that Part 1 may extend to only the smaller sector of caravan owners in the North. At the same time, however, he recognised that it was not desirable to have what he referred to as the “willy-nilly selling of caravans” without licence or control, giving rise to further problems in caravan sites. He captured the tension between trying to create the maximum degree of protections for all caravan owners and the need to ensure that there is not a free-for-all, as was referred to by other Members.

That theme was taken up by Jim Wells, Alban Maginness, Fra McCann and Alex Easton, who touched on the issue of the right to sell a caravan and the control of a pitch vested in a caravan site owner. Like Mary Bradley, Willie Clarke and Jim Wells, Mr Easton referred to a number of cases — which, in my view, are not simply hard cases — in which a caravan site owner has engaged in what can only be deemed as exploitative behaviour towards caravan owners, and, particularly, as Jim Wells pointed out in one case, vulnerable caravan owners. Mary Bradley and Willie Clarke captured the

essence of that issue by referring to people being ripped off and charged exorbitant fees for moving a caravan a few yards and to others being refused access to sites for the purpose of removing their caravan.

Basil McCrea rightly pointed out that all those matters can be subject to amendments in the Bill when it goes through its Committee and Consideration Stages. I am not in a position to commit the Department for Social Development to any further amendments to the Bill. However, I will be very attentive to scrutiny of the Bill by the Social Development Committee to determine whether reasonable measures can be taken that get the balance right and can add more to the Bill, if that is deemed necessary.

**Mr Wells:** Will the Minister give way?

**The Minister for Social Development:** I will, Mr Wells.

**Mr Wells:** I am honoured to make history by being the first Member to seek an intervention from the new Minister. Will he and his Department consider issuing guidelines on what constitutes a reasonable contract? The problems that we have been discussing could be solved if there were guidelines, possibly non-statutory, indicating what the Department believes to be a reasonable contract. Those guidelines could be for the entire industry, and would, it is hoped, get round many of the problems indicated. Having been Minister for only 12 hours, he may not be able to give us a categorical view on that point on the hoof, as it were, but it is something that I think is worth consideration.

**The Minister for Social Development:** I will correct the Member on one point: I have been a Minister for five hours, and, therefore, I am even more cautious to what commitments I enter into. If he could come back to me by teatime, I may be able to make a more generous response to his intervention. I also have to be mindful that enforcement of regulation falls more to the Minister of Enterprise, Trade and Investment than to me, but I will commit to having a conversation with the Minister of Enterprise, Trade and Investment to consider issues around contracts in the holiday sector, which were mentioned by Mr Wells and others.

I will also ask officials to provide me with a briefing to capture the current regulations, protections and laws, including those enforced

by the Trading Standards Institute, to create certainty about the rights and entitlements of caravan owners, especially in the holiday sector, so that people entering into contracts have a fuller view and insight into their current protections, guarantees and legal entitlements. I will not make any particular commitments beyond that at this stage. However, I will take up the matters that Mr Wells mentioned in his intervention with my officials and with the Minister of Enterprise, Trade and Investment.

I also thank Mr Wells for his comments on my taking up office. We share a number of things going back some years. Not only are we of the same vintage, but we were at college together, we make the same length of speeches, and we have the same youthful looks. However, unlike me, Mr Wells is known for his sound and well-judged contributions to debates, which is something that I wish to follow in the future.

I know that we are pressed for time, but I will respond to some issues that were touched on in the debate. If there are any other matters that I have not replied to, I will deal with them by way of correspondence.

Mr Clarke raised the issue of protection for Travellers. I want to comment on that so that certainty is created. The situation, as I understand it, is that all Travellers living on NI Housing Executive sites will have the right to protection from harassment and eviction under Part 3 of the Bill. However, those rights will be given only to Travellers who live in park homes; in other words, those who are living in them permanently or nearly permanently. They will have the protections of Part 1, which is where the meat of the Bill is located.

Travellers who are on transit or halting sites, given that those facilitate temporary accommodation, will not have the protections of Part 1 of the Bill as drafted. They will be entitled to other protections in legislation, but not to the enhanced protections in Part 1 of the Bill. Those matters can be revisited when the Bill enters its Committee Stage.

I am mindful that Question Time is almost upon us. I will conclude by making particular comments about John McCallister, who has been the alpha and the omega of the legislation and the debate. I welcome the Bill and the fact that Mr McCallister has been its architect and its sponsor, and has taken it to its Second Stage.

As other Members said, Mr McCallister deserves warm acknowledgement for his work heretofore. After today's debate, he will probably need much warm encouragement in doing what is required to get the Bill over the line to Royal Assent.

It may be the only private Member's Bill to get over the wall and be passed as law during the current Assembly mandate. If that proves to be the case — Ms Purvis's private Member's Bill may yet achieve that status — it would reflect the importance of the issue and demonstrate the Assembly's response to the identifiable needs of the communities in the North. It would also reflect Mr McCallister's personal integrity and authority and, by association, the work of Margaret Ritchie and other Ministers who helped him to get the Bill to its current state of preparedness.

The Bill is much needed and, even before amendments, does much to protect the rights of caravan owners and residents. On behalf of the Executive and, in particular, the ministerial colleagues to whom I referred, I welcome the Bill and commend it to the House.

**Mr Deputy Speaker:** As Question Time commences at 2.30 pm, I suggest that the House take its ease until that time. On resumption of the debate after Question Time, the next Member to speak will be John McCallister, who will respond to and conclude the debate.

*The debate stood suspended.*

**2.30 pm**

*(Mr Speaker in the Chair)*

## Oral Answers to Questions

### Office of the First Minister and deputy First Minister

**Mr Speaker:** Order. Question 2 has been withdrawn

#### **OFMDFM: Arm's-length Bodies**

1. **Ms J McCann** asked the First Minister and the deputy First Minister, given the possibility of Budget cuts by the new Administration in London, whether they will ensure that bonuses will be restricted for senior civil servants and senior personnel in arm's-length bodies for which their Department is responsible. (AQO 1270/10)

**The First Minister (Mr P Robinson):** Pay awards to senior civil servants in the Northern Ireland Civil Service are determined by the Minister of Finance and Personnel. No bonus payments were made to senior civil servants as part of the 2009 pay award; a decision has yet to be made on the pay award for 2010. There will be implications for many arm's-length bodies whose senior staff contractually follow that award. If no bonuses are awarded to SCS staff for the 2009-2010 reporting year, that policy could be extended to the wider public sector. Such a decision would need to be agreed by the Executive. In the past, separate pay and bonus arrangements were in place for the Strategic Investment Board; however, those are now being brought into line, and no bonuses will be paid. It should be noted that a key feature of implementing pay policy is the need to honour contractual entitlements.

**Ms J McCann:** I thank the First Minister for his answer. Given that we now know that there will be £120 million worth of cuts, does the Minister agree that front line services and the most disadvantaged and vulnerable should be protected from proposed cuts?

**The First Minister:** I agree with the Member. However, I warn the House that there is some concentration on the £120-plus million of cuts in this financial year, should we decide not to



defer. Significantly more than that is planned over the three years of the comprehensive spending review period that will follow. One of the decisions that the Executive will have to take is whether we defer all or part of those cuts in this year, remembering that we would have to bear a heavier burden in the following year.

**Mr Kinahan:** Given concerns about cuts, I wonder whether the First Minister and other Ministers will follow the example of the Prime Minister and his Cabinet and take an immediate 5% pay cut.

**The First Minister:** That sounds like a good idea for the Assembly as a whole; I am sure that the Member will want to join in such a proposal. If he tables such a motion, I will support it.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. Does the First Minister agree with the Minister for Social Development that there should be a thorough review of the number of senior civil servants? Does he further agree that his own Department should be examined to see whether it justifies having more than 20 senior civil servants?

**The First Minister:** The average across all Departments is about 20 senior civil servants. The number of such civil servants has remained steady in Northern Ireland since the mid-1990s, whereas at Whitehall the number of senior civil servants has increased by 39%.

If the Member wants as good a comparison as I can give him from the Irish Republic, the middle and higher levels of the Irish Civil Service have increased by 82%. Therefore, Northern Ireland has maintained its levels, and, compared with Great Britain and the Republic, it has done very well.

The Member is aware that, as a result of recent efficiencies, we reduced the number of civil servants in OFMDFM by 51, two or three of whom were, I believe, senior civil servants.

**Mr Bell:** How does the Northern Ireland Executive's position on bonuses last year compare with that of Whitehall? What is the First Minister's Department doing to ensure that arm's-length bodies are following the Senior Civil Service position?

**The First Minister:** Whitehall did not introduce a policy of stopping the bonuses of senior civil servants. This Administration has led the way in that respect. In relation to the pay of employees outside the Civil Service, the Strategic

Investment Board is the one body that lay outside that policy in OFMDFM and, as I said at my last questions for oral answer, it is proposed that it should be included.

**Mr Speaker:** Question 2 has been withdrawn.

### OFMDFM: Community Engagement

3. **Mr Hamilton** asked the First Minister and deputy First Minister what plans their Department has to engage with hard-to-reach communities across Northern Ireland. (AQO 1272/10)

**The First Minister:** With your permission, Mr Speaker, I will ask junior Minister Robin Newton to answer.

**The junior Minister (Office of the First Minister and deputy First Minister) (Mr Newton):** I thank the Member for his question. The Executive are fully committed to moving society forward and making a real difference to the lives of all our people. We are also committed to working towards building a fair and inclusive society that is at ease with itself, a society that is integrated and cohesive and in which everyone is regarded and treated equally. All our Departments' policies aim to be inclusive and to consider the needs and rights of all section 75 groups. One of the legacies of the past is that poverty and violence have combined to leave many areas with problems of multiple deprivation. Those communities can be the hardest to engage.

OFMDFM supports good relations work across all 26 district councils, each of which produces an annual action plan that is tailored to address the most important good relations priorities in its area. The Department also works with community empowerment networks and a wide range of interface regeneration groups to find ways to address particular issues faced by people living in interface areas. In addition, we are working in partnership with the Police Service, education and library boards and city councils. OFMDFM delivers approximately £500,000 per annum to assist with the provision of a range of relevant and effective interventions and summer diversionary projects in Belfast and other identified areas of need.

**Mr Hamilton:** I thank the junior Minister for his response. He will know that many disadvantaged communities across Northern Ireland have not always responded positively to intervention in the past. Will he spell out

whether his Department is examining any new ways or models of engaging with those traditionally hard-to-reach communities?

**The junior Minister (Mr Newton):** It is vitally important that we address that question. We first need to recognise that there is a problem and have done so. We need to engage with and listen to the concerns of those who are traditionally regarded as being in areas that are difficult to reach. If we are to move the peace process and society forward, we cannot ignore those areas. We would do so very much at our peril.

We are always keen to look at new and innovative ways to reach out to those who traditionally have not engaged. We will be looking across the UK and further afield at what has worked in other jurisdictions, while fully taking into account our own unique circumstances. We can also look at evidence of best practice across Northern Ireland to see what has been effective and to see whether we can apply that to hard-to-reach groups in individual communities.

Discussions have taken place at political and official levels in the Department on how to address those difficult issues — and they are difficult, Mr Speaker. However, as we move forward, we are determined that no community in Northern Ireland will be set apart or not be part of the success of the devolution initiative.

**Ms Lo:** In my experience, the best way to engage hard-to-reach groups is by having designated staff go out to meet them. With the cut in the equality unit of OFMDFM, will the junior Minister explain how that will happen?

**The junior Minister (Mr Newton):** I thank the Member for her question. I suppose that, yes, obviously, there is concern across Northern Ireland that good relations should be an aspect of everything we do. However, funding for the promotion of community relations and good race relations has been increased by one third in the period 2008-2011 and from £21 million in the previous CSR period to almost £30 million in the current one. In addition, funding for youth and interface workers has increased by one quarter.

Last summer, OFMDFM's community relations unit provided £400,000, via the Department of Education, to the five education and library boards to fund a range of diversionary activities for young people who might otherwise be drawn into antisocial behaviour or rioting in interface

areas. In addition, £100,000 was provided for diversionary activities over the summer specifically in north Belfast interface areas.

Approximately £3 million was spent on the district council community relations programme to operate community relations-based programmes, such as small grant schemes for community groups engaged in cross-community activities. There is a range of similar activities, and, rather than taking up the Assembly's time with a verbal answer, I am happy to forward a written answer to the Member if she is happy for me to do so.

**Mr Molloy:** Go raibh maith agat, a Cheann Comhairle. Does the junior Minister believe that there is a need to develop additional resources and greater cross-departmental working to address the historical and interrelated nature of deprivation, particularly for those who live in deprived areas?

**The junior Minister (Mr Newton):** I am sorry, Mr Speaker, I did not quite catch the Member's question.

**Mr Speaker:** The Member should repeat his question.

**Mr Molloy:** Does the junior Minister see a need to develop additional resources and greater cross-departmental working to redress the historical and interrelated nature of deprivation, particularly that experienced by those who live in deprived areas?

**The junior Minister (Mr Newton):** There are a number of issues at the heart of Mr Molloy's question. A number of cross-community and cross-departmental initiatives target child need, child poverty and deprivation in general. In many ways, those initiatives have still to reach fruition. Nevertheless, I shall outline one cross-departmental pilot initiative. I think the Member will agree that one of the big problems in deprived areas is the community debt accumulated by individuals and families. I commend an initiative that aims to tackle the problem of those who are in the clutches of moneylenders. The initiative is being piloted, but I believe that it could make a significant contribution to the debt problem and help get people out of the clutches of illegal moneylenders. Of course, there is a desire across all Departments to address levels of deprivation that, unfortunately, exist in many communities.

## Local Government Reform

4. **Mr B McCrea** asked the First Minister and deputy First Minister what discussions they have had with the Minister of the Environment regarding the local government reform process. (AQO 1273/10)

**The First Minister:** Last week, along with the deputy First Minister, I met the Minister of the Environment and agreed that certain matters should be explored in greater detail. We expect to meet again shortly.

**Mr B McCrea:** Given the collapse of local government reform and the fact that we do not have the ESA, will the First Minister tell us how many more of the Executive's key policies are expected to fail? In addition, how much has been invested in local government reform, and will he estimate how many millions of pounds of taxpayers' money have been wasted?

**The First Minister:** I am surprised to hear the Member being so critical of his party colleagues, who, after all, introduced the policy, even though they did so at an Ulster Unionist Party conference, which seemed to be a strange place for the Minister to make his statement. However, having accepted that the Ulster Unionist Party policy is moving forward, I would not be as critical as him about how it is proceeding.

We recognise that, in this day and age of politics, we should attempt to get the highest level of consensus possible on moving forward. In this case, that does not mean just getting consensus in the Executive and the Assembly. Because this relates to local government, it requires consensus among those who are in local government. In this case, the Minister's proposals were rejected in some key aspects and, therefore, he entered into dialogue with local government.

### 2.45 pm

The purpose behind the reduction in the number of councils was to gain efficiencies. Therefore, if the policy does not gain efficiencies, it is not worth proceeding with. Local government was asked whether it could produce proposals that would bring forward the same savings as the Minister's proposals. It believed that it could, and it has now been asked to have those proposals identified and tested. The Minister is anxious to have those checks carried out

so that he can be sure that we do not invest the more than £100 million that it would be necessary to invest in order to effect around £438 million of savings. It would be very silly of the Minister to proceed to spend the money before he was absolutely certain that he was going to get the stated efficiencies.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. Will the Minister clarify whether the elections to local councils will proceed on the 26-council model? Like Mr Basil McCrea, the SDLP has major concerns about the millions of pounds that have been squandered on RPA to date.

**The First Minister:** It may well be that the Ulster Unionist Party's Minister squandered money on RPA. I have not looked particularly at the detail of it. However, the present Minister is ensuring not only that we make efficiencies but that we do it in such a way that those efficiencies are brought to the fore as quickly as possible. That is particularly important given the climate within which we have to work. Simply having 11 councils rather than 26 is not the only way to make efficiencies. Members might want to wait a few weeks, because the policy will have to be considered by the Executive, but it is possible to have some of the transitional benefits of the efficiencies that are being considered by local government under the 26-council model, just as it would be under the 11-council model.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Tá ceist agam don Aire. Does the First Minister believe that the recommendations of the Boundaries Commissioner should be respected by the Environment Minister and be free from party political or partisan constituency considerations?

**The First Minister:** They certainly should be free from party political consideration. That is essential. The Minister must always act in a capacity that raises him above that level, and, therefore, the Minister must come to the issue with clean hands. However, the law gives a role for the Assembly to determine whether it accepts the results of the Boundaries Commissioner's work, and it has the power to change it on foot of a recommendation from the Minister, supported by the Executive. That is what the law requires, and the law must be carried out impartially without any party political considerations.

**Mr Neeson:** Has the First Minister discussed with the Environment Minister any possible

conflict of interest, bearing in mind that the Department of the Environment is in control of local government and the Minister continues to be a councillor on Lisburn City Council?

**The First Minister:** We need to look at the ministerial roles of a number of Ministers from different parties where there would be a similar conflict. That is one reason why my party has indicated that all Ministers will be standing down from local government. The Member will have noticed that some of my party colleagues have already started that process.

## UK Government

5. **Mr Hilditch** asked the First Minister and deputy First Minister what discussions have taken place with the new Government at Westminster. (AQO 1274/10)

9. **Mr McQuillan** asked the First Minister and deputy First Minister to outline the outcome of any meetings they have had with the new Prime Minister. (AQO 1278/10)

**The First Minister:** With your permission, Mr Speaker, I will answer questions 5 and 9 together.

The deputy First Minister and I spoke to the Prime Minister, David Cameron, immediately on his appointment, and we met him last Thursday during his visit to Northern Ireland. In the past week, we also held separate meetings with the Secretary of State, Owen Paterson, and the Northern Ireland Office Minister of State, Hugo Swire. During those discussions, we outlined the unique circumstances in Northern Ireland, including the need to address the historical imbalance between the public and private sectors and the link between economic stability and continued political progress. More specifically, we explored options for dealing with the announced public sector cuts; raised the issue of corporation tax; enquired about the publication date of the Saville report; and stressed the importance of finding a workable and speedy solution to the ongoing problems of the Presbyterian Mutual Society.

In response, the Prime Minister acknowledged the political progress that has been made here in recent years. He indicated that he wants to develop an impartial relationship with the devolved Administrations, based on the principles of what he describes as respect, and offered all three devolved Administrations the

option of deferring cuts until the next financial year. That may seem an attractive option, but it would have implications for future Budgets and would require careful consideration by the Executive. He is also committed to producing a paper examining options for reducing corporation tax here, recognises the differences between each of the devolved regions and expressed a wish to use the Joint Ministerial Committee more effectively to address disagreements in an environment of mutual respect.

