



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

Paula Bradley MLA

Chair
Committee for Communities
Room 430
Parliament Buildings
Stormont
Belfast
BT4 3XX

By email to: Committee.Communities@niassembly.gov.uk

26 August 2021

Dear Chair,

Re: Charities Bill

The Northern Ireland Human Rights Commission (the Commission), pursuant to section 69(4) of the Northern Ireland Act 1998, shall advise the Assembly whether a Bill is compatible with human rights—(a) as soon as reasonably practicable after receipt of a request for advice; and (b) on such other occasions as the Commission thinks appropriate. In accordance with these functions, the Commission has reviewed the Charities Bill and has decided not to make a formal submission to the Committee’s call for evidence at this time.

The Commission is aware of human rights points that are being made in respect of the proposed Bill, and has reviewed the clauses paying particular regard to compliance with Articles 6, 7 and 8 of the European Convention on Human Rights (ECHR).¹ We note the statement of compatibility of the Bill with the ECHR. Nonetheless, in keeping with good practice the Committee may wish to request sight of the Department for Communities Human Rights Impact Assessment to assist with its ongoing scrutiny.

The Commission welcomes the proposals that those decisions subject to ongoing litigation will continue unaffected by the Bill, and that provision has been made for

¹ The ECHR was ratified by the UK 1951. Article 6: Right to a fair trial; Article 7: No punishment without law; Article 8: Right to respect for private and family life.

fresh appeal rights on uncontroversial decisions that will be made lawful by virtue of the Bill. However, we note with concern that affected parties will have only 42 days to lodge an appeal from the date that the Act receives Royal Assent. Given this relatively tight timeframe, we recommend that the Committee consider if proactive contact can be made with those affected parties to advise of the change in lawful status and confirm from what date the 42 day period for appeal will begin. This would help to ensure that affected parties are able to access their right to effective remedy within the timeframe.

I hope these comments are helpful. Should any further human rights issues arise within the context of the Committee's consideration of the Bill, the Commission would be happy to advise. We remain at the disposal of the Committee for further advice or engagement as necessary.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Les Allamby', with a stylized flourish at the end.

Les Allamby
Chief Commissioner