



**Northern Ireland
Assembly**

COMMITTEE FOR HEALTH

MINUTES OF PROCEEDINGS

**Thursday 30 January 2020
Senate Chamber, Parliament Buildings**

Present: Mr Colm Gildernew MLA (Chairperson)
Ms Pam Cameron MLA (Deputy Chairperson)
Ms Sinéad Bradley MLA
Ms Paula Bradshaw MLA
Mr Gerry Carroll MLA
Ms Jemma Dolan MLA
Mr Alex Easton MLA
Ms Órlaithí Flynn MLA

Apologies: Mr John Stewart MLA

In Attendance: Ms Éilis Haughey (Clerk)
Ms Deirdre Farry (Assistant Assembly Clerk)
Ms Roisin Donnelly (Assistant Assembly Clerk)
Mr Jonathan Lamont (Clerical Supervisor)
Mr Brendan Miskelly (Clerical Officer)

The meeting commenced at 10.32 am in closed session.

1. Briefing from Examiner of Statutory Rules

The Examiner of Statutory Rules briefed the Committee on her role and the Assembly control of subordinate legislation.

The meeting moved into public session at 10.55 am.

2. Apologies

As above.

3. Chairperson's Business

- i. The Chairperson updated Members on the introductory meeting that he and the Deputy Chairperson held with the Minister of Health.

- ii. The Chairperson advised the Committee that he had met Carers NI further to a long-standing commitment.

4. Draft Minutes

The Committee agreed the minutes of the meeting held on 23 January 2020, subject to minor amendment.

5. Matters Arising

The Chairperson advised Members that consideration of SR 2019/42 The Provision of Health Services to Persons Not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2019 has been deferred, to allow time for receipt of further information from the Department of Health.

6. Department of Health Briefing on Priorities

The following officials joined the meeting at 10.59 am:

Mr Richard Pengelly, Permanent Secretary, Department of Health

Mr Jackie Johnston, Deputy Secretary, Health Care Policy Group, Department of Health

Dr Michael McBride, Chief Medical Officer, Department of Health

Ms Deborah McNeilly, Deputy Secretary, Resources and Performance Management Group, Department of Health

The officials briefed the Committee on the Department of Health's priorities including those arising from the 'New Decade, New Approach' document.

The briefing was followed by a question and answer session.

Mr Alex Easton declared an interest as having a relative who is employed as a nurse in the Health Service.

The Chairperson declared an interest as formerly being employed as a Social Worker and currently taking a career break, being a member of NIPSA and having a relative who works as a registered nurse.

The officials agreed to provide the Committee with further information on a number of issues raised by Members during the question and answer session.

The meeting was suspended at 12.19 am.

The meeting resumed at 12.32 pm.

Present: *Mr Colm Gildernew MLA (Chairperson)*
 Ms Pam Cameron MLA (Deputy Chairperson)
 Ms Paula Bradshaw MLA
 Mr Gerry Carroll MLA
 Ms Jemma Dolan MLA
 Mr Alex Easton MLA
 Ms Órlaithí Flynn MLA

7. Subordinate Legislation

The Committee noted a paper prepared by the Clerk outlining the Statutory Rules for consideration at the meeting.

8. SR 2019/192 The Mental Capacity (Deprivation of Liberty) (Revocation) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/192 The Mental Capacity (Deprivation of Liberty) (Revocation) Regulations (Northern Ireland) 2019 which revoked the Mental Capacity (Deprivation of Liberty) Regulations (Northern Ireland) 2019 and the Mental Capacity (Deprivation of Liberty) (Amendment) Regulations (Northern Ireland) 2019.

Agreed: The Committee considered SR 2019/192 The Mental Capacity (Deprivation of Liberty) (Revocation) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

9. SR 2019/218 The Official Feed and Food Controls (Miscellaneous Amendments) Regulations (Northern Ireland) 2019

The following officials joined the meeting at 12.34 pm:

Mrs Sharon Gilmore, Head of Standards and Dietary Health, Food Standards Agency

Mrs Joy Creswell, Senior Advisor, Operational Policy and Delivery, Food Standards Agency

The officials briefed the Committee on thirteen Food Standards Agency Statutory Rules which were being considered at the meeting.