**Mr Hilditch:** I thank the First Minister for his answer and the comprehensive list he has before him. Will the First Minister tell the House what the £6 billion of cuts will mean for the Northern Ireland block grant? How do the Executive intend to address that?

**The First Minister:** The Treasury provided the Department of Finance and Personnel with a communication today that indicates that the Barnett consequential of those cuts will be £142·027 million. However, additions resulting from recycled savings amounting to £14·128 million must be factored into that figure, meaning there will be a net reduction of approximately £128 million. It will be for the Executive to determine the extent to which those reductions are applied during this financial year or are carried forward.

I am delighted that the Scottish and Welsh First Ministers are with us today. With them, we will seek a common approach that will give the devolved Administrations the widest flexibility in dealing with fiscal matters. Hopefully, that will include the ability to switch between capital and revenue and automatically draw down our EYF, both of which would be helpful in the current circumstances. However, we have not yet been given the division between the capital and resource departmental expenditure limits by the Treasury. Until those are announced, it is difficult for us to assess whether and by how much matters should be held over until the next financial year.

**Mr McQuillan:** What does the Prime Minister intend to do about the plight of Presbyterian Mutual Society members?

**The First Minister:** During the election campaign, spokespersons for the Conservative Party indicated a high level of sympathy with the plight of the savers in the PMS. I raised that matter during the telephone call I had with the



Prime Minister. The deputy First Minister and I also raised it when we met him recently, and he indicated that work is urgently going on in the Treasury. In the run-up to the election, we placed a proposal before the Treasury. That proposal was endorsed in principle by the Executive, but it requires some items to be cleared in relation to state aid from the EU and also requires the approval of the Treasury. We will continue to contact the new Administration in Westminster to see whether progress on those matters can be made as urgently as possible.

**Mr McKay:** Go raibh maith agat, a Cheann Comhairle. It would be an understatement to say that there is a great deal of public concern about the cuts, the possible effect that they will have on our local economy and particularly the effect they will have on front line services. What will the Executive and the Office of the First Minister and deputy First Minister do to ensure that the cuts will not have an immediate short-to medium-term effect on front line services?

**The First Minister:** The prospect of £6 billion of Conservative and Ulster Unionist Party cuts strikes dread into many people in Northern Ireland, which relies heavily on the public sector. Furthermore, as we move forward into the much greater cuts that will arise from the CSR period, the Executive will have to take hard decisions. I agree with the Member that, given that we have little choice if cuts are imposed on us, we must do everything that we can to protect front line services. We need to remember that the option of simply cutting jobs out of the public sector will have an impact on recovery in Northern Ireland. The prospect of holding back on capital programmes will have an impact on the construction industry in particular. If we have recovered from the recession, jobs will be created in the private sector to offset any jobs that are lost, but they will be net losses if we were to take those cuts in the current financial year. The Executive will have to weigh up those types of issues.

## OFMDFM: Absenteeism

6. **Mr Bell** asked the First Minister and deputy First Minister to outline the levels of absenteeism in their Department over the past three years. (AQO 1275/10)

**The First Minister:** The level of absenteeism among staff in our Department over the past few years has been consistently lower than the

average across the Northern Ireland Civil Service. During 2006-07, 10.7 working days were lost for each member of staff in OFMDFM compared with an average of 13.7 across the service. During 2007-08, 9.7 working days were lost for each member of staff in OFMDFM compared with an average of 12.9 across the service. During 2008-09, OFMDFM absence rate figures reduced again to 6.8 days, which was the lowest in the Northern Ireland Civil Service and compares with 11 days for the rest of the service.

We are not yet able to report the final absence figures for 2009-2010, but the provisional figures indicate that we should continue to have a lower than average level of absenteeism in the Department. We expect to see finalised headline figures for 2009-2010 later in the year. We also expect a substantive report on sickness absence across the Northern Ireland Civil Service to be published by the Northern Ireland Statistics and Research Agency in the autumn.

**Mr Bell:** The whole House will commend the First Minister for his Department's leadership in this area. In light of OFMDFM's good performance, is there a case for setting more ambitious absenteeism targets for the Department?

**The First Minister:** In my view, yes. I always regard targets not as something that must be reached but as something that is just out of reach. Therefore, we have to stretch to get the best from our programmes and, indeed, the various areas in which we set out targets in the Programme for Government. When I was Finance Minister, absenteeism figures were appalling. Some Departments in which permanent secretaries had given attention to the matter had much better statistical evidence. We have now raised the level of concern about absenteeism to the extent that we can see a reduction in Departments across the board, and the overall figures are reducing substantially. However, our figures are still much higher than those in the private sector, so there is more work to be done.

## Social Development

### Living over the Shop Scheme

1. **Mr Savage** asked the Minister for Social Development what progress has been made across Northern Ireland in relation to the Living over the Shop initiative. (AQO 1284/10)

**The Minister for Social Development**

**(Mr Attwood):** I thank everybody who acknowledged Margaret Ritchie's great work as Minister and congratulated me on my appointment. I am tempted to say, Mr Speaker, that your loss is, perhaps, Mr Robinson's gain, but we will know about that on Thursday.

I thank Mr Savage for his question. The Living over the Shop initiative was introduced on a pilot basis in 2002.

Only properties in a designated town centre living initiative area are eligible for funding. Twenty-one towns or cities have been designated in the past three years alone, and 94 applications have been approved to date, with £1.8 million spent on the initiative.

**3.00 pm**

**Mr Savage:** I thank the Minister for his answer. Will he explain the potential impact on the Living over the Shop scheme of not following through with local government reform?

**The Minister for Social Development:** I thank Mr Savage for his supplementary question. My predecessor, Margaret Ritchie, made it clear that the initiative is very suitable to be devolved to local councils. Local councils are best informed and best placed to make judgements on local solutions to local commercial issues. Therefore, my Department under Margaret Ritchie was anxious that the scheme cross over to local government. Given that £2 million to date has been spent on the initiative, which has worked in 21 designated areas, one would like to think that, in the fullness of time, it will be rolled out elsewhere. However, if the initiative is frustrated by a lack of funding, a lack of political will or a lack of ability to get around the issue of the RPA, not only will we as politicians and as the Government have let people down but people's needs and hopes for the regeneration of their local area will be frustrated. That would not be a healthy sign for the Assembly to send to the community, and I hope that the RPA issue gets resolved.

**Lord Browne:** What progress has been made on the Living over the Shop initiative, which forms part of the redevelopment scheme in Newtownards Road in east Belfast under NRd2012?

**The Minister for Social Development:** At present, 21 areas have been so designated.

My mind and that of the Department is open to looking at other areas where the scheme might be rolled out. I shall have to come back to the Member with detail about the Newtownards Road scheme. Whether it is Mr Savage's reference to Banbridge, Lord Browne's reference to east Belfast or any other Member's reference to an area in his or her constituency, the initiative is worthwhile. The budget is currently limited, but the initiative is worthwhile in making our town centres more attractive, not only for commercial activity but for residential activity. Therefore, with the RPA, money and the development of the scheme, there will be an opportunity to do more business.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. Will the Minister confirm that his Department is prepared and ready to transfer the functional delivery of the LOTS scheme to local government, whether or not the proposed reform of public administration goes ahead? We have heard some uncertainty around that. Can he confirm that the necessary funding for that transfer will similarly be guaranteed from departmental budgets?

**The Minister for Social Development:** I thank the Member for his question, and I am pleased on both counts to be able to give him an affirmative answer. There is no doubt whatsoever that my Department wishes full responsibility for the initiative to be transferred to local councils, and, in the event that that happens, we are also committed to transferring the budget. I am prepared to give those guarantees. However, just as the initiative has worked well for people in some parts of the North in the past three years, I hope that, in the next 10 months, the Government of which I am now a member will deliver much more for communities in the North that are in need, including for town centres. That includes the rolling-out of the initiative in other parts of the North.

**Community Funding**

2. **Mr McDevitt** asked the Minister for Social Development for an assessment of the budgetary and financial outlook for community funding in the next Budget round. (AQO 1285/10)

**The Minister for Social Development:** I thank Mr McDevitt for his question, which is very important, for reasons that I shall explain. My Department currently has £38 million available to complete a number of community projects. I

do not intend to rehearse what all of them are, but substantial funds are available across a range of initiatives.

On many fronts, considering the budget that we have and on the basis of what we currently have — in making that point, I am mindful of the announcement of the Treasury in London this morning — it appears that the funding commitments that the Department has entered into are satisfied by the budget that has been allocated, save for one issue, namely the single biggest challenge that has been left to me by Margaret Ritchie under the current budget: the almost total absence of any capital funding for regeneration activities this year.

There is a history to all of that with regard to how the Royal Exchange initiative is supposed to be funded. We are aware that that project has not been taken forward at this stage. The consequence of that is that substantial funds in respect of the Royal Exchange initiative may be returned to the Department of Finance and Personnel in the very near future. Given what I said about the almost total absence of capital funding for regeneration activities in the current financial year and given that my predecessor and the Department have rightly entered into some commitments in that regard, I trust that my Executive colleagues, in the event that Royal Exchange money goes back to DFP, will recognise the importance of regeneration and will allocate substantial moneys from those funds back to my Department to enable me to take forward various initiatives.

**Mr McDevitt:** I thank the Minister for his answer and wish him well in office. Financial pressures notwithstanding, will the Minister consider the reorientation of future community funding towards shared future projects as against single identity community funding?

**The Minister for Social Development:** I recognise that a lot of very good work has been done over the years and decades in the North in respect of single identity work. If we are to stretch ourselves as a Government and live up to the ambitions of our community and if the hopes and needs of our diversity of people are to be fully satisfied, we need to have a gear change when it comes to a shared future. A shared and reconciled future is not only the right way to go but the sustainable way to go. At a time when there is the potential that less money will be available, if we can do more about

a shared and reconciled future for the people of the North, it will result in better services for all our people, because they will be able to share services and, in doing so, there may be less duplication.

When it comes to shaping the North over the next phase of government, therefore, a step change on a shared and reconciled future is required. In taking forward my ministerial responsibility, I would like to see that step change work itself through when it comes to community funding, and I would like to see greater emphasis on community and shared future development as well as on what the honourable Member referred to as single identity community funding.

I refer Members to what Duncan Morrow and Mike Morrissey recently reported. They said that the least segregated areas tend to be the least deprived and that the worst 10% of areas in Belfast are at least 80% segregated. That is not a healthy position to be in. However, we got to that place, and we need to correct it. I believe that this funding stream is one means to begin to do so.

**Mr Campbell:** I join in congratulating the Minister on taking up office. With regard to community funding, the Minister will be aware of the difficulties of the hard-to-reach communities, particularly where they exist in working-class housing estates across Northern Ireland. They have been mentioned on numerous occasions in the House and elsewhere. In the course of this financial year, will he undertake to examine how community funding can best be targeted to produce better results in the communities that are, by definition, hard to reach?

**The Minister for Social Development:** I agree with the Member, and I am mindful that he speaks for a constituency in which there have been some particularly appalling and tragic circumstances over the past 18 months. The answer, in principle, is that I agree. I agree because more and more people in this country are beginning to realise that, if devolution is to fully measure up, it has to measure up to what the Member referred to as hard-to-reach communities. That applies not only to community funding but across the range of government activity, economic activity, INI, the shared future strategy and interventions by the Education Minister that have made very valuable contributions to dealing with people who are

in hard-to-reach or severely disadvantaged communities. Therefore, I agree with the principle. If the Member has proposals for directing community funding in his constituency or in the North in general to fulfil that purpose, I would like to hear them.

**Mr Armstrong:** What discussions has the Minister had with the Minister of Enterprise, Trade and Investment about developing social enterprises in Northern Ireland?

**The Minister for Social Development:** I can say categorically that, in the five hours that I have been a Minister, I have had no such discussions with the Minister of Enterprise, Trade and Investment. I want to dispel any doubts in the Member's mind about whether I have had any such conversations. When I was taking forward the Caravans Bill earlier, I made a commitment to meet the Minister of Enterprise, Trade and Investment about a particular enforcement regulatory matter around residential caravans. I can confirm to the Member that, when I have that meeting with the Minister of Enterprise, Trade and Investment, I will explore the issue that he raised.

### Town Centre Regeneration

3. **Mr Hamilton** asked the Minister for Social Development how much the Department intends to spend on town centre regeneration in the 2010-11 financial year. (AQO 1286/10)

**The Minister for Social Development:** I thank the Member for that question, which touches in part on the answer that I gave a short time ago. In the current financial year, my Department has £19.8 million gross to spend on town centre regeneration. That will cover a wide range of projects, including site maintenance, Laganside, front line staff, Ilex, Peace III match expenditure and some public realm projects. As I said, I do not have sufficient capital funds to complete the regeneration projects that it is essential to complete this financial year. That is why I know that I can rely on the Member to urge his colleagues in the Executive to support the bid that I will make for Royal Exchange moneys to come back to the Department in the June monitoring round. The consequence of that is that there will be projects across the North, including the Member's constituency, that will be committed to and completed this year.

**Mr Hamilton:** I thank the Minister for his reply. The Minister will know that many towns across Northern Ireland are already out to consultation or are preparing master plans for the regeneration of their town centre. Will he ensure or examine how he can ensure that, when those consultations go out to the public, they will have all available information about any planned shared surfaces that there might be in town centre regeneration schemes, so that people who are visually impaired or disabled can reply and respond positively and properly to those consultations?

**The Minister for Social Development:** I thank the Member for his question. If he knows of any regeneration plan that has gone out for consultation or which is yet to go out for consultation where there may be an issue about whether there has been full consultation with relevant groups, including those with a disability or the partially sighted, I would welcome hearing that. As far as I am aware, all DSD schemes are quality-assessed and involve consultation with an array of interested groups and organisations, covering all relevant matters such as delineation, lighting, position of street furniture etc. When my Department commissioned an access mobility study for Belfast city centre, it specifically considered the needs of people with disabilities, including those who are blind or partially sighted.

At the moment, the urban regeneration unit in my Department does not have any plans to develop shared surface schemes in Northern Ireland. However, my colleague Conor Murphy advised me that, in January 2009, the Department for Transport commissioned a wide-ranging, two-year research project on shared surfaces and DRD is represented at project board level. The purpose of that research, among others, is to investigate how shared surfaces can be made to work for people with disabilities, particularly those who are blind or partially sighted. Therefore, if my Department is missing a trick and if there are gaps in our consultation, let me know, and I will try independently to join up with what my colleague Conor Murphy is doing to ensure that, when it comes to shared surfaces, the needs of those with disabilities and those who are partially sighted are properly and fully addressed.



**3.15 pm**

**Mr Elliott:** I wish the Minister well with his new portfolio. What specific assessments have been carried out and what hard evidence is there of the impact that his Department's town centre regeneration programme has had on economic value and trade in those areas?

**The Minister for Social Development:** I cannot address that question fully, although it is very relevant: if my Department and others invest heavily in regeneration, does it make a material difference to economic opportunity?

There were previous questions on living over shops. When town centres are regenerated and given life and activity and when people occupy properties, that in itself might create shops to service neighbourhoods. All regeneration expenditure has to be assessed against whether there is material change to the environment and whether it produces more opportunities for housing and economic and commercial activity. If the Department has made specific assessments of regeneration schemes in various parts of the North, I will ascertain that information and convey it forthwith to the Member.

**Mr D Bradley:** Gabhaim buíochas leis an Aire as na freagraí a thug sé go dtí seo. Tréaslaím a cheapachán leis agus guím gach rath ar a chuid oibre san am atá roimhe. I congratulate the Minister warmly on his appointment and wish him the best of luck in the work that lies before him.

I noticed that in several of his answers the Minister referred to the Royal Exchange budget for urban regeneration. What kind of projects could be lost to DSD if it is not permitted to retain a reasonable proportion of that budget? Go raibh míle maith agat.

**The Minister for Social Development:** I thank the Member for his kind comments. Go raibh míle maith aige astu go léir.

A public realm of £27 million could be lost, including projects in Belfast, Downpatrick, Dungannon, Clooney, Waterloo Place and other schemes throughout Northern Ireland, as well as neighbourhood renewal projects that total £6.9 million and urban development grants that total £5.4 million and cover schemes in Belfast and regional towns, including the development of former military sites at Fort George and Girdwood. It is incredible that projects of that scale and potential impact on communities,

to which Mr Elliott referred, could be put in jeopardy. That is why I am confident that the Minister of Finance will hear the argument and understand the needs of Belfast as an urban centre and the needs of his own constituency of East Antrim, which is urban and rural. Given that, I am confident that in conversations in the days and weeks ahead we will be able to get that over the line in a way that allows all those projects — and more — to be rolled out during the coming year.

**Savills Report**

4. **Mr Doherty** asked the Minister for Social Development for an assessment of the rent convergence set out in the Savills report. (AQO 1287/10)

**The Minister for Social Development:** I thank Mr Doherty for his question and look forward to his supplementary question. The Savills report is worth reading as a stocktaking exercise of the state of social housing in the North, an area in which there have been many successes not only during the past three years under Margaret Ritchie but during the past 30-odd years under the Housing Executive and housing associations.

Although the report does not make any particular proposals on rent convergence, it advises the Department that a complete examination of the rental system is beyond its brief. It recommends that a complete review of the rental system be carried out for Housing Executive and housing association properties. My predecessor Margaret Ritchie commenced that work, and, in the fullness of time, we will determine what the empirical evidence is.

There are those outside this Chamber — I am not suggesting that the Member is one of them — who casually suggest that somehow Housing Executive rents are too low. I do not accept that that is a working presumption for the review of rent convergence that the Department has undertaken. I believe that, when we complete the review, given that we do so in a transparent and comprehensive way, the evidence will rebut those who casually and wrongly suggest that Housing Executive rents are too low.

**Mr Doherty:** I thank the Minister for his answer and wish him well in his new office. Does he agree that any move towards rent convergence would have a detrimental impact on those least

able to pay? Can he give an assurance that, when the review is completed, that will not be the case?

