



Department of

**Enterprise, Trade
and Investment**

www.detini.gov.uk

Jim McManus
Clerk, ETI Committee
Room 375
Northern Ireland Assembly
Parliament Buildings
BELFAST
BT4 3XX

27 June 2013

UK INTELLECTUAL PROPERTY BILL – LEGISLATIVE CONSENT MOTION

I understand that the Committee is seeking clarification on why the Undersecretary of State for BIS considers a Legislative Consent Motion is unnecessary. You are also seeking information on why the Department believes it necessary and on the specific points of disagreement.

Viscount Younger considers that a Legislative Consent Motion is not required for the provisions of the Bill giving the Department an enforcement role because the creation of a criminal sanction is ancillary to the subject of intellectual property which is a reserved matter. However the Department considers that a Legislation Consent Motion is required. This is because the provisions of the Bill deal with a “devolution matter”. Assembly Standing Order 42A(10) defines a “devolution matter” to include a change to the functions of any NI Department. The Bill changes the enforcement functions of an NI Department by giving it an enforcement role in relation to new offences under the Registered Designs Act 1949. The Department therefore considers that a Legislative Consent Motion is required.

Our Minister has informed Viscount Younger accordingly and DETI officials will keep Department of Business, Innovation and Skills officials informed of the progress of the Legislative Consent Motion through the Assembly.

If you have any further queries please contact Mr Dennis Cunningham head of Consumer Affairs Branch which is dealing with this matter. He may be contacted at

Consumer Affairs Branch
Trading Standards Service Building
176 Newtownbreda Road
Belfast BT8 6QS

His telephone number is 90253902 and his e mail address is Dennis.Cunningham@detini.gov.uk

The Department looks forward to working with the Committee as the Legislative Consent Motion is progressed through the Assembly.

David McCune
DETI Assembly Liaison Officer