

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Fifth Delegated Legislation Committee

NORTHERN IRELAND (MINISTERIAL  
APPOINTMENT FUNCTIONS) (NO. 2)  
REGULATIONS 2023

*Wednesday 15 November 2023*

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**Sunday 19 November 2023**

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**The Committee consisted of the following Members:**

*Chair: MRS PAULINE LATHAM*

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|---|--|
| † Anderson, Fleur ( <i>Putney</i> ) (Lab)                               | † Largan, Robert ( <i>High Peak</i> ) (Con)            |
| † Baker, Mr Steve ( <i>Minister of State, Northern Ireland Office</i> ) | Ribeiro-Addy, Bell ( <i>Streatham</i> ) (Lab)          |
| † Bell, Aaron ( <i>Newcastle-under-Lyme</i> ) (Con)                     | † Swayne, Sir Desmond ( <i>New Forest West</i> ) (Con) |
| † Burgon, Richard ( <i>Leeds East</i> ) (Lab)                           | † Tarry, Sam ( <i>Ilford South</i> ) (Lab)             |
| † Colburn, Elliot ( <i>Carshalton and Wallington</i> ) (Con)            | † Timpson, Edward ( <i>Eddisbury</i> ) (Con)           |
| Dixon, Samantha ( <i>City of Chester</i> ) (Lab)                        | Whitley, Mick ( <i>Birkenhead</i> ) (Lab)              |
| † Doyle-Price, Jackie ( <i>Thurrock</i> ) (Con)                         | † Winter, Beth ( <i>Cynon Valley</i> ) (Lab)           |
| † Gullis, Jonathan ( <i>Stoke-on-Trent North</i> ) (Con)                | Yohanna Sallberg, <i>Committee Clerk</i>               |
| † Henry, Darren ( <i>Broxtowe</i> ) (Con)                               |  |
| † Jenkinson, Mark ( <i>Workington</i> ) (Con)                           | † <b>attended the Committee</b>                        |

## Fifth Delegated Legislation Committee

Wednesday 15 November 2023

[MRS PAULINE LATHAM *in the Chair*]

### Northern Ireland (Ministerial Appointment Functions) (No. 2) Regulations 2023

9.25 am

**The Minister of State, Northern Ireland Office (Mr Steve Baker):** I beg to move,

That the Committee has considered the Northern Ireland (Ministerial Appointment Functions) (No. 2) Regulations 2023 (S.I., 2023, No. 1061).

I am very grateful to see you in the Chair, Mrs Latham. As everyone here knows, the Government are committed to the Belfast/Good Friday agreement and to seeing the return of locally elected, accountable government in Northern Ireland. However, in the continued absence of a devolved Government, Ministers are determined to act in the best interests of the people of Northern Ireland to ensure that public appointments are made and public confidence is maintained until the Executive is restored. That is why we brought forward primary legislation in December last year, which among other things allowed us to make urgent public appointments. We did that for two bodies initially, and then in July we brought forward a further measure to add 12 offices to the list.

Today, unfortunately, the Executive have still not returned. Therefore, following a request from the Executive Office and a further request from the Department of Justice in relation to senior Police Service of Northern Ireland appointments, a second statutory instrument was brought forward, which includes a further list of specified offices that have been identified by the Executive Office as urgent and critical.

This instrument adds to the list in section 6 of the Northern Ireland (Executive Formation etc) Act 2022, enabling the Secretary of State to exercise Northern Ireland Ministers' appointment functions in relation to these offices and will allow for appointments to be made to the relevant bodies, continuing to safeguard the quality and delivery of public services in Northern Ireland. These are important offices, and the exercise of appointment functions in the coming months is critical for the continuation of good governance in Northern Ireland.

Before I sit down, may I pay tribute to my hon. Friend the Member for High Peak, who finishes his duties as the Department's Whip today? He has done a superb job for us with great diligence and skill. It is a testament to his abilities that I have not rebelled once since he became my Whip. I note that I am surrounded today by my hon. Friends the Members for High Peak, for Workington and for Newcastle-under-Lyme, who all join us from the Whips Office—I cannot think what they are worried about.