**The Minister for Social Development:** Yes, I can reassure the Member that, in the fullness of time, when the rent convergence review has been completed, I will share that information with the Assembly and the Committee. I repeat that I do not necessarily accept that the evidence shows that Housing Executive rents are too low, whatever housing association rents may be. Indeed, I draw some reassurance from the fact that, over the last couple of years, Margaret Ritchie and the Housing Executive were able to constrain the increases in rent for Housing Executive properties. In fact, the evidence that we have — it is only preliminary at this stage — suggests that, by and large, the housing associations followed the lead of Margaret Ritchie and the Housing Executive, though there may be exceptions. That is what the evidence suggests to date, as far as I am aware.

I want to give a further reassurance to all Members. Given that Housing Executive rents are substantially discharged by housing benefit, which confirms that it is people on low pay or state benefits who are living in Housing Executive properties, it would be simply intolerable if the range of Housing Executive tenants were in any way further burdened, given the burdens that they already experience in their lives.

**Mr Burns:** I congratulate the Minister on his appointment. Will he tell us what he considers to be the main findings that can be drawn from the Savills report to assist the development of housing policy in Northern Ireland?

**The Minister for Social Development:** As I said earlier, I recommend that Members read the Savills report, which is the most comprehensive survey of its kind ever undertaken here. It was a stock condition survey of over 90,000 Housing Executive properties. Therefore, given that range, it gives us a very detailed evidence base to develop a new maintenance investment strategy, and, in particular, it will enable the Housing Executive and the Department to target its resources where they will have most impact and most benefit.

I am proud of the fact that, because of the investment in the Housing Executive stock over the years, the Savills research team was able to conclude that the condition of the housing stock was the best that it had ever seen. That

is a very powerful testimony to the work of the Housing Executive since its formation. That is not to deny that there still remain areas of need, that there are still issues of overcrowding and that there are still 37,000 people on the housing transfer waiting list. However, the conclusion I draw from all of that is that, if we have successfully invested in the housing stock so that the Savills team was able to draw that conclusion, we must maintain that and protect it, not put it in jeopardy. We must invest our money in the best possible way; however, budgetary negotiations must not in any way, shape or form put in doubt the historic achievement of turning round the housing situation in this part of Ireland.

## Social Housing

5. **Mr McCarthy** asked the Minister for Social Development for an update on the Department's current social housing deficit. (AQO 1288/10)

**The Minister for Social Development:** I thank the Member for his question. I do not intend to rehearse the arguments about the deficit in social housing. Margaret Ritchie made and won those arguments in government, in and outside the Chamber, and among the population. Given that the housing budget relies on house and other property sales, the collapse of the land and property market created unforeseen pressure and had a severely detrimental impact on housing and on the Department for Social Development more than on any other Department. As I said, Margaret Ritchie deserves immense credit, because it is widely acknowledged by people involved in social housing that she turned the situation around.

My target is to improve on Margaret Ritchie's achievement of building more than 1,800 newbuild starts in the past financial year by building 2,000 newbuild starts in the current financial year. I also have a wider target in respect of new housing starts over the lifetime of this mandate, as set out in the Programme for Government. That is the priority. Given the Assembly's good work in achieving outcomes such as building more houses this year than in any other year in the past decade, I trust that none of the funding for such work will be put in jeopardy in future budget negotiations.

Ultimately, however, if Housing Executive or social housing depends on land sales rather than on guaranteed budget lines year on year,

the number of new housing starts will be put in jeopardy. Therefore, as Margaret Ritchie regularly said — I endorse her comments — until and unless the housing budget is put on a sound financial footing and is not subject to the vagaries of the market in the sale of houses and other property, there will be a hand-to-mouth existence. That is not a clever way of doing something as important as providing affordable social housing for people in need.

**Mr McCarthy:** I thank the Minister for his answer and congratulate him on his appointment. I, too, commend Margaret Ritchie for her work.

I know that the Minister has been in office only a few hours, but, given that he spoke repeatedly this afternoon about a shared and reconciled future, will he tell the House whether those new houses, which will hopefully be built, will be allocated to just one section of the community or whether they will be made available to everyone?

**The Minister for Social Development:** I thank the Member for his comments and his question, although I do not have time to address all the issues that arise from it. However, I have made it clear that the need to put housing on a secure financial basis remains a priority and that we must stretch ourselves when it comes to a shared future, including shared housing. I will not ride roughshod over the practices of past decades in allocating housing on points. However, the allocation of housing and the ways in which housing moneys are spent in various parts of the North need some further consideration. A review of the Housing Executive is due, so let us see through that whether there are ways and means of thinking smarter, building more, helping people and, at all times, dealing with the need that exists in the North.

**3.30 pm**

## Private Members' Business

### Caravans Bill: Second Stage

*Debate resumed on motion:*

*That the Second Stage of the Caravans Bill [NIA 17/09] be agreed — [Mr McCallister.]*

**Mr McCallister:** I thank my colleagues from across the House for their contributions. The five-minute ceiling on contributions having been lifted, the debate has, as Mr Wells said, been very useful, even though Mr Wells pushed that to the limit of our endurance. However, it is useful to see that there has been co-operation between Departments and between former Minister Ritchie and Minister Foster, Minister Poots and now Minister Attwood. We heard from various Committee Chairpersons, so it is useful to have seen the co-operation that exists between the Committees and in the House. That demonstrates the level of scrutiny that Bills are receiving, and it is an example of when the House is at its best and when we do what we are sent here and paid to do.

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

I will touch on some of the contributions. The Chairperson of the Committee for Social Development, which, of course, is the main Committee that will focus on the Bill, offered the Committee's support. Having presented the Bill to the Committee in March 2010, I am grateful for its interest in pursuing it.

It was great and very encouraging to see the House, including Mr Hamilton, so excited and enthusiastic about what could, on the face of it, be considered a mundane subject. Mr Hamilton talked about the boost in trade, the enhancement to tourism and how we can build on that economy. We have to get this legislation right so that we get the balance between encouraging site owners in their business endeavours and securing the rights of caravan owners.

Mr Boylan gave support from the Committee for the Environment. He mentioned that it had a small, but, I would argue, very important, role in looking at responsibilities in road traffic legislation and the definition of certain planning terms. That Committee may also want to look

at the role of local government and how the powers of license could be extended to it.

Mr Maginness gave the Bill a general welcome on behalf of the Committee for Enterprise, Trade and Investment. I am grateful to him for that support, following my presentation to the Committee late last year. He is now off to a meeting in Brussels, and he apologises for not being in the Chamber for the full debate.

As my colleague Mr Basil McCrea ably pointed out, if the Bill goes through to Committee Stage, there will be many occasions for Members to make the representations and amendments that the House would like to see. The Committees' interaction today is a hallmark of the way in which the Bill will proceed.

It is always useful to get support from the Alliance Party, and Mr McCarthy gave that today. However, now that it is in the Government, the Alliance Party no longer fulfils the role of loyal opposition. Nevertheless, Mr McCarthy made some important points about people's right to peacefully enjoy their caravans.

I know that Alex Easton has been involved in this matter from a constituency perspective since 2007, and I am grateful to him for his support. He highlighted some very useful concerns and sought clarity on some issues. Given that he is a member of the Committee for Social Development, I am quite sure that he will ably scrutinise the Bill as it makes its way through Committee Stage. Issues to do with the removal of caravans need to be scrutinised so that the protections that we all want can be put in place.

Willie Clarke talked about getting the balance right, which is, in essence, what we need to do, especially with regard to the holiday sector. We do not want to drive down business, and, therefore, we have to get the balance right. Mr Clarke asked about the Travelling community, and I noted that the new Minister gave a very comprehensive response and, hopefully, clarified for Mr Clarke the effect that the Bill would have on Irish Travellers.

Mr Clarke also talked about other issues, such as electricity and patios. The price that can be charged on sites for electricity is regulated.

Mr Wells seemed more concerned about my announcing in the 'Mourne Observer' that he agreed with Willie Clarke. For Jim Wells,

that is a very serious allegation. He spoke about abuses of the system, and we do have to find the balance that Mr Clarke spoke about. I assure Mr Wells that on the issues of insurance and of workmen being allowed on sites, the Bill provides adequate cover through the written contracts. He spoke about site owners' "Genghis Khan-type" approach, which, I think, was slightly over the top. However, we have to strike a balance on who can access sites, because there will be families and young children present.

My colleague Danny Kinahan from South Antrim said that he is looking forward to scrutinising the Bill. He also talked about the big investments that some people make in caravans, and that has to be recognised. It is crazy to invest so much money without having some level of protection.

Mary Bradley spoke about the length of time since we last legislated on caravans — some 47 years. Some Members may have been here 47 years ago, but not many. I certainly was not.

I am grateful to the new Minister for his kind remarks about me and the Bill. I am grateful to him for his support and wish him well in his new role. I also associate myself with his remarks about his predecessor, Margaret Ritchie, who is off doing very important work as the Member of Parliament for South Down.

The debate has highlighted the good relationship between the executive and legislative branches of government. Those branches are working to progress the Bill and to enhance the rights of people in the permanent residential sector and the holiday sector. The Bill and today's debate are excellent examples of how that is happening.

I am grateful to my colleagues, to the Minister for Social Development, to Committee Chairpersons and to Ministers Foster and Poots for their support in getting the Bill through the Executive. I commend the Bill to the House.

*Question put and agreed to.*

*Resolved:*

*That the Second Stage of the Caravans Bill [NIA 17/09] be agreed.*



## Department of Education's Community Relations Budget

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

**Ms Lo:** I beg to move

*That this Assembly expresses deep concern at the Minister of Education's decision to introduce significant cuts to her Department's community relations budget for 2010-11; and calls on the Minister to explain how her Department can now make any meaningful contribution to building good relations between young people and to an overarching Executive policy on cohesion, sharing and integration.*

The Minister of Education, Caitríona Ruane, recently announced that she will cut 70% of the Department's community relations budget, from £3.6 million in 2009-2010 to £1.1 million for this financial year, to meet her efficiency savings.

The Department, through its community relations branch, has responsibility for the promotion of good community relations among young people from three to 25 years old in the education and Youth Service sector. Previously, it provided funding for 26 community relations organisations, a schools community relations programme and two Youth Service support schemes. The 26 core-funded organisations are grant-aided until the end of May 2010, with no clarification of whether funding will continue. It is feared that the much-reduced budget will decimate the expertise that has been built up throughout the school system and in the voluntary sector.

According to the Minister, the bulk of the funding for this year will be used in preparation for the implementation of the new community relations, equality and diversity policy, which she plans to adopt in the current financial year. However, the draft policy has not yet been published for consultation, and it will be months before the new policy can be established to replace the Department's old community relations policy, which it has now ceased to support. Clearly, there is a vacuum in policy direction from the Department.

One of the key strategic priorities in the Programme for Government is to:

*"Promote tolerance, inclusion and health and well-being."*

The Office of the First Minister and deputy First Minister has produced the draft programme for cohesion, sharing and integration, albeit two and a half years late. We must, therefore, question the Minister's rationale for slashing funding when there is a clear strategic drive by Government to address community relations. Furthermore, the divisions in our society continue to result in huge social and economic costs. It is vital that our children and young people have the opportunity to develop an understanding of different cultural traditions.

Despite political progress in recent years, sectarian and racist attitudes, as well as deep-rooted patterns of segregation and inequality, remain major problems in our divided society. In addition, new immigrants continue to come to Northern Ireland to seek to work and to contribute to the local economy. Although that is an encouraging sign of increased globalisation, their presence poses a further challenge to traditional conceptions of identity.

A recent Good Relations Forum report, 'Ensuring the Good Relations Work in Our Schools Counts', recommends that the Minister of Education and her Department give greater strategic direction to the schools sector to ensure that the teaching and practise of good relations is successfully mainstreamed across all schools. It also suggests that the Department should identify and commit a long-term and appropriate budget to support all schools in providing good relations modules within citizenship programmes, thereby guaranteeing its widespread re-prioritisation across the schools sector. Moreover, it believes that there should be compulsory good relations programmes in schools, and there are, of course, many good reasons why that should be so.

Undoubtedly, there are clear links between poverty, conflict and lifetime opportunities. A number of pieces of research have highlighted the critical role of schools in contributing to a shared and peaceful society in Northern Ireland. The Bain report and research by the University of Ulster in 2004 show that socially and economically deprived areas tend to suffer most from the legacy of the past. If not addressed by society and by services including education,

such suffering tends to be perpetuated and can contribute to trans-generational poverty.

However, 95% of Northern Ireland's schoolchildren attend what is, in effect, a segregated school system, and, therefore, there is limited opportunity to meet and interact across traditional community divisions. It is also widely accepted that limited exposure to those outside their communities consolidates negative attitudes that are passed down through the generations.

### 3.45 pm

Outside the formal integrated sector, it is largely up to individual schools to decide how to promote good relations issues and interaction. Indeed, the community relations programmes that were funded by the Department of Education up to March 2010 were voluntary. As a consequence, there is no consistent approach or sector-wide buy-in or delivery to the promotion of good community relations.

Sadly, there is also clear evidence of growing sectarianism and racism in Northern Ireland. The research paper 'Too Young to Notice?: The Cultural and Political Awareness of 3-6 Year Olds in Northern Ireland' indicates that many children and young people continue to regularly exhibit and experience sectarianism and racism. The report cited that school was one of the three factors that increased children's awareness of and attitudes to those matters. The other two are family and the local community. Clearly, what the report refers to as:

*"de facto segregated nature of the school system"*

in Northern Ireland has helped to create environments that are overwhelmingly Catholic or Protestant in their ethos.

The Northern Ireland life and times survey 2008 provided an analysis of responses by age. The results showed that the 18- to 24 year-old age group's views on community relations in Northern Ireland are less positive than those held by the overall population. For example, 6% of that age group felt that relations between Protestants and Catholics are worse now than they were five years ago, compared with only 2% of the overall population. Eight per cent of that group expected relations to get worse over the next five years, compared with only 3% of the overall population.

The latest PSNI crime statistics show that in 2009-2010, there was a 24.3% increase in

sectarian crime in Northern Ireland. A recent report by the Terry Enright Foundation looked at the views of young people in interface areas. In particular, it noted that 44% of those questioned had admitted to being involved in some form of rioting or stone throwing at interfaces, and 33% had engaged in vandalism. About 10% had been involved with either the youth justice system or the Probation Service. That is worrying when it is considered alongside the hardening of sectarian views among young people that is reported by youth workers.

Finally, I want to address the reluctance of some teachers and youth leaders to deal with community relations issues. Teachers need the training, skills and professional support to challenge negative attitudes and discrimination inside and outside the classroom. However, although all teacher training colleges have diversity programmes, they do not always make all their good relations modules compulsory. Furthermore, not all teacher training colleges give their students work experience in an alternative sector.

**Mr Deputy Speaker:** Bring your remarks to a close, please.

**Ms Lo:** Feedback from the Equality Commission following a series of seminars held with teachers and education stakeholders in 2008 identified the fact that many teachers had concerns about addressing good relations at school.

**Mr Deputy Speaker:** Time is up.

**Ms Lo:** That was due either to a lack of training or a fear of the consequences.

**The Chairperson of the Committee for Education (Mr Storey):** I wish to inform the House how the Committee for Education has sought to ascertain the current situation around the Minister's cut in her Department's community relations budget for 2010-11 from £3.5 million to £1.1 million, as outlined by the proposer of the motion.

The Department of Education's funding for community relations terminated on 31 March 2010 in preparation for the implementation of the new community relations equality and diversity policy. However, the Committee was recently informed that the new community relations policy is:

*"due to issue shortly for public consultation".*

It could be well into 2010-11 before any community relations funding is released to organisations, and that will be on the basis of one third of last year's budget. I will come back to that, time permitting, when I speak as a private Member.

The Committee heard from one of the 26 community relations organisations whose core funding programmes have been directly affected by the termination of funding at the end of March 2010, and which stands to lose four experienced community relations staff. That would doubtless be a great loss to that organisation.

Funding has previously supported schools' community relations programmes and a number of Youth Service core programmes. The community relations sector has highlighted in particular the severe impact of that cut on its work with young people in interface and rural areas, where there is little or no provision from the statutory Youth Service. The withdrawal of that funding could leave young people vulnerable to dissident groups and gangs, and some could well end up bearing the brunt of a prison sentence, which would cost thousands of pounds, particularly at a time when levels of unemployment and deprivation in such communities are on the rise.

The potential costs for society, particularly in conflict areas, are disproportionate to the relatively small amounts of community relations money involved. The Committee also heard that the Department's funding often levers in around four times that amount from non-UK Government sources. Major uncertainty is hanging over those organisations about when and if the Department's new community relations programme will provide funding. Even if funding is provided, it may be at a much reduced level. In the meantime, staff experience that has been gained over decades will be lost and valuable youth programmes will cease.

The Committee for Education understands that budget constraints mean that choices will have to be made. However, I have questions about the extent of the community relations budget cut and how it will be managed and about the resulting uncertainty for the sector.

I will briefly speak as a private Member. I concurred with the proposer of the motion, Ms Lo, when she said that there was a "vacuum in policy development" in the Department of

Education. Unfortunately, under the tenure of this Minister, the Department either has a vacuum in policy development or it develops a policy that will sit there for month after month, as we have seen with the early years strategy, the special educational needs policy, and others.

I think that there is a more serious issue facing community relations with regard to this Minister. To use the phrases "community relations" and "the current Education Minister" in the same sentence is a contradiction in terms. This Minister and this Minister alone has sown the seeds of dissension. Instead of harmony, there is discord. Instead of co-operation, there is confrontation. It is regrettable that we have a Minister who has presided over polarisation in the education sector. Despite her most repeated mantra that she is looked upon with a great degree of favour in the education sector, I think that she would have few friends who could defend in this House her record on community relations.

The Minister must explain to the House today the way in which funding will be dealt with.

**Mr Deputy Speaker:** The Member's time is up.

**The Chairperson of the Committee for Education:** She must also explain what she will do to repair the damage that she has done to community relations.

**Mr Deputy Speaker:** The Member's time is up.

**Mr B McCrea:** My colleague Mr Storey talked about the Department of Education's policy vacuum, but a policy vacuum is the best that many people to whom I talk can hope for. Any policy that comes from the Minister is worse than anything that they could possibly have imagined. Therefore, perhaps we should ask the Minister for more policy vacuums.

The message that is being sent out seems to be completely at odds with the direction that we want to take. Surely the common goal is to dismiss unfortunate sectarianism. Surely the fundamental purpose of our sitting together in this Building is to talk and work together. We may disagree, quite strongly sometimes, but all Members would admit that if, on meeting in the corridors, they chat and pass the time of day, that makes the discussion of other issues easier. Does the Minister mean to send out such a contrary message?

