



Northern Ireland  
Assembly

## Committee for Finance

### Minutes of Proceedings

12 January 2022

**Meeting Location:** The Senate Chamber, Parliament Buildings

**Present:** Dr Steve Aiken OBE MLA (Chairperson)  
Mr Keith Buchanan MLA (Deputy Chairperson)  
Mr Jim Allister MLA  
Mr Jim Wells MLA

**Present by Video or Teleconference:**  
Mr Pat Catney MLA  
Ms Jemma Dolan MLA  
Mr Philip McGuigan MLA  
Mr Maolíosa McHugh MLA  
Mr Matthew O'Toole MLA

**Apologies:** None

**In Attendance:** Mr Peter McCallion (Assembly Clerk)  
Ms Carla Campbell (Assistant Assembly Clerk)  
Mr Stephen Magee (Clerical Supervisor)  
Ms Heather Graham (Clerical Officer)  
Ms Barbara Love (Bill Clerk) (for items 6 & 7 only)



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Proceedings commenced at 2:00pm in public session.

### **1. Apologies**

There were no apologies.

### **2. Declaration of Interests**

The Chairperson declared an interest as a member of the Commonwealth Parliamentary Association.

There were no other declarations of interest at this time.

### **3. Chairperson's Business**

#### 3.1 Covid Business Supports

Maoliosa McHugh joined the meeting at 2:03pm.

The Chairperson referred to tabled Ministerial correspondence referring to a covid payment support scheme for the hospitality sector. Members expressed concerns at the recent delay to covid support payments.

Agreed: The Committee agreed that it was content to forego the SL1 and also agreed to encourage the Department to move forward expeditiously with the hospitality covid payment support scheme.

Agreed: The Committee agreed to write to the Department seeking clarity on the delay and information on the next steps for the covid payment support scheme.

#### 3.2 Platinum Jubilee

The Chairperson noted that the Department of Finance had elected to not permit the planting of a tree in the Stormont Estate in order to mark the platinum jubilee. The Chairperson contended that this was an international event which should be marked appropriately and which complied with the relevant criteria in respect of the use of the Stormont Estate.



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The question was put that the Committee should write to the Minister of Finance seeking clarity as to his reasoning in this regard and asking him to reverse his decision.

The Committee Divided: Ayes 6; Noes 3; Abstain 0.

### **AYES**

Steve Aiken

Keith Buchanan

Jim Allister

Pat Catney

Matthew O'Toole

Jim Wells

### **NOES**

Jemma Dolan

Philip McGuigan

Maolíosa McHugh

The motion was carried.

#### **4. Draft Minutes**

Agreed: The Committee agreed the minutes of the meeting held on Wednesday 5 January 2022.

#### **5. Matters Arising**

The Clerk briefed the Committee on the use of neutral backgrounds for Members attending committee meetings remotely.

Members thanked the Clerk.

The meeting continued in closed session at 2:17pm.



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### **6. Defamation Bill – Committee Stage - Committee Deliberations**

The Committee noted papers from the Bill Sponsor and the Examiner of Statutory Rules.

The Committee deliberated informally on the Bill.

The meeting continued in public session at 3:13pm.

### **7. Defamation Bill – Committee Stage - Informal Clause by Clause Scrutiny**

The Committee commenced its informal clause by clause consideration of the Defamation Bill.

#### Clause 1 – Serious Harm

Members expressed differing views on this clause.

The Committee informally agreed that it would not progress any of the suggested amendments in respect of: access for ordinary people; trivial claims; protections for NGOs; a higher bar for for-profit companies; and inference of serious harm and that it would give further consideration to the proposition that the clause stands part of the Bill.

#### Clause 2 – Truth

The Committee informally agreed that it would not progress the suggested amendment in respect of pre-trial hearings and that it would support the proposition that the clause stands part of the Bill.

#### Clause 3 – Honest Opinion

The Committee informally agreed that it would support the suggested Bill Sponsor amendment in respect of clarifying reasonable belief and that it would support the proposition that the clause stands part of the Bill.

#### Clause 4 – Publication on a Matter of Public Interest

The Committee informally agreed that it would support the proposition that the clause stands part of the Bill.

