

RURAL NEEDS BILL

Delegated Powers Memorandum

DELEGATED POWERS MEMORANDUM PURPOSE

1. This memorandum has been prepared by the Department of Agriculture and Rural Development in accordance with paragraph 18 of “Guidance to Ministers and Departments on Dealing with Legislation” as agreed by the Executive on 20 November 2008. It describes the purpose of each of the subordinate legislation provisions in the Bill and outlines the reasons for seeking the proposed powers. This memorandum should be read in conjunction with the Explanatory and Financial Memorandum for the Bill.
2. The contents of this Memorandum are entirely the responsibility of the Department of Agriculture and Rural Development and have not been endorsed by the NI Assembly.

OUTLINE OF BILL PROVISIONS

3. The main purpose of the Rural Needs Bill is to impose a duty on public authorities to consider the social and economic needs of persons in rural areas when developing, adopting and implementing or revising policies, strategies and plans, and when designing and delivering public services.
4. The Bill also places a duty on public authorities to compile information on the exercise of their statutory duty to consider rural needs, and to send that information to the Department of Agriculture and Rural Development (the Department). In addition, the Bill provides for the Department to produce an annual report to be laid before the Assembly; for the Department to provide guidance, advice and information about rural needs and the meeting of those needs; and for the Department to make arrangements for co-operation and the sharing of information between public authorities.
5. More detailed information about the Rural Needs Bill is provided in the Explanatory and Financial Memorandum, which is published separately.

DELEGATED POWERS

Clause 1 (Duty of public authorities to consider rural needs)

Power conferred on: **The Department**

Power exercisable by: **Order**

Assembly procedure: **Draft Affirmative**

Provision

This clause imposes a duty on public authorities to consider rural needs when developing, adopting and implementing or revising policies, strategies and plans, and when designing and delivering public services. The clause provides for “public authority” to mean “a Northern Ireland department; a district council; and any other person specified in an order made by the Department”. Such an order made by the Department may provide for a person to be a public authority for any or all purposes of the Act.

Reason for taking power

As soon as it comes into operation, section 1 of the Act will place a duty on departments and district councils to consider rural needs when developing policy and delivering services. Departments are already required, on a non statutory basis, to consider rural needs when developing policy and delivering services. While there is no similar requirement on district councils, the needs of rural dwellers may be considered within the context of councils’ community planning duty under Part 10 of the Local Government Act (NI) 2014. It is the case, however, that other public authorities, outside of central and local government, may have limited understanding of how the consideration of rural needs can be integrated into their policy development and service delivery.

The Department considers therefore that it would not be appropriate for the provisions of the Bill to come into force for other public authorities as soon as section 1 of the Act comes into effect. Rather, it is proposed that the Bill’s provisions should apply initially to departments and district councils only and be extended to other public authorities as and when the Department, having consulted on the matter, considers it appropriate to do so.

In addition, although the response to the public consultation on the policy proposals for the Bill indicated strong support for extending its provisions beyond central and local government, there were differing views as to the other public authorities to which the Bill’s provisions should apply and when those provisions should come into effect. A phased approach to the application of the Bill’s provisions will allow for further consultation on these matters.

For these reasons, the Department considers it important that it has a power to specify, by order, the other public authorities to which the provisions of the Bill will apply, rather than have those public authorities specified on the face of the Bill.

Choice of procedure

An order made under this provision will be subject to the draft affirmative procedure. This procedure is considered appropriate as it allows thorough scrutiny of any proposal by the Department to specify any person exercising functions of a public nature, as a public authority for any or all purposes of the Act.

Clause 5 (Commencement)

Power conferred on:	The Department
Power exercisable by:	Order
Assembly procedure:	No Assembly Procedure

Provision

This clause provides for the Department to appoint, by order, the day or days on which Sections 1 to 4 of the Act come into operation.

Reason for taking power

This Bill imposes a new statutory duty on public authorities to consider rural needs. It is proposed that the Department, in exercise of its functions under clause 2 of the Bill, will provide support, such as guidance and information, to assist public authorities in the meeting of this duty. The Bill also places a new statutory duty on public authorities to compile, and provide to the Department, information on the exercise of the duty to consider rural needs, for inclusion in an annual report to be laid before the Assembly. The Department will, in accordance with clause 3 of the Bill, specify the manner in which public authorities are to compile and provide that information.

It is important that the Department is empowered to determine when the various provisions of the Bill come into effect in order that the necessary supporting framework and the monitoring and reporting arrangements can be put into place before the new duties on public authorities come into effect.

Choice of procedure

Commencement Order is the appropriate and usual procedure. The Department will write to the Agriculture and Rural Development Committee shortly before the commencement order takes effect to ensure the Committee is informed on the enactment of Sections 1 to 4 of the Act.