We all have to make decisions on priorities in these straitened financial times, but the 70%

cut that Ms Lo outlined will decimate much of the considerable good work that goes on. I have been involved in many issues concerning public achievement, youth interaction and interface areas, and a huge difference is made on a modest budget. Do we want to destroy that? Do we really want to throw the expertise and confidence that has been built up in those communities onto the funeral pyre of some political ideology?

The Minister will have the opportunity to respond, and I would like her to explain where her priorities lie. During the Westminster election campaign, people from the Minister's party trumpeted that she had found more money to buy school uniforms for those who could not afford them. Recently, the Minister also announced a £2 million investment in accommodation for the Irish-medium sector. It seems that projects that find favour with the Minister receive funding and funding is taken away from those that do not.

There is no clearer sign of the importance that the Minister attaches to peace and reconciliation and community relations than her slashing of their budget. I cannot help but think that there has been a terrible mistake, that something was lost in the fine detail, that the Minister will move immediately to tell us that that is not what she meant and that she will find the money to look after the people who do such a good job.

During Question Time, the Minister for Social Development spoke about the amount of segregation in the poorest areas of our society. If we are to tackle the unfortunate legacy of the past, surely that will be done through our children and young people. We can talk to the children and young people and bring them here. Indeed, recently, I had the privilege of bringing people from the 174 Trust, which is located in an interface area of north Belfast, to Parliament Buildings. Children and young people from all backgrounds and walks of life were here, and they were just being children. They simply got on and worked together as a tremendous unit.

The Assembly needs to get real. If it talks about good relations and delivering good for the people of Northern Ireland, it must start with the children. It must have joined-up government. This Minister has a lot of questions to answer.

#### 4.00 pm

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle.

The process of reviewing the Department of Education's community relations policy began as far back as 2008. That review has had a staggering impact on community relations schemes ever since. As has been said, the outcomes of the review and the consultation document have still not been published, although here we are in May 2010.

Youth and school groups have been affected since 2008 because they do not know where the commitment to a shared future is. Core youth workers for community relations have been lost because of the drip-feeding of short-term funding. Community relations workers, in conjunction with youth workers, are the core workers needed to support youth groups in that very difficult work. The Department of Education was supposed to bring in short-term transitional funding arrangements in lieu of a policy but, as I understand it, that still awaits ministerial decision. We have heard that the size of the cuts is 70%, which involves a reduction from £3.5 million to £1.5 million. Instructions were issued from the Minister to run down all community relations support schemes. As a result, workers in posts have either been on monthly contracts or on protective notice, or posts have been vacant because there is no security of tenure.

There is a lot of uncertainty in the world of community relations. Why? Because there is no funding for the hire of premises, transport, programmes or local groups. How can peace-building in a divided society be sustained in such a situation? Grass-roots workers are at their wits' end and wonder how much the difficult work that they have done and the successes that they have achieved were really valued. The rhetoric, they will conclude, has once again proved to be empty.

Worst of all, the future leaders of our shared society are being denied the formation that they want and that we need them to have. The situation has led to chaos at the chalk face of youth community relations, with teachers and youth workers wondering where they will get support for their projects. As mentioned earlier, in the most difficult interface areas where programmes have been developed, the work is now not supported. Young people have had



to be told that there is no financial support to continue their community relations projects.

I take this opportunity to recognise the work that has been done with thousands of young people in communities and schools and on residential courses, which covers extremely difficult issues that must be faced up to if we are to have a truly peaceful future. That work has been done quietly and effectively. It is difficult, challenging, valuable and necessary, and it requires a degree of skill that can only be built up and built upon over years of commitment. Surely, we should be asking how we can support the formal and informal education sectors in finding ways of transforming relationships of hate into those of interdependence and trust. We should not cut funding. A genuine commitment to building a sustainable peace and a shared society must include young people. If the devolved Government here do not provide the required leadership, the initiative will be handed to others with a more destructive intent.

This is not merely a matter of funding; it is a question of where we want to lead our young people. Do we want to lead them towards a brighter, more diverse and peaceful future or allow them to be dragged back into the darkness of the past?

I call on the Minister of Education to act now to restore substantial funding so that those valuable programmes will not be lost to us and will continue to influence the young people in our society in a positive way. Go raibh míle maith agat.

**Mr Hilditch:** I welcome the motion, particularly on the back of the comments made by junior Minister Robin Newton during Question Time, which refocused where we should be with good relations.

The incorporation of community relations into the education programme is vital. It is crucial to our children's development and leads them into adulthood. In today's society, anybody aged from three to 25 can gain from a better understanding of equality, diversity and interdependence becoming daily practice in our lives. That is why I am concerned by the Minister's decision to cut her community relations budget — as has been well reported in the Chamber — by some 70% from £3.5 million to £1.1 million. It again appears that U-turns are being performed on decision-making and on policy, leaving children, schools, teachers,

parents, unions, voluntary groups and their volunteers, along with the general public, very concerned and somewhat confused.

We understand that the Education Department and all other Departments of the devolved Government are in a time of financial hardship. However, when the budget was considered by the Committee for Education, it was regarded as unfair to blame it on the ESA delay. The Department of Education must remember that it is not the only public authority that is struggling at present.

I understand that there is a return of £4 for every £1 invested in the scheme, which must be considered. I, therefore, ask the Minister to reconsider her figures and to look at ways in which she can accommodate the 26 groups that have secured funding. Otherwise, it will be a struggle to carry out crucial work done by the likes of Community Relations in Schools (CRIS), Belfast YMCA, the National Trust, and others. How does the Minister suppose they will fund salaries and meet running costs in the weeks ahead?

We appreciate the work to date to build community relations in the education and youth sectors. Nevertheless, it is evident that improvements are needed, and the Department must review its responsibility to build good relations between the young and their communities. It has become apparent that the success and the standards achieved by many of the projects are hard to assess and the training provided for those in the sector is insufficient. Good relations must become part of the school curriculum: it can no longer be avoided or regarded as optional.

Schooling can help to counteract negative views, such as hatred, bigotry and prejudice, which still exist in a lot of our communities. Northern Ireland society is still somewhat divided and many of our housing estates and schools are still predominantly identified with a single community. Segregation is costly and financial resources can be duplicated. Contact and network between communities can be hindered, provoking misunderstanding. That is why I urge the Minister to review her plans to cut the budget so dramatically.

Our children deserve the opportunity to explore diversity issues, so that they are encouraged to think about how people who differ politically, religiously, ethically and culturally can live together in our community, rather than in fear

and misunderstanding. It is time to embrace the many interesting communities that our society now welcomes. I support the motion.

**Mr O'Dowd:** Go raibh maith agat, a LeasCheann Comhairle. I apologise for not being in the Chamber for the start of the debate.

First, in relation to the wording of, and my party's approach to, the motion, the first line of the motion states:

*"That this Assembly expresses deep concern at the Minister of Education's decision to introduce significant cuts to her Department's community relations budget".*

It is reasonable that the Assembly should be concerned at any Minister having to severely cut anything in a departmental budget. My party has no difficulty in supporting that approach. Of course we are concerned. I suspect that, in the weeks and months ahead, we will have many such debates around the various Departments under the Executive's control.

The second part of the motion, which is also valid, calls on the Minister to outline:

*"how her Department can now make any meaningful contribution to building good relations".*

We support that part of the motion as well, because the Department of Education has a role to play in developing good community relations, and I look forward to hearing how the Minister will set out her plan for the time ahead. However, with respect to the people who have signed up to the motion, I suspect that we are today involved in a bit of sham fight.

As I said, especially given today's announcement that a further £128 million will be lost from the block grant, we will be having many of these debates in the weeks and months ahead. Each party will roll out how Minister A, B or C should fund various programmes. However, the next part of the argument must also be developed: how will they fund those programmes? This year alone, the Department of Education has lost £74 million from its budget, not including the £13 million of savings that it must secure for the now stalled ESA Bill. That is £87 million that will come out of the departmental budget this year.

We have heard much from the Health Department and the Department for Social Development about the difficulties in implementing the programmes under their control with restricted

budgets. The Department of Education is in the same boat. We could be debating a new start to the motion, expressing deep concern at the Minister of Education withdrawing funding from teachers, schools, buildings, transport, child support or child psychologists. In all those areas of the education budget, difficult decisions had to be made. Indeed, I recall the Education Committee being asked to forward to the Department any suggestions on how the Minister should manage this year's budget. The Committee did not forward a response.

Although I respect the motivations of those Members who tabled the motion, and, as I said, my party will support it, reality is hitting hard and hitting home. There are decisions to be made about where budgets will be spent. On this occasion, unfortunately, we are talking about severely cutting back a community relations budget. However, under the Department of Education, a range of other community relations work is ongoing. I welcome the fact that the youth budget received only a minor adjustment and will continue. One need only think of local youth groups and community organisations that are involved in cross-community work in our own areas every day of the week. In my constituency and, no doubt, every other constituency, through area learning communities, schools are involved not only in titled community relations programmes but in sharing resources with schools and in enabling pupils to cross boundaries that were never crossed in the past. I welcome that work.

Sometimes — and I am not suggesting that this was the case with the Department of Education's community relations budget — the touchy-feely stuff of community relations becomes an industry. To ensure that community relations improve, people must work genuinely together on issues of common purpose and cause. Although the time ahead will be difficult, resources are still available to schools, through the Department of Education and the education and library boards, to allow real cross-community work to continue. For example, the GAA and the IFA are working together on a scheme to promote soccer and Gaelic football in schools.

**Mr Deputy Speaker:** Bring your remarks to a close, please.

**Mr O'Dowd:** That is also cross-community work. Go raibh maith agat, a LeasCheann Comhairle.

**Mr McCallister:** Every Member knows that the Northern Ireland Budget is under extreme pressure. Savings have to be found in all Departments, because successive Finance Ministers have failed to identify and deal with Northern Ireland's budgetary black hole. We have warned consistently that that was going to cause problems.

We have to work at and improve community relations, and we must not take it for granted. Unfortunately, doing her own thing for her own people is a hallmark of the Minister of Education. She does not make a genuine effort to cross the bridge and bring people together. She does not deal with the cross-community issues that confront us every day in our constituencies. We live in a divided society, although some places are much more divided and polarised than others.

How are we going to fix that situation? We know that community relations is a long-term issue, but the short-term budgetary decision that the Minister has made will have a long-term effect on those community relations. That is a serious difficulty that will build up and store problems for the future. We must find the resources to tackle the polarisation in communities that I and others spoke about so that we can bring communities together.

#### 4.15 pm

Mr O'Dowd talked about the youth budget, and I am grateful that the cuts in that budget have been small, although there could have been adjustments. I have been involved in youth work in rural areas for many years, and I support the need for that work to continue. I recognise the need for good community relations right across Northern Ireland, whether that is in South Down or wherever. We need to try to build on that and not take away the money that funds those types of programmes. It is vital that we do that, because we have heard today how important such programmes are across all communities. I hope that the Minister thinks about that again.

**Mr B McCrea:** Is the Member aware that during the election campaign, a meeting took place at W5 at which the community relations budget was discussed and at which members from all parties were present, including Daithí McKay of Sinn Féin? All were shocked at that. Will the Member join me in wondering whether the Minister has discussed the matter with Daithí McKay or with the community

relations professionals, all of whom feel that their professionalism has been completely undermined?

**Mr McCallister:** I agree with my colleague. We have to consult, and the Minister's hallmark is that she neither consults nor listens, and neither does she want to engage with the people who are involved in the programmes.

**Mr O'Dowd:** Will the Member give way?

**Mr McCallister:** No, I will not, because you never take interventions from any of us.

**Mr O'Dowd:** I do certainly.

**Mr McCallister:** Once he learns to take interventions, I will of course reciprocate —

**Mr Deputy Speaker:** Order. Members should make their comments through the Chair.

**Mr McCallister:** I agree with my colleague that it is vital that the Minister engages with those professionals. I agree that she should speak to the Member for North Antrim and hear what commitment he gave at that meeting on the importance of community relations work. Perhaps she might take some advice from him on where she should go on that important issue. The Minister needs to start a process of listening and learning, because she has failed to do that in all the other policy areas that she deals with. It would be good if she could start to listen and learn and to act on that now.

**Mrs M Bradley:** The Department's decision to cut funding for school cross-community projects by 70% on top of cuts in our intercommunity youth work is a worrying development. If we are to create a society that is based on a shared future, we need to recognise that schools are in a unique position in that they can help to counteract negative views such as the hate, bigotry and prejudice that exist in our society. They are also in the unique position of being able to promote the healing of community divisions. They are uniquely placed to provide hands-on leadership in the work of achieving a shared future, and they have an important role to play in shaping people's views and their relationships with others. The Minister has often said that we should start everything in the early years. That also needs to be looked at. We should support our schools as much as we can, because they can help our young people to share with one another.

The desire for a shared future is a cornerstone of SDLP policy, and we must all learn the value of working and living together. The SDLP will strive to construct a shared and equal society that is free of hate. However, cross-community projects are essential to drive forward change in the elimination of hate and the promotion of good relations. The decision to cut funding to the community relations budget will have a detrimental impact on the work that cross-community projects do in promoting and encouraging real, meaningful and sustained contact among our children and young people who are from diverse backgrounds and cultures.

The SDLP also fears that the cuts will end up costing more in the long term. Cross-community work pays multiple dividends in hard cash saved as we gradually reduce the impact of division and sectarian violence.

The Community Relations Council (CRC) has described the importance of cross-community projects. They can provide our young people with the skills to resist the sectarianism and racism that unfortunately still exist in our society. The council strongly believes that teaching and practicing good relations in all schools is something that can no longer be avoided or seen as optional. It has also said that the school sector and its many stakeholders require greater leadership, encouragement and co-ordination to mainstream much of the good practice that exists. That will require greater sharing and collaboration between communities and schools, with the support of the Department of Education.

The DUP and Sinn Féin grudgingly produced a cohesion, sharing and integration strategy, which provides no practical leadership at all. Indeed, all it really did was push responsibility back to Departments for the production of ideas on a shared future. We now know what Caitríona Ruane's contribution will be: a 70% cut in the community relations budget from £3.5 million to £1.5 million. She and her Department have no intention of taking their responsibilities seriously.

If our society is ever to be free of the legacy of the past, the Minister must reconsider her decision and reintroduce to the community relations budget what is due to it to do the work that we need for our young people.

**Dr Farry:** I am grateful for the opportunity to take part in the debate. I apologise for missing

the earlier contributions, but I have followed the debate from another place.

Mary Bradley made a point about the cohesion, sharing and integration strategy. I and my party welcome the progress that has been made by the DUP and Sinn Féin on that. We look forward to the forthcoming consultation on the strategy, and remain optimistic that a robust policy can be put in place to deal with the reality of continued division. That is the most important issue facing our society, and one that carries so many social, economic, financial and other costs.

Importantly, the CSI strategy must not simply be a document for OFMDFM to place in a silo or to use as part of a tick-box exercise. If it is to work, it has to be an all-embracing strategy that stretches across all aspects of government and involves all Departments. As we speak, the CSI process is based on inputs coming from Departments. I know that the Department of Justice and DSD are taking it very seriously, but there is potential for all Departments in the Administration to make a contribution to it, not least the Department of Education. That Department is absolutely critical to the creation of a rounded cohesion, sharing and integration strategy, and I am at a loss as to how it can make such a contribution to an overarching Executive policy objective in the context of a 70% cut in community relations funding. Although a new policy may be introduced, there will be a void in the coming year, and there is, at best, scepticism as to what departmental policy will follow for this important area.

As we know, young people are the most impressionable in society. It is at a young age that attitudes are constructed and framed in minds, and those attitudes often stay with a person in later life. There is substantial evidence of people picking up sectarian and racist attitudes at a very early stage, and it is important that our education system tackles such problems and that that action is not simply perceived as addressing a negative. Through wider citizenship and civic lessons, people should be able to talk about the contributions that they can make to create a positive future as part of the shared, cohesive and integrated society that we are surely striving to achieve through the policy. If the Department of Education does not make a viable contribution, there will be a major void in any community relations strategy that the Executive take forward.



Other Members referred to vulnerable people being led astray by violent groups in society. The Minister's party is acutely aware of the threat posed by the dissidents and of how they can lead young people astray. Alongside other actions that may take place elsewhere, community relations and youth work, through the Department of Education, are two elements of how we can challenge that threat to peace and stability in society and prevent a recurrence of the situation that wasted so many lives over the past 40 years.

I want to stress the point about the false economy. I appreciate that we live in difficult times and that tough decisions must be taken, not least in the context of today's news. Later this year, even more difficult news for future years' budgets will, undoubtedly, emerge. However, investment in good relations has to be seen as part of investing to save. Costs must be reduced elsewhere in the system. A small investment in community relations means that much deeper costs can be avoided later. Members know only too well about the costs that accrue from division, through public order problems on the streets and people being led astray into a life of violence. Those costs are imposed not only on the individual victims of division, but on the perpetrators, for whom the cost is a wasted life, and on the system that has to deal with them.

**Mr Deputy Speaker:** The Member should bring his remarks to a close.

**Dr Farry:** There is much to be achieved from investing in community relations.

**Ms Purvis:** I was baffled, as were other Members, by the Education Minister's announcement that she was reducing her Department's community relations budget by an estimated 70%. Essentially, she is gutting that budget. She is a Minister who claims to be led by a commitment to equality, and, therefore, community relations should be at the heart of her Department's efforts to improve the lives of young people.

We struggle to cope with the legacy of violence from the recent past. The best that we can do is to work earnestly to ensure that the failings of previous generations do not infect our young people and pull them in to repeating the pattern. That danger is before us now, and it can be mitigated only through proactive and innovative measures. Community relations are central to ending the cycle of violence.

We continue to live in segregated communities, with our young people attending separate schools and leisure centres, playing in separate playgrounds and even travelling to school on separate buses. Given that level of division and the lack of serious investment in community relations, I am extremely curious about how the Minister intends to achieve equality in the education system and among young people. Does the Minister truly hope to achieve parity of esteem or the falsehood of a separate but equal society?

The Minister may recall that the United States tried the separate but equal doctrine, and it did not work. The US civil rights movement, with which the Minister's party claims an affinity, exposed the failings and falsehoods of the absurd suggestion that communities and cultures that shared the same land could and should live separately. Mutual respect and parity of esteem come not from separation, but from understanding. Understanding comes from exposure, knowledge experience and integration.