#### Clause 5 – Operators of Websites

The Committee noted the possibility of conflict between Clause 5 and anticipated Westminster legislation on On-Line Safety and also noted the possibility of conflict



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between the regulation-making power in sub-clause 5(5) and Article 8 of the European Convention on Human Rights.

The Committee informally agreed that it would not progress the suggested amendment in respect of a level playing-field for different media operators and that it would give further consideration to the proposition that the clause stands part of the Bill.

Clause 6 – Peer-Reviewed Statement in Scientific or Academic Journal etc.

The Committee informally agreed that it would support the proposition that the clause stands part of the Bill.

Clause 7 – Reports etc. Protected by Privilege

Jim Allister recorded reservations in respect of sub-clause 7(5) which would amend the Defamation Act 1996 in order to apply certain provisions in respect of the fair and accurate reporting in a matter of public interest in a news conference. The Committee informally agreed that it would support the proposition that the clause stands part of the Bill.

Clause 8 – Single Publication Rule

The Committee informally agreed that it would give further consideration to the proposition that the clause stands part of the Bill.

Clause 9 – Action against a person not domiciled in the UK or a Member State

The Committee noted the Bill Sponsor's amendment in respect of the incorrect reference to the UK as a member state of the EU. Jim Allister indicated his opposition to the clause. Nonetheless the Committee informally agreed it would support the proposition that the clause stands part of the Bill.

Clause 10 – Action Against a Person who was not the author, editor, etc.

Some Members indicated informal support for the clause and the amendment proposed by the Bill Sponsor in respect of enhancing the definition of author etc.. The Committee informally agreed to give further consideration to the suggested amendment and to the proposition that the clause stands part of the Bill.

Clause 11 – Trial to be without a jury

The Committee felt that the clause as drafted would allow the judge discretion to retain the option of trial by jury. However, some Members indicated concern that the clause would serve to undermine access to jury trials. The Committee informally agreed to give further consideration to the suggested Bill Sponsor



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amendment relating to the use of Alternative Dispute Resolution and to the proposition that the clause stands part of the Bill.

Clause 12 – Power of court to order a summary of its judgement to be published  
The Committee informally agreed that it would support the proposition that the clause stands part of the Bill.

Clause 13 – Order to remove statement or cease distribution etc.  
The Committee informally agreed that it would support the proposition that the clause stands part of the Bill.

Clause 14 – Actions for slander: special damage  
The Committee informally agreed that it would support the proposition that the clause stands part of the Bill.

Clause 15 – Meaning of “publish” and “statement”  
The Committee informally agreed that it would support the proposition that the clause stands part of the Bill.

Clause 16 – Consequential amendments and savings etc.  
The Committee informally agreed that it would support the proposition that the clause stands part of the Bill.

Clause 17 – Regulations and orders  
The Committee noted the report of the Examiner of Statutory Rules on the regulating-making powers in the Bill. The Committee informally agreed that it would support the proposition that the clause stands part of the Bill.

Clause 18 – Commencement  
The Committee noted that some of the provisions of the Bill are commenced at the discretion of the Department, albeit with the agreement of the Assembly. The Committee informally agreed that it support the proposition that the clause stands part of the Bill, as appropriately amended.

Clause 19 – Short Title  
The Committee informally agreed that it would support the proposition that the clause stands part of the Bill.

### Other Amendments

The Committee informally agreed that it would not support amendments relating to the single meaning rule or the use of discursive remedies



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Jim Allister indicated concern in respect of the principle of approving a defective Bill and seeking to repair it with a review provision. Nonetheless, the Committee informally agreed that it would support an amendment in respect of a review clause.

Agreed: The Committee agreed to write to the Bill Sponsor: seeking urgent sight of his proposed amendments; in relation to commencement issues and the potential for a sub-clause 5(5) clash with Article 8 of the European Convention on Human Rights; and setting out the Committee's informal position on other clauses and amendments.

The Chairperson recorded the Committee's thanks to the Clerk; the Examiner of Statutory Rules; and the Committee Staff Team for their work on this Bill.

Agreed: The Committee agreed to undertake formal clause by clause scrutiny of the Defamation Bill at its meeting of 19 January 2022.