9.27 am

**Fleur Anderson (Putney) (Lab):** It is a great pleasure to serve under your chairship, Mrs Latham. I join the Minister in looking forward to the time when the Assembly is back up and running and we do not need to meet to agree these measures. I am grateful for his explanation of the regulations. As he will know, the Opposition support them as a way of ensuring the continuation of sound governance across Northern Ireland in the absence of a sitting Executive, which is what the people of Northern Ireland need. For that reason, we will not oppose them.

I note the urgency of these regulations under section 6 of the 2022 Act, given the current vacancies in the Police Service of Northern Ireland and the fact that the appointments in the Health and Safety Executive for Northern Ireland and the Council for the Curriculum, Examinations and Assessment will expire shortly, meaning that their boards will no longer be quorate. I hope that the appointments to the Housing Executive, Commissioner for Older People for Northern Ireland, Sports Council for Northern Ireland and Police Service of Northern Ireland will provide increased social and economic confidence to local people across Northern Ireland.

Given that the instrument covers the Police Service of Northern Ireland, I want to congratulate Jon Boucher on his recent appointment as Chief Constable and I wish him the best. I thank the Minister for his co-operation and look forward to future visits to Northern Ireland, when I will talk about the effects of these instruments on the ground. I hope that, sooner rather than later, a time will come when these regulations are no longer necessary and we see a functioning Stormont.

9.29 am

**Edward Timpson (Eddisbury) (Con):** I am conscious that we have been in this room for less than five minutes, which means there is obviously consent on this statutory instrument. However, I want to ask the Minister, who I know will be all over this issue like a rash, about some of its practical implications.

The first is in relation to the appointments that it was clearly asked should be added to the list. Is the Minister able—either now or in writing—to give details of whether those appointments could be made swiftly because somebody has already been approved to take up a vacated position? If not, is there a timeframe, either in this legislation or in Northern Ireland, within which we are trying to fill all these positions, considering the importance of getting them up and running as quickly as possible? If the Minister is able to give me any information on that, I would be extremely grateful.

9.30 am

**Mr Baker:** I join the hon. Member for Putney in congratulating Jon Boucher. Of course, the need to make his appointment was one reason why we laid this instrument as early as we did, and I am grateful to her for understanding that. That very much speaks to the point that my hon. and learned Friend the Member for Eddisbury made about progress. In relation to the Chief Constable, we have now made that appointment.

I have a complete list of appointments here, but I suspect it would take me about 10 to 15 minutes to go through each of them. There is a range: on the one

hand, we have already made an appointment, with Jon Boutcher; with other appointments, the process is in progress. Of course, this is all subject to the normal process for appointments: we have taken the power of Northern Ireland Ministers to make these appointments; we have not diverted at all from the normal process otherwise. For some of these appointments, the process will be taking place; for others, it is still to take place. With the Committee's assent, I will write to my hon. and learned Friend, rather than taking 10 to 15 minutes now, as there seems to be general assent. I will gladly set everything out for him.

To finish, having only been here for five minutes, it is probably not going too far to say that, before I was appointed to the Government, I gave a keynote speech for the Hansard Society, launching its review of delegated legislation. It is a common problem that legislation comes forward to such Committees and is dealt with swiftly, precisely because it is uncontroversial and enjoys broad assent, as this instrument does. My hon. and learned Friend is right to observe that, in a sense, this is not the way to handle a straightforward matter. I would commend to everybody—including the hon. Member for Putney, if she is interested—that Hansard Society review of delegated legislation. It is important that all Governments are able to deal with delegated legislation

effectively and efficiently and without too much scrutiny when it is not necessary or, on the other hand, too little when more might be of benefit.

**Sir Desmond Swayne** (New Forest West) (Con): On the contrary, as the Minister will recall, the late and sainted Eric Forth would always point out to us that it is the uncontroversial legislation that goes through uncontested that leads to the greatest lapses in our legislative duty.

**Mr Baker:** I am extremely grateful to my right hon. Friend. He and I have a long history together on such matters, perhaps in more controversial circumstances. The Committee will hopefully agree with me that the business before us—adding to the list of appointments we can make in the absence of Northern Ireland Executive Ministers—is uncontroversial and is necessary for the continued functioning of government in Northern Ireland. I hope the Committee will join me in approving these regulations.

*Question put and agreed to.*

9.33 am

*Committee rose.*