Inherent in the Minister's decision, as Mr Farry outlined, is an economic absurdity. The removal of funding for community relations does not mean that the need for those programmes will go away. Rather, the demand will show up as crises in various budgets. It will show up in the DHSSPS budget as young people struggle to deal with the stresses of living with violence. It will show up in the DSD budget as communities struggle with the dual penalties of segregation and deprivation. The Minister is well aware that all the designated interfaces in Northern Ireland are in areas where residents already struggle with the stresses of poverty, deprivation and educational underachievement. The demand will show up in the policing budget as tensions develop into a crisis. I cannot understand any economic argument that the Minister might make to support her decision. The cutting of the community relations budget cannot possibly deliver any form of economic savings or efficiencies in the long run.

#### 4.30 pm

Improvements could certainly be made to the way in which community relations are delivered and managed by the Department. Reviews of those efforts recommend that a clear policy framework be constructed to ensure that community relations programmes are focused and constructive and that the work is not

duplicated. Where is the clear policy framework? If there are problems with the way in which the budget has been administered, changes need to be made. Improvements cannot possibly be made by gutting the funding stream.

My concern with the Executive is the apparent lack of deliberate reflection and consultation from Ministers when they make budgetary decisions. We are entering a period of significant reductions in public spending. The cuts that Ministers make to their budgets must be extremely precise and based on careful assessments of where need does and does not exist, not simply on lopping off figures from a budget line item. It is not possible to argue that the need does not exist for community relations work among young people in the education system.

Not only is the need there but it has expanded. We are a different society now from what we were 10 years ago, and our communities have grown. There are thousands of new arrivals in Northern Ireland from countries around the world, and those people have brought their cultures, religions and ideas. I hope that we have begun to recognise and embrace our gay, lesbian, bisexual and transgender citizens and the important role that they play in society. Community relations are not only about Catholics and Protestants but about normalising our society and recognising the fact that our future is shared. I urge the Minister to revisit her decision and invest in the equality that she claims to support.

**Mr Deputy Speaker:** Your time is up.

**Ms Purvis:** I support the motion.

**The Minister of Education (Ms Ruane):** Go raibh maith agat, a LeasCheann Comhairle. I am taking a strategic approach to addressing community relations, and my decision must be viewed in the context of the impact of the wider education budget and plans to introduce a new community relations, equality and diversity policy. The task for education is to prepare children and young people for living in a society that is diverse.

The existing community relations policy was originally developed over 20 years ago, with the focus mainly on promoting contact by bringing together young people from Catholic and Protestant communities. However, I concur with the many Members, particularly Anna Lo and Dawn Purvis, who said that much has changed

in our society, including the revised curriculum, equality legislation, the political environment and the wider diversity that now exists. For example, in the early 1990s, there were 655 newcomer pupils for whom English was an additional language. By 2009-2010, that had risen to 7,533 pupils, an increase well in excess of 1,000%.

Given that today's society is much more diverse, any policy needs to reflect all section 75 groups, not just two or three of them. There are nine grounds in equality, including persons of different religious belief, political opinion, racial groups, sexual orientation, gender or age, people with and without a disability and people with or without dependants. The Good Friday Agreement and the St Andrews Agreement committed to actively promoting the advancement of human rights, equality and mutual respect as well as the United Nations Convention on the Rights of the Child and the current Programme for Government. Any community relations, equality and diversity policy must reflect those commitments.

To ensure that community relations work in schools reflects the current environment, I commissioned a review of the policy. In undertaking the policy review, my Department engaged widely with stakeholders from across the education sector. I established a working group comprising a range of expertise and perspectives to assist in the review and to make recommendations for future policy direction. Members of the group included a school principal; a youth worker; people from the Council for the Curriculum, Examinations and Assessment (CCEA); the schools inspectorate; the Community Relations Council; Ultach; the Council for Ethnic Minorities; the Children's Law Centre; the Equality Commission; and the Human Rights Commission. The working group considered detailed evidence, including presentations from key stakeholders; a literature review; an Education and Training Inspectorate report; an audit of educator training needs; and responses to over 2,000 pre-consultation questionnaires.

The results of the review indicated the need for a wider approach to community relations and identified inadequacies in the existing policy. The review identified inadequate monitoring and evaluation of the quality of community relations provision; the restrictive nature of funding criteria, which limited current practice and

did not encourage progression in community relations; the unnecessary complexity of five separate funding strands; insufficient in-service training for teachers; and the lack of connections between community relations work and other education policies, which have led to this work being seen as an add-on rather than as being integral to the curriculum.

Drawing on the findings of the review, I plan to bring forward a new community relations, equality and diversity policy. That will be supported by guidance, and I plan to bring the policy forward for public consultation later this year. I want to move away from the dependency on external organisations in delivering community relations, equality and diversity, by seeking to embed this work firmly in educational settings by providing a strong skills base for educators and the teaching resources required.

The new community relations, equality and diversity policy will address the findings of the working group by engaging children and young people on the need to promote equal rights and building a culture of mutual respect. As such, the policy will align with the direction that the programme for cohesion, sharing and integration is taking. The new policy will include clear and meaningful outcome measurements to ensure that its impact can be measured, something that, it has been clearly acknowledged, the existing policy fails to do.

Thug mé réimse polasaithe ar aghaidh cheana féin agus mé ag cur an chur chuige nua seo san áireamh, amhail Gach Scoil ina Scoil Mhaith: Ag Tacú Le Daltaí Ó Thíortha Eile agus tograí polasaí ar an mbealach chun tosaigh do riachtanais oideachais speisialta agus cuimsiú.

With a wider approach in mind, I have brought forward a range of policies, such as Every School a Good School: Supporting Newcomer Pupils, and policy proposals on the way forward for special educational needs and inclusion. They contribute to the broader approach that will underpin the aim of improving relations between communities and promote inclusion and a culture that welcomes diversity and equality.

Our schools have an important role to play in community relations, equality and diversity. Teachers and youth workers, often in difficult circumstances, assist our young people to be enlightened, critical thinkers who are prepared for the responsibilities and obligations of life in a changing democratic society.

My policy for school improvement, Every School a Good School, lies at the centre of the reform agenda and is consistent with article 29(d) of the United Nations Convention on the Rights of the Child. Every School a Good School acknowledges that school premises are a resource that could be better used by local communities and that providing for increased community use of school premises can be an effective way of building links between schools and their local communities. I responded to Members' interest on that subject on 11 May.

One significant way of achieving better community relations is ensuring that the 11,000 people who leave our schools without the necessary qualifications are addressed. We must ensure that the programme that we are putting in place continues, because that one action will make a significant difference. We cannot afford a situation in which our young people are leaving school without qualifications.

Through the revised curriculum, I have sought to embed community relations, with personal development, mutual understanding and human rights work at primary level, and learning for life and work at post-primary level in order to provide opportunities to address equality and diversity issues and promote good relations. Among the very good community relations and equality programmes for our schools are those provided by INTO and the Ulster Teachers' Union through their work with Amnesty International.

In 2010-11, current expenditure for education has increased by 1.9% to just over £1.9 billion, but, faced with meeting the efficiencies that are required by the Executive, I have had to balance a range of education priorities against the need to achieve efficiencies. My priority has been to protect front line services and to ensure that the needs of those who are most disadvantaged continue to be at the forefront.

As part of the budget process, an equality and human rights screening was undertaken. It showed that the different needs of the various groups were not being met fully by the community relations policy. As John O'Dowd said, my Department has suffered significant efficiency savings of £74 million, on top of the £13 million savings previously withdrawn in anticipation of the ESA. The best way that both parties opposite can contribute to community relations and equality is by supporting the establishment

of the education and skills authority, instead of putting their heads in the sand.

Faced with decisions about whether to reduce the community relations programme or reduce money going into the classroom, where there are already opportunities to address that work, I have concluded that the latter is preferable and more sustainable. I absolutely agree with Anna Lo on the points that she made about poverty; I have no argument with that. We must target on the basis of need, and the new policy must do that.

I remain committed to increasing the relative funding for primary schools. I have announced that the budget provides for an additional £90 per primary pupil, which represents a 3.1% increase in funding per primary school pupil compared to last year. All parties say that they support extra money for primary schools, but they need to make measured contributions to the debates, given the current economic climate.

I have also extended the free school meals entitlement criteria to include working families with children in full-time nursery and primary schools, with a household income below £16,190. When fully operational, it is expected that an additional 20,000 pupils will benefit from the extension of the scheme, and I encourage all lower-income families to claim their entitlements. I also encourage Members to spend their time letting their constituents know about the scheme rather than trying to pick holes in the community relations strategy in a very ill-thought-out way.

I am considering a draft early years strategy for nought to six-year-olds, and I have set aside £1.5 million to take forward development in that key area. I congratulate Members who mentioned it, because it is a key policy that will make a significant difference in future. I have also just announced up to a further £1.3 million funding to provide additional preschool places to meet unprecedented demand.

The curriculum sports programme, delivered by the GAA and the IFA — organisations that reach out to their communities — continues to receive funding, with £1.5 million available in 2010-11. The programme's emphasis is on participation for everyone and working with working-class communities.

I remain fully committed to the youth services and their important impact on our young people. However, in recognition of the continued need

for good relations and equality, I have been able to make provision to retain a funding stream for community relations work. The previous community relations funding schemes terminated on 31 March 2010, and the organisations affected were given notice of that on 3 August 2009 to provide time to bring existing programmes to a managed closure.

Beidh mo chuid feidhmeannach ag obair leis na príomhpháirtithe leasmhara san earnáil chun bealaí nuálaíocha agus éifeachtúla ó thaobh an chostais de a aithint lena chinntiú go n-uasmhéadófar an cistiú atá ar fáil..

My officials will work with key stakeholders across the education sector to identify innovative and cost-effective ways of ensuring that the funding available is maximised. To facilitate the administration associated with the winding-up of existing schemes, I have made short-term allocations to all the organisations affected from the 2010-11 budget. The funding will cease at the end of May. The focus will be on embedding community relations in the mainstream education system. Most of the 2010-11 funding for community relations will be used to secure posts in the education and library boards and in the Youth Council, which are critical to the implementation of the new policy. Initially, they will be used to ensure a managed run-down of current schemes until the end of June and to prepare for implementation of the new policy.

#### 4.45 pm

In addition, significant expenditure of over £200 million for special educational needs, £8 million for supporting newcomer pupils and £28 million for youth services contributes to the wider approach to community relations. It is against that background and the need to take cognisance of the relevance and impact of other policies in respect of community relations that my decision to set community relations funding at £1.1 million should be viewed, not by focusing narrowly on one funding stream.

With all the work that my Department is engaged in, I am confident that education will continue to make a vital, meaningful and sustainable contribution to building good relations and equality between young people across the nine grounds rather than two or three grounds, and to the emerging Executive policy on cohesion, sharing and integration.



**Mr Lunn:** I thank all Members who have contributed to the debate. It has been constructive. There has been little disagreement. I noticed that even John O'Dowd appeared to agree with the motion. I am glad to hear it. We all recognise that we are in difficult financial times and that more lie ahead. The Department of Education is no different to other Departments. However, there are questions to be asked — they have been asked, rightly — about the degree of the cut and its disproportionate effect on voluntary groups whose other funding sources are limited.

I appreciate the Minister's point that the bulk of the funding that has been withdrawn is being used to prepare for implementation of the new community relations, equality and diversity policy, which is proposed to be adopted during the current financial year. However, we are quite well into the financial year, and the Minister talked about bringing it forward for consultation "later this year". Given that most of the groups that are now being severely disadvantaged by the cut will expect to be funded under the new policy, what on earth are they supposed to do in the meantime? In proposing the motion, Anno Lo stated that they are grant-funded only until the end of May. The £1.1 million that is left is to cover the entire financial year. The new policy has not even been produced in draft form. Given the Department of Education's rather sorry record of bringing forward policy documents, when can implementation be expected? It seems to me that the best estimate is some time around Christmas. What is supposed to be done about the 26 community relations groups, the schools' community relations programme and the youth support scheme?

Anno Lo referred to the Programme for Government commitment to promote tolerance, inclusion, health and well-being. Is this decision in line with that commitment? Indeed, David Hilditch made an interesting point about Robin Newton's comments earlier, which he said refocused the community relations strategy. The jury is out on that. OFMDFM thinks so little of that Programme for Government commitment that it has taken almost three years to bring forward a draft CSI strategy. Frankly, that came only after pressure from the Alliance Party and as part of the deal to persuade us to accept the Justice Ministry. Although the strategy is yet to be made public, it is rumoured to be high on rhetoric and low on substance. Given that it was brought forward under duress, it is, perhaps,

a half-hearted compromise. However, my party colleague Stephen Farry informs me that there is strong affirmation in the strategy of the principle of contact.

The Department of Education seems to be prepared to leave so many worthy groups in the lurch on the vague promise of a new policy later this year if they can stay in business in the meantime. I wonder what all of that says not only about the Department but about the Executive's commitment to community relations.

I want to spend a few moments on what Members have said during the debate. Straight away, Mervyn Storey mentioned one funded body that he knows of which is in the process of losing four experienced staff. Other Members made similar points. Mervyn also referred to young people from interfaces in deprived areas and the possibility of them being turned from the proper way into more doubtful associations. That point was echoed by Dawn Purvis and Dominic Bradley.

Several Members spoke about a vacuum in policy development. That is the problem: we have done away with one policy without replacing it with another. All that has been said about education sounds familiar. Basil McCrea spoke about the common goal of trying to dismiss sectarian tensions and commented that a modest budget can make a huge difference. That is absolutely correct. He also said that the Assembly needs to get real about community relations. He specifically referred to comments that I did not hear because I was not at the meeting in question. However, there seemed to be at least a difference of emphasis between what Daithí McKay said at the W5 meeting and what the Minister is now saying.

Dominic Bradley referred to the review that started in 2008 and the loss of many good people to the community relations sector. He spoke about staff being placed on protective notice and the fact that there is no funding for programmes or transport and stated that, in that vacuum, the initiative was being handed to others.

John O'Dowd surprised me slightly — I do not know why I was surprised — by agreeing with the concerns that were expressed. He did not appear to disagree with any part of the motion, but I wonder whether Sinn Féin will actually support it. We will wait and see. He made the valid point that the Department's budget is tightly stretched and that £87 million is being

lost to it this year. That is fair enough. We all know that there are very difficult decisions to be made but, in recent times, the Minister has managed to come up with extra money that we did not know about for various schemes. She has not been given much credit for some of those, but I will give her credit for the reprioritisation of Whitehouse Primary School, the money that has been found for preschool places and the decision on prep schools. All of that is very welcome. Today, she mentioned a slight adjustment to the free school meals criteria and another £2 million for the Irish-medium sector, which will not please everybody, but it is money that has been found.

**Mr Storey:** Wasted.

**Mr Lunn:** No; not wasted, Mr Storey. It was found. *[Interruption.]* Sorry? I do not mind giving way if somebody wants to make a comment.

**Lord Morrow:** I hope that it is not another rubbish report that the Member is reading from, such as the one that he referred to last week in the House.

**Mr Lunn:** Lord Morrow will not let me live that one down, but I stand by my view. John McCallister made a telling comment about short-term budgetary decisions with long-term effects. He could not have put it better; that is very sound logic. Mary Bradley spoke about the SDLP's policy, which I think we all share: a shared and equal society, free of hate. She also mentioned the multiple impacts of cross-community work. There is no disagreement anywhere in the House about those matters.

My party colleague Stephen Farry referred to the CSI strategy being all-embracing and was completely at a loss to reconcile that strategy, little as we know about it, with the 70% cut to a particular budget. Dawn Purvis was baffled by that decision; aren't we all? She spoke about "gutting" the budget and the failed United States policy of "separate but equal".

The Minister has responded. I agree with what she said at the beginning of her speech: much has changed in 20 years, and the policy needed to be reviewed. That is fine. There is not a policy in existence in this place that should not be reviewed on a more regular cycle than that.

*(Mr Speaker in the Chair)*

I like the sound of the new policy that the Minister described and of all the work that is

going into that. She talked about 2,000 pre-consultation questionnaires — fair enough — and a wide-ranging review. However, she said that all that will happen later this year. In the meantime, those groups have little or no money.

Finally, the Minister referred once again to the ESA — I do not know how she could ever get through a speech without mentioning it — and the necessity to establish it in order to save some money. For the record, I completely agree with her. I am just throwing that in during the last few seconds of my contribution. She talked about a managed run-down of existing schemes. A managed run-down simply means that existing schemes will run out of money at the end of May or possibly June. However, until a new policy is established and some new funding is provided, a gap will exist. I, therefore, appeal again to the Minister to try to fill that gap so that those schemes are not detrimentally affected.

*Question put and agreed to.*

*Resolved:*

*That this Assembly expresses deep concern at the Minister of Education's decision to introduce significant cuts to her Department's community relations budget for 2010-11; and calls on the Minister to explain how her Department can now make any meaningful contribution to building good relations between young people and to an overarching Executive policy on cohesion, sharing and integration.*

## Fortieth Anniversary of Disbanding of B-Specials and Formation of UDR

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes in which to propose and 10 minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

I wish to inform Members that a valid petition of concern was presented today in relation to the motion. Under Standing Order 28, the vote cannot be taken until at least one day has passed. Therefore, the vote will be taken as the first item of business tomorrow morning, Tuesday 25 May. The motion can, however, be debated today. I remind Members that another effect of the petition is that the vote on the motion will be on a cross-community basis.

**Mr Storey:** I beg to move

*That this Assembly notes that April 2010 marked both the fortieth anniversary of the dissolution of the Ulster Special Constabulary, or B-Specials, and also the fortieth anniversary of the formation of the Ulster Defence Regiment; expresses its gratitude to the bravery of the many people who served in each; acknowledges the sacrifice made by many personnel as they defended the population against terrorism; and calls on the Secretary of State for Northern Ireland to mark these two important anniversaries.*

Declan O'Loan's new party must now be in operation given the cross-party marriage of SDLP and Sinn Féin Members in relation to the signing of the petition of concern. No doubt the SDLP leader will have some questions to ask Mr O'Loan about who will be the new leader of the party. That is not said to politicise, in any way, what this afternoon is about.

Many people want revisionism at the heart of the way in which we move forward and, unfortunately, they wish to airbrush from existence the gallant history of the men and women who served in the B-Specials and the UDR. That will not happen as long as members of my party are on this side of the House. Many people have stood between terrorism and the community. Among them were the members of the Ulster Special Constabulary and the UDR, whose brave service helped to hold the line against terrorism. The motion acknowledges their service and sacrifice. It is only right and proper that this opportunity be taken to applaud

the way in which the community was defended from those who sought to murder by night.