### **8. Correspondence**

#### 8.1 Correspondence Index

The Committee noted an index of incoming correspondence.

#### 8.2 Monthly Forecast / Outturn

The Committee considered an analysis of Spending Outturn and Forecast Outturn for November 2021.

Agreed: The Committee agreed that it was content to share this analysis with RaISe and with the Committees for Communities and the Economy.

#### 8.3 Investing Activity Report

The Committee noted the ISNI Investing Activity Report for December 2021, which details the Department's capital spending programmes.

#### 8.4 Financial Transactions Capital

The Committee considered a response from the Department of Finance setting out Financial Transaction Capital (FTC) spending.



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Agreed: The Committee agreed to write to the Department of Finance requesting a breakdown of the Northern Ireland Investment Fund FTC funding.

### 8.5 Assembly Commission Draft Budget 2022-25

The Committee considered further correspondence between the Minister of Finance and the Audit Committee in relation to the Assembly Commission 2022-25 draft budget.

### 8.6 Department of Education Draft Budget 2022-25

The Committee noted a copy of correspondence from the Committee for Education to the Minister of Finance highlighting concerns in respect of the 2022-25 draft budget for DE.

### 8.7 NIHE repair grants

The Committee noted a copy of correspondence from a concerned individual to the Minister of Finance in relation to NI Housing Executive repair grants.

The Chairperson declared an interest indicating that an anonymous individual claiming to be a Land and Property Services employee had contacted him anonymously. The Chairperson urged that person to contact his constituency office.

Matthew O'Toole declared an interest as he too had received similar anonymous correspondence.

### 8.8 Grenfell Legislation

The Committee considered a response from the Department of Finance regarding the consideration, by the cross-departmental group, of Grenfell-related legislation and other actions for Northern Ireland.

Agreed: The Committee agreed to write to the Department for Communities asking for a breakdown of the 11 non-ACM claims which it is progressing.

Agreed: The Committee agreed to write to the Department of Finance: asking for the estimated overall costs of ACM and non-ACM repairs; calling on the Department to resolve any confusion in respect of the role of the Building Ombudsman in NI; and suggesting that it should adopt the sponsoring department role itself, if necessary.

### 8.9 RHI Disciplinary Process





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The Committee considered restricted correspondence from the Department of Finance to Committee queries in relation to the RHI disciplinary process and the role of the NICS Board.

Agreed: The Committee agreed to write to the Department asking whether the approval of the re-constituted Executive or the Minister of Finance was sought for the adapted RHI disciplinary process and seeking clarity as to why an adapted bespoke disciplinary process was used.

### 8.10 NICS Secondment Policy

The Committee considered correspondence from the Minister of Finance advising that an outward and inward NI Civil Service secondment policy has been drafted and is with Trade Union Side for consideration.

Agreed: The Committee agreed to write to the Department of Finance seeking clarity on the role of the Strategic Investment Board and the numbers, and roles, of Strategic Investment Board personnel on secondment in the NI Civil Service, Local Government, and the wider public sector and the reasoning for these secondments.

### 8.11 Lay Observer Annual Report 2020-21

The Committee noted the Annual Report of the Lay Observer for Northern Ireland 2020-21. This includes reports on complaints relating to solicitors.

Agreed: The Committee agreed to write to the Department of Finance seeking clarity on the progress of the Legal Services Oversight Commissioner legislation.

### 8.12 Composite Information Request

Agreed: The Committee agreed that the composite request was an accurate and complete record of the Committee's outstanding information requests.

## **9. Forward Work Programme**

The Committee considered a draft of its Forward Work Programme.

Agreed: The Committee agreed its Forward Work Programme, as drafted.



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**10. Any Other Business**

Agreed: The Committee agreed to write to the Department of Finance seeking sight of correspondence from the Commissioner of Valuations to the Minister of Finance dated 30 March 2020, in respect of advice relating to rates valuations and covid restrictions.

**11. Date, Time and Place of the next meeting**

The next meeting of the Committee for Finance will be at 2pm on Wednesday 19 January 2022 in the Senate and on Starleaf.

The meeting was adjourned at 3:42pm.

**Dr Steve Aiken MLA**  
**Chairperson, Committee for Finance**  
**5 January 2022**