A force of special constabulary was raised under the Special Constables (Ireland) Act 1832. Recruiting for the Ulster Special Constabulary opened on 1 November 1920, after a period of unrest and as the South descended into anarchy and chaos. Between 1920 and 1922, it is estimated that some 428 people were killed and a further 1,766 were wounded as the IRA sought to kill the Northern Ireland state at birth.

In 1922 alone, 232 people were killed and 1,000 wounded. Just as the IRA would again fail in latter times, so, too, did it fail in the 1920s.

### 5.00 pm

When World War II broke out, a ready-made force of 13,000 men was available for Home Guard duties. That would later swell to 40,000 personnel. In the 1950s, the IRA reverted to carrying out a terrorist campaign. The Ulster Special Constabulary played an important role in responding to and defeating that terrorist campaign. It is interesting to note historical author Tim Pat Coogan's description of the B-Specials as:

*"the rock on which ... the IRA ... foundered."*

After that period, and until its dissolution, the Ulster Special Constabulary continued to give gallant and dedicated service to the Province. Regrettably, members of the Ulster Special Constabulary lost their lives in the line of duty. They were ordinary people who placed themselves to the fore in combating terrorism, and they deserve our thanks.

This year also marks the fortieth anniversary of the formation of the Ulster Defence Regiment (UDR). It was formed in 1970 and incorporated some former members of the Ulster Special Constabulary. Its main purpose was to engage in guard and patrol duties in Northern Ireland, and it was a key component in resisting the extreme, cruel and bloodthirsty terrorist campaign that republican terrorists waged against the entire population. The depravity, cruelty and brutality of events such as Bloody Friday bear solemn testimony to the circumstances in which the UDR served this community, and served it bravely.

In the late 1980s, the UDR provided backup for the RUC across 85% of Northern Ireland. Since its formation, 40,000 people served in its

ranks. It is estimated that the combined total of full-time and part-time members exceeded 60,000 personnel. Given the sheer number of people who served in the regiment, the extent of the reach of its duties and the prolonged period for which it was on active service, the UDR's disciplinary record is nothing less than exemplary. By the time that it merged into the Royal Irish Regiment, 197 members and 47 former members had been murdered. The UDR was on active service longer than any regiment since the Napoleonic wars.

Whereas regular troops could usually be attacked only while on duty, members of the UDR lived and worked in the community. They were almost always attacked when at home, when at work or when unarmed. Today, we do well to remember those who lost their lives. Although it would be improper to pick out any individual, I recall one incident involving a serving member of the UDR who travelled to work with someone whom he thought was his colleague, but who was charged a few years later with his murder. How sad that we had a society in which that was not only something that happened but, unfortunately, was something that was supported. I trust that we will never again go back to that mentality. These were ordinary Ulstermen and Ulsterwomen who placed themselves in danger that we might live in peace. In the worst days of the Troubles, they became the target of terrorist organisations that we in this House might have a future.

Today, Sinn Féin sits in this regional Assembly in the UK. Today, it upholds the British criminal justice system. Today, it gives allegiance to, and, in many cases, is actively giving evidence to, a British police service. The republican movement has been forced to deal with decommissioning; it has been forced to announce the formal ending of its campaign; it has been forced to issue a formal stand-down order to all its personnel; and it has been forced to sign up to support the police, the courts and the rule of law.

In short, as Mr Molloy, a Member of this House, said in 1999:

*"We are really prepared to administer British rule in Ireland for the foreseeable future. The very principle of partition is accepted, and if the unionists —*

**Mr Molloy:** On a point of order, Mr Speaker. Is it correct for a Member to misquote another

Member in the House? I ask the Member to withdraw that particular quote.

**Mr Speaker:** I have often said in the House that Members have to be careful when they are quoting other Members. Therefore, it is very important that if Members are being quoted, they are being quoted correctly.

**Mr Storey:** Mr Speaker, I am quite happy to provide you with the source of the quote.

I will complete the quote:

*"The very principle of partition is accepted, and if unionists had had that in the 1920s they would have been laughing."*

The brave men and women of the UDR, through their service, gallantry and sacrifice, greatly helped to bring republicans to that place. They deserve our thanks, and I express my personal thanks to them in the House today.

Today, our Province is, to a large degree, at peace. Although the situation is not perfect, and though the institutions in the House are far from perfect, there is no longer the devastation and death that happened on a weekly basis when I was growing up.

As we seek to move Northern Ireland forward on that basis, we must never forget our past or the great price that was paid by so many to bring us to where we are today. As we reflect upon our past, there can be no greater contrast than that between the role of the various republican terrorist organisations on the one hand and the role of the forces of law and order, as epitomised by the members of the B-Specials, the UDR and other members of Her Majesty's forces, on the other. The former had a clear political agenda, which was designed to destroy our Province, its economy, its way of life and its heritage. The latter had no political agenda; they only sought to stand between us and those who would destroy our lives and our property.

**Mr Speaker:** Will the Member bring his remarks to a close?

**Mr Storey:** Republican terrorists deserve no praise or commendations; they deserve no memorials. However, those whom we commemorate in the motion do deserve our thanks and appreciation.

**Mr Speaker:** It is right that, as far as possible, Members quote other Members correctly. However, it is not the Speaker's job to sit in



judgement about where Members get their information. Mr Molloy will have an opportunity to correct what has been said when he speaks in the debate.

**Mr O'Dowd:** The previous Member ended his speech by telling republicans that they have no right to remember their dead and they have no right to remember those people who lost their lives in a conflict that was not of their making.

The motion is about many things. However, at its centre is the right of people to commemorate, in their own way, those to whom they felt close, those to whom they felt loyalty and those who had the same political views. So, it is difficult when someone gets up and makes a speech about the right to honour someone, only to tell others at the end of it that they have no right to do the same.

**Mrs D Kelly:** It should not necessarily fall to this House to honour such people.

**Mr Speaker:** The Member has an extra minute.

**Mr O'Dowd:** Thank you, Mr Speaker.

As I move through my speech, I will clarify my position on that. I will not be going cap in hand to the British Secretary of State asking for permission to commemorate anyone. If the unionist parties opposite are serious about commemorating those who served, fought and died as members of the Ulster Defence Regiment and the B-Specials, they should be responsible for organising such commemorations, instead of seeking permission to do so from someone else.

The previous Member to speak, perhaps rightly, gave a one-sided version of the history of the B-Specials through to the UDR. All those organisations were formed for one reason and one reason only: to maintain the status quo in this state. The way in which they went about that created not only the conflicts of the 1920s that the Member spoke about but surely helped to create the intense conflict that we saw from 1969 through until we eventually reached where we are now.

The actions of the B-Specials bred a fear in the nationalist community. That not only drove many nationalists physically from their homes but many others left Ireland simply because the B-Specials ruled the community in which those people wanted to live. That was no way for any society to be built.

The Member moved on to discuss the creation of the Ulster Defence Regiment. Throughout his speech, he talked about terrorism and terror. I do not say this to be inflammatory, but many in my community, including myself, would have seen the Ulster Defence Regiment as a terrorist organisation. I am not saying that to provoke a reaction or to cause hurt to anyone. However, as was the case with the B-Specials, the actions of members of the Ulster Defence Regiment, whether they were in or out of uniform, caused fear among the broader nationalist and republican community. I do not think that that is a history on which this House can reflect in common purpose and be proud of.

The actions of those people did not help to end the conflict, as Mr Storey said. Rather, they helped to prolong the conflict. Members of the UDR, and their forefathers in the B-Specials, did not involve themselves in a campaign of security. I assure you that when a UDR patrol was seen in the communities that I represent, no one felt secure. When the UDR stopped you at the roadside, searched you, took your details, asked you where you worked, and were able to tell you everything about your life, it was not for your security. When that same information ended up in the hands of so-called loyalist paramilitaries, it was not for your security. When that same information was used to kill your neighbours, members of your family and members of the broader community, it was not for your security. That was terror in its classical form.

That did not bring us to peace. What brought us to peace was politics. We can rewrite our own versions of history, but we are on these Benches today because we decided to make politics work. I am glad that politics is working, because I do not want another generation to experience the life that we experienced. I do not want another generation to go off to join organisations such as the UDR or the RIR, and I do not want another generation to go off to join the IRA. I want the next generation in this society to make politics even stronger and to resist those who, whether through words or actions, choose to bring us back to the days of conflict. That is the way forward.

I want those who wish to remember to be able to do so in a dignified way, whether they are remembering the B-Specials or the UDR. However, I also want them to understand that we as republicans have a right to remember those who were dear to us. Those IRA volunteers and

their families have a right to remember their loved ones in a dignified way. If we can have common cause in that, it would show a maturity about this society.

**Mr Elliott:** I thank and congratulate the Members who moved the motion. As a former member of the Ulster Defence Regiment, I take great pride in having served in that regiment.

I want to deal with a couple of issues that Mr O'Dowd raised. There will never be any similarity between those who served in Her Majesty's security forces to protect all communities in this Province and those terrorists who skulked about in the dark of the night or in the light of the day and murdered the citizens of this Province and the wider community. Indeed, they murdered not only the citizens of this Province but citizens of the Irish Republic and Great Britain. There can be no similarity between those two groups.

I want to dispel another myth about the B-Specials and quote directly from the Hunt report, which, at paragraph 3.16, states that the:

*"USC were also used in Belfast to protect licensed premises which, being largely Catholic owned and managed, were at risk from Protestant hooligans when communal tension was high. Again, they did the job well — as is evidenced by the destruction of so many public houses as soon as they were withdrawn."*

That proves that the B-Specials were not sectarian. When I served in the UDR, I protected people from the nationalist and Roman Catholic community in the same way that I protected those from the Protestant and unionist community.

### 5.15 pm

I recall nights when I guarded the homes of nationalist politicians in my constituency because of the threat against them; I did the same for unionist politicians. Mr O'Dowd referred to people being searched. That was absolutely right; I was searched by other members of the security forces, but I did not complain. Law-abiding people had absolutely nothing to fear. The difference was that, for decades, some people deliberately murdered others, bombed the Province and tried to destroy its citizens.

Fortunately, although many people lost their lives — our memory should be with them at this time — the terrorists were not able to bomb and murder the people of the Province into submission. The peaceful society that we have

today is due in no small part to the B-Specials, the Ulster Defence Regiment and other security services. But for their actions, the Province could easily have slid into anarchy many years ago.

Mr Storey said that certain people may not have pulled the trigger to murder their neighbours who served in the Ulster Defence Regiment or the B-Specials, but if they did not, they set them up. That caused huge suspicion and mistrust among communities. When the Ulster Defence Regiment was first established, there was a huge attempt to recruit as many Roman Catholics as possible. The fact that that did not happen had nothing to do with the reasons behind the formation of the regiment. It was because those from the Roman Catholic tradition chose not to make it happen.

I served with Roman Catholic colleagues. One night, one of them went out on duty with one patrol and I went with another. That was the last time that I saw him: he was murdered that night. Another colleague with whom I served lived in a predominantly Roman Catholic housing estate. The people who lived there made his life a misery just because he wished to serve his community. I say shame on those who murdered their fellow citizens, even though they were of the same religion.

**Mr Speaker:** The Member must bring his remarks to a close.

**Mr Elliott:** I say shame on those who made that soldier's life a misery just because he was serving the community.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. From what we have heard today, we know that there are deep sensitivities around the motion for people on all sides of our community. Some unionist people watching the debate will have had family members who were in the UDR, and some will have had family members who were in the UDR and were murdered. There are probably Members who, as we have heard, were in the UDR, and, as Mr Elliott said, knew people who were murdered.

Likewise, nationalist people, as well as Members, have had family members murdered at the hands of UDR members, sometimes acting in collusion with loyalist paramilitaries. I would like Members to be sensitive to both perceptions of the UDR. A sectarian slanging match across the Floor of the House will not serve well the memory of the dead. It is not

what their families would want, nor is it to anyone's benefit. The families want to know the truth about how their loved ones died and to have that truth acknowledged.

I do not seek to demonise everyone who was in the UDR, some of whom were neighbours who lived on the same street as me. It would be wrong of me to do that, but it would also be wrong to deny that some members of that regiment acted outside the law, sometimes in collusion with loyalist paramilitaries.

In my constituency, a group known as the Glenanne Gang, which comprised loyalist paramilitaries, members of the RUC and its Reserve, as well as members of the UDR, was responsible for at least 18 gun and bomb attacks in which 58 people were murdered. The group had its headquarters on a farm outside the village of Glenanne. One of the gang members, former RUC Sergeant John Weir, confessed to his part in those activities and exposed the gang members.

Weir was a member of the RUC's special anti-terrorist group, the special patrol group. In his evidence, he named Robin Jackson, a loyalist paramilitary from Lurgan and the late Robert McConnell among the members of the gang. He stated that Jackson and UDR member McConnell were responsible for the murder of republican John Francis Green at Mullyash near Castleblayney.

The Dublin and Monaghan bombings were co-ordinated from the farm, and the explosives were stored there. Weir said that the explosives for both attacks had been provided by an intelligence officer in the UDR. The bombs were assembled at the farmhouse in Glenanne. The main organisers of both attacks had been a loyalist paramilitary and a named UDR captain from Lurgan. The bombs had been transported in cars by Robin Jackson and the UDR captain, both of whom took part in the Dublin attack.

The gang was also responsible for gun and bomb attacks in two pubs in Crossmaglen, after which one man died; the murder of two football supporters at Tullyvallen; and the attacks on Donnelly's bar at Silverbridge and Kay's Tavern in Dundalk, in which four people died and others were injured. Bomb attacks were also carried out in Castleblayney and at the Rock Bar in Keady, in which three people died.

UDR member the late Robert McConnell was the common element in most of those attacks, with the named UDR captain supplying the explosives in most cases. Gang members were also involved in the Miami Showband killings. Three of the Reavey brothers from Whitecross and three members of the O'Dowd family were also victims of the gang, as were RUC Sergeant James Campbell and Ahoghill grocer William Strathearn. Weir admitted complicity in the latter murder for which he was convicted and imprisoned.

RUC Sergeant John Weir has been accepted as a credible witness by Justice Henry Barron, who led the inquiry into the Dublin and Monaghan bombings, and by the Historical Enquiries Team in Northern Ireland. The members of the UDR who were involved with the Glenanne Gang were not defending the population against terrorism: they were doing the opposite. They were terrorising the community. They acted outside the law in collusion with loyalist paramilitaries and brought death, injury and destruction to scores of innocent people. That is why the SDLP has lodged a petition of concern.

**Mr Speaker:** Bring your remarks to a close.

**Mr D Bradley:** That is why we oppose the motion. Go raibh míle maith agat.

**Dr Farry:** The issue is clearly sensitive, and I fear that the middle ground is very narrow indeed. The Alliance Party tried to table an amendment to suggest a positive alternative that might have had the potential to unite the House, but it was not taken forward. We must appreciate that history is rarely a black or white matter. There will always be interpretation and dispute around it. That is particularly the case in Northern Ireland.

We accept that there is a landmark anniversary in relation to the standing down of the Ulster Special Constabulary, or B-Specials, and the creation of the Ulster Defence Regiment, which later merged into the Royal Irish Regiment. The question is whether we should call on the Secretary of State to commemorate that. If we do, whether he would want to act on that is another matter.

As other Members said, there is scope for people in this society to have their own commemorations. However, we should look at how we can jointly commemorate our shared history. I may return to that point later.

The Alliance Party welcomes every opportunity to express its gratitude to and respect for those people who have served in the police and security forces, whether in the RUC, the PSNI or the Ulster Defence Regiment, to defend this society against terrorism, be it loyalist or republican, and those who have consistently acted in line with the values of the rule of law, democracy and human rights. Although I have critical comments to make about the B-Specials later, I accept what Mr Elliott said about the Hunt report's reference to their protection of Catholic lives and property. It is also important that we recognise the significant loss of life among the B-Specials and the UDR.

That said, in trying to give a balanced reflection of the situation, it is only right that we acknowledge that there were abuses of power in policy and practice by the state — both the Stormont and direct rule regimes — during our history. Individuals acting with Crown authority also abused their power and authority in how they conducted their duty. There are documented examples of members of the Crown forces who acted in an illegal manner, were involved in some extremely serious crimes and had links to paramilitary organisations. That is all on record.

We must also reflect on the fact that different sections of our community have different perceptions and real experiences of the B-Specials and the UDR. In doing so, it is important that we draw distinctions between the B-Specials and the UDR. The context of the two organisations was different. The B-Specials were part of the RUC and controlled by the Stormont regime, and there was no balance in their membership. As Mr Elliott said, strong efforts were made to recruit Catholics to the UDR in the early 1970s, but those attempts were ultimately unsuccessful.

We must recognise that the B-Specials were drawn almost exclusively from the Protestant section of our society. That fact was borne out by a succession of reports; namely, the Scarman, Cameron and Hunt reports. The point was made that it was almost impossible for a Catholic to be a member of those organisations. Policing and security are at the heart of the conflict in Northern Ireland and Ireland. People from the Catholic tradition were regarded as being de facto subversives, which was a wrong assumption in many cases.

It is important to reflect on two themes that the Assembly should never forget. First, we have an ongoing challenge to deal with the past and the legacy of the past. We have still not come to terms with it, and, in some respects, we continue to push it away. Indeed, the new Government seem intent on doing that. We also have to reflect on how we build a shared future and produce a stable, free and prosperous society. We must take a balanced view of our history.

**Mr Buchanan:** I support the motion, and I congratulate my colleagues Mr Storey and Lord Morrow for securing the debate in this important anniversary year. It is only right and proper that we have the opportunity to place on record our deep respect for the members of the Ulster Special Constabulary and the Ulster Defence Regiment. They played a crucial part in the battle against the enemies of the Province at different stages in our history, and we in the House owe them a great debt of gratitude.

The republican propaganda machine worked hard to malign and misrepresent the USC and the UDR over the years, but it was only propaganda. Republican terrorists regarded members of those organisations as legitimate targets, and several hundred of their members were brutally murdered in cold blood. They were easy targets for the so-called brave volunteers of the IRA. Many were attacked when out of uniform and going about their ordinary civilian jobs, working on their farms or arriving home only to be gunned down in front of their family by bloodthirsty gangsters during a campaign that was supported by Members of the House.

A table in the book 'Lost Lives' shows responsibility for deaths, year by year, from 1966 to 2006, and it reveals that 2,152 murders were committed by various republican terrorist groupings in some of the most vicious circumstances, so I will take no lectures this evening from the Members opposite. Their attempts to discredit the B-Specials and the UDR will be treated with the contempt that they deserve. Republican accusations that these people were drawn from the Protestant riff-raff must also be strenuously rejected. Most unionist families, my own included, can speak with pride of family members who served in varying roles in the B-Specials and the UDR. I am proud to be able to say that members of my family served and still serve in Her Majesty's forces.



**5.30 pm**

The USC played a pivotal role at crucial moments in the history of Northern Ireland. Tribute has rightly been paid to its members' public-spirited service and selfless devotion. Even the Hunt report, which recommended its disbandment, paid warm tribute to them. It said that, to a man, the special constables had devoted themselves to the cause of Ulster and that they had rendered gallant service.

When Northern Ireland was established in 1921, it faced an immediate and severe threat from its enemies, and we are eternally grateful for the contribution of the USC at that time. Not only did Northern Ireland survive then, but it is still here today as part of the United Kingdom, even though Barry McElduff, speaking on the radio last week, got very worked up about that particular issue. Mr McElduff may be in denial, but I remind him that he sits in the Northern Ireland Assembly within the United Kingdom of Great Britain and Northern Ireland, where he now supports the police and the rule of law and the judicial system.

The B-men's knowledge of local areas and local people was crucial at different stages in our history. They played a key part in the Home Guard during World War Two and in the defeat of the IRA campaign of 1956 to 1962. Then, in 1969, when militant republicans again attempted to destroy Northern Ireland, the B-Specials came to the rescue once more, only to be sacrificed on the altar of political expediency. The Hunt report, which recommended the scrapping of the Specials and the creation of an unarmed police service was naive and failed to face up to key realities. As Dr Paisley once said:

*"if you want to destroy a country pull out the teeth of her defence forces and she will be easy prey."*

I have no doubt that the Troubles, which were the scourge of this Province for many years, would not have lasted as long as they did had the B-Specials been retained and not disbanded.

The B-Specials were disbanded in 1970 and replaced by the RUC Reserve and the UDR, and I want to pay tribute to them as well. They stood in the gap and were not found wanting. Many of their members were murdered, many more injured, and many carry the scars of physical and mental pain to the present day. Unfortunately, they too ceased to exist, but their bravery must not be forgotten. I share

the regiment's pride in the award of the Conspicuous Gallantry Cross by Her Majesty the Queen, and I call on the Secretary of State to begin his term of office on a sound basis by ensuring that the B-Specials and the UDR are properly remembered and celebrated in this fortieth anniversary year.

I close by quoting some words from a poem by John Potter, which is dedicated to the UDR:

*"We did not serve because we hate  
Nor bitterness our hearts dictate.  
But we were they who must aspire  
To quench the flame of terror's fire.  
As buglers sound and pipers play  
The proud battalions march away.  
Now may the weary violence cease  
And let our country live in peace."*

**Mr Speaker:** The Member's time is up.

**Mr Buchanan:** I support the motion.

**Mr Molloy:** Go raibh maith agat. First, I refute completely the allegations made by Mr Storey at the beginning of his speech, even though he has left the Chamber. Misquotes and allegations are easily thrown about without standing over the facts.

I find it hard to believe that this backward-looking motion is before the House today. Some spoke of revisionism; this is real revisionism. I would have thought that even the DUP, at this stage, would have realised that it was largely the actions of these two paramilitary forces that led to the collapse of the six-county statelet. They were the real terrorists.

I welcome the fact that the B-Specials were disbanded. Everyone in the nationalist community rejoiced at that event. Unfortunately, many of them simply changed uniform and moved across to another organisation. They continued the harassment, the murder of nationalists and the collusion with others to ensure that loyalist paramilitaries had information to act on.

My early memories of the B-Specials are of being taken out of the car when I was very young, coming from midnight Mass at 1.00 am, by these men dressed in long black coats, brandishing guns and asking everyone their

name and address. They asked my father for his name and address, even though the B-man was a next-door neighbour who knew him better than most —

**Mr Moutray:** He did not shoot him, did he?

**Mr Molloy:** — but that was part of the harassment.

**Mr Speaker:** Order.

**Mr Molloy:** That was part of the harassment to put people in their place and to try to intimidate them.

For me, the Troubles began when the Tynan platoon of B-Specials, which I am sure Members sitting opposite would know well, shot John Gallagher on the Cathedral Road in Armagh. John Gallagher was a young man who was going home from his work and was walking through a peaceful civil rights march that was attacked by B-Specials, who shot John Gallagher. For me, that was the start of the Troubles because that was when the terrorists really opened up.

The B-men also opened fire on unarmed marches in Dungannon, Coalisland and across the North. The Protestant militia were at their dirty work, but this time, the croppies would not lie down; they continued to challenge. We then had the whitewash of Scarman, when it was found that the B-men were always carrying someone else's gun, no one was accountable for anything, and no one admitted playing a part. These were the forces of the state, being paid by the state, allegedly to keep order. Even the British Government could not stand over their actions, and the B-Specials were disbanded, to the delight of the nationalist community once again.

After the battle of the Bogside, we saw —

**Mr Moutray:** *[Interruption.]*

**Mr Speaker:** Order.

**Mr Molloy:** After the battle of the Bogside, the B-Specials were completely humiliated by children on the top of the flats who beat them down with petrol bombs, stones, bricks and, on many occasions, their hands. The B-Specials had proved to be useless at anything in such a situation.

The disbandment of the B-Specials was welcome but short-lived, because many of them joined the UVF. I know that in the murder triangle, where I lived, most of them joined

the UVF and became the paramilitary force that killed many Catholics in that area. Others joined the UDR. The UDR was supposed to be a regiment —

**Mr Moutray:** Others joined the IRA.

**Mr Molloy:** I do not think that any of them joined the IRA.

**Mr Moutray:** *[Interruption.]*

**Mr Speaker:** Order.

**Mr Molloy:** Others joined another paramilitary force, the UDR, which was supposed to be a British Army regiment with accountability. What followed was collusion with loyalist murder gangs; bogus patrols, who shot two GAA men who were returning from an all-Ireland final, including a neighbour of mine, John Farmer; and the direct murder of Catholics who were shot when they came across them. That is what members of the nationalist community think about when they hear the name B-Specials or UDR; they think about murder and paramilitary connections. Those two organisations have a lot in common: both were Protestant, paramilitaries, murderers, and they were both disbanded, even by the British Government. Even the British Government could not stand over them. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Elliott:** Will the Member give way?

**Mr Molloy:** By all means.

**Mr Elliott:** I thank the Member for giving way, Mr Speaker.

First, I resent the fact that the B-Specials and the UDR are being called paramilitary forces. That is absolutely unnecessary and not true. Secondly, will the Member accept the fact that I condemn people in any of those forces who broke the law? However, will he condemn members of terrorist organisations, such as the IRA, who skulked about at night, shot, murdered and blew up our citizens? Will he condemn them in the way in which I have condemned those in the security forces who broke the law?

**Mr Molloy:** First, to continue on the lines of what I had been saying: both those regiments had a lot in common. Both had to be disbanded by the British Army after they had been used and served their purpose as a cover for loyalist paramilitaries whom they worked alongside.

I will respond to Mr Elliott's point: we are talking about people who were supposed to be the forces of law and order, the Government's representatives on the ground, the people who were supposed to be protecting all citizens —

**Mr Speaker:** The Member will bring his remarks to a close.

**Mr Molloy:** Mr Speaker, I think that I have an extra minute.

**Mr Speaker:** I warned Members about giving way close to the end of their time. Unfortunately, Mr Elliott ate into the Member's extra time. When Members have the Floor and decide to give way, they must be aware of how much time they have left.

**Mr G Robinson:** I support the motion, and I shall attempt to express my admiration of and thanks to the members of the B-Specials and the UDR for their role in protecting the entire population from those who desired civil unrest and planned to commit murder and destruction. The role they played, amid great sacrifice, has never been acknowledged properly. The B-Specials were part time and underpaid, apart from a small allowance for service and wear and tear on clothes. They were expected to do occasional duty, usually one evening per week, in their home area.

In 1997, in his most recent book, 'Crisis and Decline: the Fate of the Southern Unionists', the historian R B McDowell recalled childhood memories of those years:

*"... one bright evening I stood at a window ... I heard footsteps and saw a patrol of B Specials, decent, middle-aged men with police caps and armbands, carrying themselves with solemn determination. I felt reassured."*

Mr McDowell captured the perfect description of the typical B-Special: a decent middle-aged man.

A former B-Special told me that the work was often dull. However, the roll of honour for the entire Ulster Special Constabulary tells the story of just how dangerous the work really was. Between 1921 and 1970, 246 men lost their life while serving their community. In those 50 years of service, as Drew Nelson stated recently, they helped:

*"the people of Northern Ireland in the defence of a democratic way of life."*

The B-Specials' major advantage was that they knew who in their communities would be likely to associate themselves with terrorists. They had confidence in their local control over terrorists, and they were sure that the terrorists recognised and feared that knowledge. Sadly, in 1970, the Ulster Special Constabulary was disbanded and replaced by the UDR. The B-Specials had become a victim of lies, innuendo and political cowardice. As Dr Paisley said at the time:

*"if you want to destroy a country pull out the teeth of her defence forces and she will be easy prey."*

Like the B-Specials, sadly, the UDR was also disbanded. Once again, local people, men and women who believed in defending their country, paid a heavy price in lives lost and injuries. Those are the facts and, with them in mind, the motion is correct to call on the Secretary of State to mark the two anniversaries. I join my colleagues in expressing gratitude to all those who served in the B-Specials, the UDR or any of the forces when terrorists wanted to destroy democracy and when they inflicted terrible wounds on our people and our wee country.

**Mr Savage:** I support the motion, and I commend those who proposed it. I stand proud of my 14 years of service in the Ulster Defence Regiment. I pay tribute to the brave men and women whom I had the honour to serve alongside, especially those who left their families, tragically, never to return home. As a community, we must never forget those who risked life and limb to keep this country safe and secure.

Last week, the Minister of Culture, Arts and Leisure reminded us that the next decade is strewn with anniversaries: the battle of the Somme, the Easter Rising, Ulster Day and the birth of Northern Ireland all have their 100th anniversary. Indeed, the Ulster Special Constabulary was formed in 1920 and, no doubt, there will be events to mark that milestone. Today, we call on the Secretary of State to mark the fortieth anniversary of the disbandment of the Ulster Special Constabulary and the formation of the UDR, both of which were recommendations in the Hunt report.

#### 5.45 pm

I agree with the proposers of the motion that we should mark these events. 1970 was a very troubled time in Northern Ireland. The fact

that the Hunt Committee was formed at all was testament to that. Northern Ireland was not prepared for the campaign of murder that the IRA waged. The Hunt report was an attempt to make our civil defences fit for the purpose of keeping the peace.

The fact that such actions were required is an awful reflection of the situation that prevailed at the time. It will not be possible to get through the debate without making reference to the fact that some Members on the Benches opposite were probably sometimes a cause for the concern that required the UDR to be formed. Several Members have serious questions to answer relating to their activities — indeed, their active service — in proscribed organisations. Members of the UDR fell at the hands of evil men, and it is difficult for many to accept that certain people sit in the Government of this place, given what they have done. However, we have succeeded in forcing them to move on, and the UDR played its part fully in that process. We forced them into a position of knowing that their violence would not win and that it would not achieve their stated aims. We forced them to surrender their weapons, and we now have them making Northern Ireland work for its people. Today, Northern Ireland is a different place to what it was in 1970, and I am proud of the part that my party played in making that happen. I believe that it is right to mark the part that the UDR and the Ulster Special Constabulary before it played in that process.

We are entering a decade of anniversaries, and we are debating one of them today. We need a structured and joined-up approach to those anniversaries to ensure that the legacy of the sacrifice that was made in order to bring us peace is never forgotten. We can look back at the time and dedication that was devoted by so many men and women across our land who guarded key installations and provided comfort and support to families living in remote country areas. This was a land of unrest. Hopefully, we have moved forward to a new beginning in which all our people can live in peace and harmony. Those who served their country were not doing it for money. They did it because they loved the country in which they lived.

**Mrs D Kelly:** In participating in the debate, I am mindful of the fact that 197 serving members of the UDR and 60 former members were murdered during the conflict. I am very much aware of the pain and suffering that is still

experienced by their families. However, I do not know why the Members opposite expected this debate to be anything other than divisive.

Last week, Minister Nelson McCausland talked about how we must interrogate the past, prevent revisionism and get to the truth of what really happened. Therefore, I want to refer to the establishment of the Ulster Special Constabulary, otherwise known as the B-Specials. At a ministerial meeting in London in 1920, James Craig proposed a new volunteer constabulary for the Six Counties. He called for a force that should be raised from the local population and organised on military lines. Craig told the British Cabinet that the organisation of the UVF should be used for that purpose. Charles Wickham, chief of police for the North of Ireland, favoured incorporation of the UVF into regular military units. Wilfrid Spender, head of the Ulster Volunteer Force —

**Dr Farry:** Wilfrid Spender.

**Mrs D Kelly:** OK. Spender encouraged his members to join, saying that there was no reason why the UVF should not furnish all the numbers required. West Belfast MP Joseph Devlin told the Commons:

*“you are going to arm pogromists to murder the Catholics...we would not touch your Special Constabulary with a 40 foot barge pole”.*

In a debate in the House of Commons on the Special Estimates, John Hume welcomed the disbandment of what was a purely sectarian force.

A special C1 division was created in 1921, specifically to take in groups of UVF members. Information provided by Assembly Research and Library Services notes a mother's thanks to Eamon de Valera for the creation of and what she viewed as the necessity for the B-Specials, so that her sons would not be conscripted into the British Army. Therefore, joining the B-Specials was a way in which some people could avoid conscription.

Within months of their creation, the B-Specials were engaged in organised sectarian violence. In Roslea, members of the B-Specials — many of whom were former members of a vigilante gang organised by Basil Brooke — burned down Catholic houses. In June 1921, the B-Specials were involved in killings near Newry, but the worst atrocity happened in March 1922, when



five members of the McMahon family were lined up and shot in their north Belfast home. A survivor testified:

*"Four of the five men were dressed in the uniform of the RIC but, from their appearance, I know that they are Specials, not regular RIC."*

The following week, USC and RIC members were involved in six further killings in Belfast.

As Mr Molloy recalled, the final deployment of the B-Specials was in August 1969. When the Scarman tribunal examined the fatal shooting of John Gallagher and the wounding of two others at Shambles Corner, Armagh, on 14 August 1969, it found that there was no way that the tales told by witnesses from the B-Specials could be true.

Other Members' contributions focused on the B-Specials and the UDR. It would be remiss of me, as a representative of Upper Bann, not to acknowledge that members of the UDR were killed. However, they were also complicit in and guilty of the murder of some of my constituents and of members of the family of a former party councillor, Gabriel O'Dowd, for which members of the UDR were convicted.

Over the 40 years of conflict between 1966 and 2006, some 3,720 people died, the majority of whom were murdered by the IRA. I welcome the earlier comments of Mr John O'Dowd, but it is unfortunate that it has taken Sinn Féin so long to recognise what the SDLP has always said, which is that politics brought about peace. Over the years, John Hume, Gerry Fitt, Paddy Devlin and their successors in the SDLP made that argument. It is shameful that so many people were murdered before Sinn Féin discovered it to be true.

**Mr Adams:** Go raibh maith agat, a Cheann Comhairle. If I may, I will ignore the remarks of the previous Member who spoke. I have no problem with Members celebrating the UDR or the B-Specials, but I oppose the motion, because it is inappropriate for them to do so in the Chamber.

The B-Specials were an armed wing of the old unionist regime at Stormont. However, I am also conscious that members, former members and relatives of the RUC, B-Specials and the UDR were killed by republicans. I am mindful of the hurt involved and want to be measured in what I say. Everyone should regret the fact that anyone

was killed, and I certainly do. At the same time, there is no avoiding the shameful record of the B-Specials force or the fact that it had to be disbanded by the British Government. The UDR has a similar history, and it was also scrapped.

The British Government of the day made no bones about the purpose of those organisations. They armed unionists to defend the union and partition, and they equipped them with all the weapons of coercion, sectarianism and terrorism. That was also the case with the UDR. Perhaps Members should reflect on the fact that, when the British establishment felt the need to protect its mainstream regiments, it recruited more expendable, indigenous people to do its work and founded the UDR as part of its Ulsterisation strategy.

I understand why some people joined those organisations, and I do not doubt that many of them, such as Mr Elliott and Mr Savage, may have behaved bravely in the conduct of their duties. However, it is my strong view that those organisations and their members were used by sinister elements in the political and military elites here for their own narrow ends, and, when they had served their purpose, the British Government simply got rid of them.

Those who tabled the motion must have known that it would not get the support of other parties. They must have known that there would be the divisive type of discussion that we have had. So, what is the purpose? What is the objective? How do today's debate and the offensive remarks of some of the Members opposite fit into the effort to unite parties here in the urgent work of delivering for people on a range of pressing social and economic issues and building a more inclusive and prosperous future for everyone?

Even a brief glimpse at the history of the UDR or the Specials would satisfy all but the most jaundiced eyes that those forces were entirely subversive. The history of the UDR, in particular, is replete with accounts of its involvement directly in the murder of Catholics and indirectly in the murder of hundreds more through collusion with death squads. In addition, British agents such as Brian Nelson helped to procure weapons through the old apartheid regime in South Africa. Those weapons were secured for the use of three unionist paramilitary organisations: the UDA, the UVF and Ulster Resistance, which was founded by leading

members of the Democratic Unionist Party. In the six years following the arrival of the arms shipment from South Africa, 229 citizens were murdered by unionist paramilitaries. In many cases, files and photos of nationalists and republicans were passed over to the death squads, frequently from within the UDR.

As part of the necessary process of peace building and understanding, I appeal very respectfully to the Members opposite to reflect on what has been said from these Benches. I appeal to them to resist the temptation to put forward divisive motions such as this one and to commit themselves to building peacefully and democratically for the future.

**Mr Bresland:** It is not only a privilege but a pleasure for me to rise to my feet to pay a heartfelt tribute to the gallant members of the Ulster Special Constabulary and the Ulster Defence Regiment in this important anniversary year. Northern Ireland has come to a place of peace, but the road has been a long and rocky one. A high price has been paid to bring us to where we are today.

As we reflect on the journey along that rocky road, all of us in the House will have our heroes and our villains. There are those in the House whose open hatred of the B-Specials and the UDR is well known. No one argues that those organisations were perfect — there are bad apples in virtually every organisation — but they have been condemned by those who are in no position to judge. Indeed, words such as “pots”, “kettles” and “black” spring to my mind. Despite what republican propaganda might say, the vast majority of the B-Specials and the UDR were decent and hard-working members of society. To me and to thousands of others across the Province, the memory of the B-Specials and the UDR is warmly revered. Along with the RUC and the Army, they stood between us and those who wished to destroy us and our way of life. Most of us on this side of the Chamber have strong ties with the Specials and the UDR. Many of our family members were proud to wear the uniform.

Today, Northern Ireland's position in the UK is stronger than ever, and we look forward to celebrating the 100th anniversary of Northern Ireland in 2021. Those who served in the B-Specials and the UDR played a major part in the preservation of the union. From the setting-up of Northern Ireland in 1921 until the force's

disbandment in 1970, the B-Specials were the key to Ulster's survival. The Hunt report states that, during the early days of Northern Ireland, the Specials bore a heavy responsibility for the preservation of law and order in the Province.

I am not old enough to remember those days, but I do remember how the peace and prosperity of the Province was shattered in the late 1960s, when those who hated the very existence of Northern Ireland within the United Kingdom rose up in open rebellion. At that dangerous time, the Government relied heavily on the B-Specials. But for the B-Specials, who knows what might have happened? However, as we have seen too often in our Province, the B-Specials were sacrificed to appease those who would never be satisfied and would always demand more. I echo the words of the Prime Minister of Northern Ireland in 1970. He said to members of the USC:

*“You have done magnificently. Ulster owes you an immense debt”.*

It was not long before those who replaced the USC, namely the UDR and the RUC Reserve, became the targets of verbal and physical attacks from republicans.

#### 6.00 pm

As I return my attention to the UDR, I speak from the heart and from personal experience. It was my privilege to serve as a part-time member of the Ulster Defence Regiment for 15 years. Some were not happy with that. Republican terrorists tried to murder me in May 1981, but I survived, and, with the grace of God, I am here today to see my children and my grandchildren. The same cannot be said for hundreds of my UDR colleagues who were sent to an early grave by the enemies of the Province and left behind loved ones who will carry the burden of their loss to their own graves. The memory of the gallantry of the members of the UDR and their successors in the Royal Irish Regiment must never be forgotten.

I join my colleagues in urging the new Secretary of State to ensure that the fortieth anniversary of the disbandment of the USC and the creation of the UDR is marked in a way that brings honour to those two gallant organisations. I support the motion.

**Mr Moutray:** I count it as a privilege to take part in the debate and to acknowledge the sacrifice that was made by members of the

Ulster Special Constabulary and the UDR in the many years that they defended this country from terrorists.

On 8 June 1920, IRA terrorists planned an attack in Lisbellaw in County Fermanagh. The target was to be the courthouse in the village, which, some time before, had been stripped of its Royal Irish Constabulary complement. Information about the impending attack came into the hands of the local population, and they took it upon themselves to defend the village. The 50 or so IRA raiders were taken completely by surprise when the bells of the parish church rang out as an alarm, and several were wounded in the fighting that ensued.

As a direct result of that and other attacks, a new defence force was formed later that year, known as the Ulster Special Constabulary. I am very proud that my grandfather was one of those who was involved in the defence of Lisbellaw on that night in June 1920. Subsequently, he and my late father went on to join the B-Specials. That organisation was made up of men who gave up their time, usually one evening a week, unpaid, to defend their country from subversion and outside aggression. From the outset, the recruitment of Roman Catholics was discouraged by the Roman Catholic Church, the Ancient Order of Hibernians and Sinn Féin. Indeed, the IRA targeted for assassination Roman Catholics who did join. There is nothing new there then.

Sir Arthur Hezlet wrote in his book, 'The "B" Specials: A History of the Ulster Special Constabulary':

*"Special constables had an almost immediate effect, and police reports from as early as December 1920 show a decrease in outrages".*

The Irish historian Tim Pat Coogan stated in his book, 'The IRA':

*"The B-Specials were the rock on which any mass movement by the IRA in the North inevitably foundered."*

That shows their effectiveness.

Sinn Féin and others tried at every turn to blacken the image of the Ulster Special Constabulary. They sought to distort every incident and to stir up hatred of the force, even from before it started to function. However, to the law-abiding people of Northern Ireland, the B-Specials, like the UDR, stood for law and order

against rebellion and anarchy. Today, 40 years after their standing down, we acknowledge their commitment, thank them for their sacrifice and praise Almighty God for the men of the Ulster Special Constabulary, who served gallantly in a time of need. I support the motion.

**Mr Kinahan:** I had not planned to speak in the debate. However, as I listened to it upstairs and heard various comments from both sides of the House, I became quite infuriated. This is a very noble motion, but all that it is doing is giving the other side the chance to rip apart, blacken and damage the forces. I felt it necessary to come down to the Chamber, because I have a problem with this noble motion being used so that the two sides, which are now working together, can attack each other. I find that very odd.

I agree with my colleague that those who served did so for the whole community and they were not terrorists. There may well have been one or two who let the side down, but certainly nothing like all those numbers who are being blackened at the moment. This should be a chance to remember those who served and to thank them for serving and for risking their lives, especially those who paid the ultimate price of being maimed or killed.

I served in west Belfast, and I saw myself as one who was serving the whole community. However, I had an advantage. When I left, I went back to my base in England and went on to other things, and I could put it behind me. Those who served here could not do that. They were at risk every second, minute and hour of their day. Last year, we saw something similar happen to poor Constable Heffron. They were constantly at risk.

In my previous job, I once went to a house near Dungannon. The person there had a photograph of himself in uniform displayed inside the front door, and I asked him whether that was wise. He took me out into the car park and pointed at 14 houses, and he said that one son or two sons from each of those houses had been murdered. He carried on until he had been through all the houses. Then he took me upstairs to his bedroom where, along the wall above his bed, was a line of bullet holes. He was lucky; he heard them coming up the stairs, and he rolled out.

It is sad that we are here bickering about people who should be treated as heroes. That is extremely wrong. They fought a fight, and, yes, one or two individuals did things that were

wrong and for which they should be condemned, but that fight allowed us to have the politics that has led us to peace today. We should be allowed to mark these occasions, and we should ask the Secretary of State to mark them. It would be right for Members not to rise when they are challenged by the other side. Let us remember the individuals for all that they did.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. As I stand to speak, I am aware that there are sensitivities in the Chamber and outside of it, and, inevitably, this debate has reflected those sensitivities. Since we are coming to this debate from differing sides and perspectives, it is also inevitable that there will be no agreement on the motion. I sincerely hope that Members will agree on one thing: it was as utterly wrong and reprehensible, not merely regrettable, that members of the UDR or any of those regiments were murdered or maimed as it was for any members of those regiments to have engaged in paramilitary collusion and to have been involved in murdering or bombing.

I engage in the debate, therefore, with some reluctance. That said, I am not reluctant to oppose the motion. Mr Storey was here earlier, and he talked about moving the North forward. It is somewhat disappointing, but not surprising, that the Assembly is debating this motion at a time of utter financial crisis across Europe and at a time when our Executive are attempting to negotiate the extent of cuts to be imposed from Westminster and when public meetings are being held in protest at the cuts that are being made to the Health Service in our rural areas. I attended one of those meetings at the weekend in Magherafelt in my constituency. Perhaps the only surprise is that the party opposite neglected to mention Craig and the 1913 version of the Ulster Volunteer Force in this historically inclined motion, as my colleague Dolores Kelly pointed out.

Our society is divided by many things, not least by our differing views of the past, as has been reflected here this evening. There is no doubt that the proposers of the motion are sincere in their views, and we have heard that heartfelt sincerity expressed here this evening. However, many others, me included, do not hold the named organisations in quite the same regard as they do, and we have also heard the reasons for that this evening.

Let us not forget that the Governments of the day removed both organisations from the streets for very good reasons. That is why the SDLP sought a cross-community vote on the motion. If we are to start making real progress towards building a better future for all our people, one of the issues that we must resolve is a reconciliation of our shared past. It is a failure of the Assembly and the Executive that we have not even been able to attempt to agree a way forward to deal with that past. The only attempt to do so, flawed although it may have been, has been abandoned, and the new Government in Westminster seem unwilling to make any alternative proposals.

We will not resolve our different views of the past in the Chamber today, and, based on the motion, we will certainly not come anywhere near doing so. In fact, the debate has probably exacerbated the situation somewhat. Not for the first time, some Members may think that they can reconcile views, but they are mistaken in that perception. Any attempt to airbrush our shared history, as the motion does, is entirely counterproductive. It is as counterproductive as some Members' pretence that they were not there at that time. Therefore, based on the perception of difference and on the inability to arrive at agreement on what should be a shared history, I oppose the motion.

**Mr Bell:** I support the motion. It is a noble and honourable motion that respects those who served the entire community without fear or favour in a noble and honourable way. Their service required heroism and courage, and it required people putting themselves at risk for others, as we have heard today, and to sacrifice their tomorrow so that we could have our today. We wanted to see a stable Northern Ireland within the United Kingdom, where the rule of law is practised and upheld.

There is no doubt that history will record the service of the Ulster Special Constabulary and the Ulster Defence Regiment as being key elements in the business of delivering a stable Northern Ireland within the United Kingdom, where the rule of law is paramount. Those organisations were forced to face the most violent and evil terrorism, and it ill behoves anyone to point the finger at the Ulster Special Constabulary and the Ulster Defence Regiment, when those who make the accusations ordered the murder of a single mother of 10: a widow who was taken out, tortured and then murdered.



It was they who planted devices inside the corpses of those whom they murdered, in contravention of every aspect of warfare and the Geneva conventions. That terrorism was there to inspire fear, to remove Northern Ireland from the United Kingdom and to remove Northern Ireland's democratic freedoms.

Thankfully, as has been rightfully pointed out, members of the Ulster Special Constabulary and the Ulster Defence Regiment did not do what they did for financial reward, or to have their names written in lights. Soldiers and greenfinches in the UDR were prepared to give of themselves to provide the stable Northern Ireland that we enjoy, and it is to them that we owe a great debt of gratitude.

I will conclude by saying that I am the proud grandson of a grandfather whom I never knew, because he passed away long before I was born. However, he served as a commandant for the Ulster Special Constabulary in Tyrone. The service of such men and women cannot be airbrushed from history.

This is a positive motion. I am fully committed to taking Northern Ireland forward, but I must recognise the service of members of my family. Brothers of mine such as Freddie Starrett and James Cummings were prepared to sacrifice their tomorrow for my tomorrow, our tomorrow, this House's tomorrow, and for democracy in Northern Ireland. We owe them greatly.

### 6.15 pm

**Lord Morrow:** I have listened with interest to what Members have said in the debate. I am amazed at what some people can conjure up, some of the words that they can use and some of the actions that they seem to justify. I listened to the Sinn Féin/SDLP pan-nationalist front take a strident approach to the motion. On the one hand, those Members tell us that they are sincere. Indeed, Mr McGlone said that it was with reluctance that he took part in the debate. I look, however, at the petition of concern and I see Mr McGlone's signature, proud and in bold print. Mr McGlone had already taken part in the debate long before it reached the Chamber. Therefore, I am not sure that his crocodile tears suit in this instance.

Had the SDLP and Sinn Féin been sincere, would it not have been much better for them to have shown some backbone and resolution by tabling an amendment or a motion that

they thought could secure support from right around the House. That was not to be. Instead, they used the blunt instrument of a petition of concern to jettison the motion that stands in my name and in that of my colleague Mr Storey. The motion is a genuine attempt to recognise the services of people who have gone before us.

Although I should comment on much of what has been said in the debate, to comment on everything would be nigh on impossible within 10 minutes. I will, however, digress from the speech that I had prepared to comment on what Gerry Adams had to say. In his usual belligerent manner, Gerry Adams stated that, in fact, the USC and the UDR were just forces of a unionist Government. I know the howls of protest that come from that quarter when Gerry Adams is reminded that the IRA was just the wing, the cutting edge, of Sinn Féin. There are all sorts of protestations that, in fact, the two had nothing to do with each other. It just so happens, by chance, that a number of those who sit on the Benches opposite have records of which they should not be proud.

I want to put on record my profound respect for and gratitude to the Ulster Special Constabulary and its successor, the UDR. I can also stand here and say that I was a member of the Ulster Special Constabulary. I have no apology to make for that, nor did I ever have intent or murder in my heart when I went out on cold wintery nights. That was not in my make-up at all.

May 2010 marked a significant anniversary for the forces of law and order in Northern Ireland. It was the fortieth anniversary of both the disbandment of the Ulster Special Constabulary and the formation of the UDR. In my book, both of those forces of the Crown stand tall and proud in the annals of history in Northern Ireland. Some of us are not prepared to allow that anniversary to pass by or their heroism or, indeed, their memory to be airbrushed from those annals.

The Ulster Special Constabulary was made up of ordinary men and women who wanted to serve their country. Their role was vital in the protection of people and property, in counter-insurgency, and in helping the noble RUC, as it was then, to deal with terrorism. Those who stood against terrorists are to be commended for their selflessness in the face of republican brutality. We owe them a debt of gratitude.

The shameful treatment that those heroes and heroines received from the Government in efforts to placate republicans is to be deplored. They were stood down on the alter of political expediency. They were vilified for their sterling work and painted as wrong-doers simply for upholding law and order. It is remarkable that a force of such integrity should be pushed to one side to facilitate militant republicanism, the real intent and goal of which has been discovered and made manifest over the past 35 years.

During the 40 years since the Ulster Special Constabulary was disbanded in 1970, some 3,600 people lost their lives. That is a powerful statement in itself. We are left to pick up the pieces and to wonder how many lives might have been saved had a reckless Government not made those treacherous and dreadful decisions. Similarly, many were cut down in their efforts to maintain civil society or while protecting others. They paid the supreme sacrifice for upholding law and order, but their memories live on forever.

After the USC was disbanded, the UDR was formed. I pay tribute to that regiment of gallant men and women who, through the worst period of our history, stood between sanity and insanity. Regrettably, many were called to pay the supreme sacrifice, and graveyards across the Province pay tribute to the real heroes. Visit practically any graveyard in any border town in particular and one will see the poignant gravestones that tell us a very sad story of how some of the finest of this country were taken out by ruthless thugs.

Those individuals were not afforded high-scale pay or anything like that; that was not why they found themselves in the forces; they did not go in to earn lots of money. They enlisted with a sense of duty and purpose to bring some sanity and to protect their homes and the homes of the whole community — and I mean the whole community. I know that there are those who are reluctant to accept that and those who have it in their minds that the B-Specials were some sort of terror organisation because of the propaganda machine that was in full flight at that time. Therefore, many of the facts have got lost in the myths and hypocrisy that have been trotted out, particularly by the republican movement.

The republican movement slaughtered the innocent and it took mothers from their children

and left orphans behind, and, yet, sadly, the SDLP feels comfortable aligning itself with the petition of concern lodged today. Would it not have been better for the SDLP to state its own position clearly and to divorce itself completely from Sinn Féin, whose hands are anything but clean? The SDLP has missed a trick. Its members should have been man — or woman — enough to say to Sinn Féin that the SDLP is not prepared to join with it because of its past and its support for an organisation that was deemed the most ruthless in the western world. Today, however, the SDLP clasped hands with that party to vote down a legitimate motion.

Mr Storey warned us that he will not stand by and see the memory of those two organisations being airbrushed from history, and he is to be commended on that. John O'Dowd deliberately painted a picture that bore little resemblance to reality. Tom Elliott spoke as an experienced UDR soldier; he testified first-hand that he had protected not only the Protestant community but the Catholic community along a porous, difficult and dangerous border.

I commend Tom Buchanan, who made a superb speech today. Allan Bresland stands today as a survivor who is to be commended for his courage and determination. He does not come across as a bitter man; he comes across as a caring man, because he recognises that, but for the grace of God, his life would have been taken. Why? Simply because he was a serving UDR soldier.

I could comment on others who made useful contributions. George Savage spoke eloquently of his admiration for the UDR and the USC, as did George Robinson, Mr Bell and Mr Moutray. I thank all those who spoke in defence of the motion, and I commend it to the House.

**Mr Speaker:** I remind Members that a valid petition of concern has been presented in relation to the motion. Therefore, the vote will be taken as the first item of business tomorrow morning.

*Adjourned at 6.25 pm.*



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# Written Ministerial Statement

**The content of this written ministerial statement is as received at the time from the Ministers. It has not been subject to the official reporting (Hansard) process.**

## Office of the First Minister and deputy First Minister

### **Executive's Priority Measures to Deal with the Economic Downturn**

***Published at 9.30 am on Thursday 20 May 2010***

**The First Minister and the deputy First Minister (Mr P Robinson and Mr M McGuinness):** In December 2008 we presented to the Assembly the Executive's consolidated package of measures to deal with the economic downturn. As part of that December package, we established the Cross Sector Advisory Forum (CSAF) to continue our dialogue with business, trade unions, financial institutions, consumer organisations and voluntary and community stakeholders.

The Forum held four meetings on 6 April 2009, 30 June 2009, 7 October 2009, and finally on 4 March 2010. It formed sub-groups to take forward particular strands of work and their recommendations were submitted to us for consideration in November 2009.

In parallel with this work, the Economic Development Forum also submitted recommendations specifically aimed at helping the local economy recover from the recession. We were also able to draw upon recommendations made by NICS Departments to contribute to economic recovery.

All of these measures are included in the paper: "The Executive's Priority Measures to Deal with the Economic Downturn". This package of measures was approved by the Executive on 25 March and forms the next steps in our work to address the economic downturn.

The actions cover wide ranging issues such as planning, availability of bank finance, export promotion, R&D support, implementation of MATRIX, skills and employment measures,

benefit uptake, promoting renewables, the social economy, illegal money lending, benefit uptake, small business access to procurement projects, money guidance rollout, development of the gas industry and energy efficiency.

Many of the proposals can be implemented readily and others are for further consideration with the priority being to have a strong impact on jobs, business growth and alleviating hardship and effectively respond to the issues raised by the crisis.

Full details of the recovery package can be found in the booklet posted in the Assembly Library and on the Cross Sector Advisory Forum section on the OFMDFM website:

[http://www.ofmdfmi.gov.uk/index/economic-policy/cross\\_sector\\_advisory\\_forum.htm](http://www.ofmdfmi.gov.uk/index/economic-policy/cross_sector_advisory_forum.htm).