The briefing was followed by a question and answer session.

Ms Bradley rejoined the meeting at 12.57 pm.

The briefing session was reported by Hansard.

The Committee considered SR 2019/218 The Official Feed and Food Controls (Miscellaneous Amendments) Regulations (Northern Ireland) 2019 which provides for the execution of powers and enforcement of the Official Control Regulations (Regulation (EU) No. 2017/625), on official controls and other activities performed to

ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

Agreed: The Committee considered SR 2019/218 The Official Feed and Food Controls (Miscellaneous Amendments) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

10. SR 2019/219 The Meat (Official Controls Charges) (Amendment) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/219 The Meat (Official Controls Charges) (Amendment) Regulations (Northern Ireland) 2019 which provides for the execution of powers and enforcement of the Official Control Regulations (Regulation (EU) No. 2017/625), on official controls and other activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

Agreed: The Committee considered SR 2019/219 The Meat (Official Controls Charges) (Amendment) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

11. SR 2019/220 The Fishery Products (Official Controls Charges) (Amendment) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/220 The Fishery Products (Official Controls Charges) (Amendment) Regulations (Northern Ireland) 2019 which provides for the execution of powers and enforcement of the Official Control Regulations (Regulation (EU) No. 2017/625), on official controls and other activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

Agreed: The Committee considered SR 2019/220 The Fishery Products (Official Controls Charges) (Amendment) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

12. SR 2017/201 The Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2017

The Committee considered SR 2017/201 The Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2017 which amend the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 and implement Commission Directive (EU) 2015/1787 on the quality of water intended for human consumption.

Agreed: The Committee considered SR 2017/201 The Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) Regulations (Northern Ireland) 2017, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

13. SR 2017/157 The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017

The Committee considered SR 2017/157 The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017 which amend the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012 to provide for the continued enforcement of Commission Regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food.

Agreed: The Committee considered SR 2017/157 The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2017, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

14. SR 2017/233 The Novel Foods Regulations (Northern Ireland) 2017

The Committee considered SR 2017/233 The Novel Foods Regulations (Northern Ireland) 2017 which revoke and replace previous SRs to provide for the execution and enforcement of Regulation (EU) 2015/2283 regarding novel foods. The new regulations provide revised legislative requirements for placing foods on the market that do not have a history of consumption in the EU.

Agreed: The Committee considered SR 2017/233 The Novel Foods Regulations (Northern Ireland) 2017, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

15. SR 2018/16 The Animal Feed (Basic Safety Standards) Regulations (Northern Ireland) 2018

The Committee considered SR 2018/16 The Animal Feed (Basic Safety Standards) Regulations (Northern Ireland) 2018 which transpose Article 21 of Council Directive 2013/59/EURATOM, on revised EU Basic Safety Standards, laying down standards for protection against the dangers of exposure to ionising radiation as it applies to animal feed.

Agreed: The Committee considered SR 2018/16 The Animal Feed (Basic Safety Standards) Regulations (Northern Ireland) 2018, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

16. SR 2018/77 The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018

The Committee considered SR 2018/77 The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 which remove out-dated references to food labelling regulations, introduce improvement notices providing for non-compliance, and consolidate two earlier SRs, streamlining the regulations into one Statutory Rule.

Agreed: The Committee considered SR 2018/77 The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

17. SR 2018/78 The Jam and Similar Products Regulations (Northern Ireland) 2018

The Committee considered SR 2018/78 The Jam and Similar Products Regulations (Northern Ireland) 2018 which revoke and replace the 2003 regulations, correct out of date references to food labelling regulations and introduce notice provisions for non-compliance.

Agreed: The Committee considered SR 2018/78 The Jam and Similar Products Regulations (Northern Ireland) 2018, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

18. SR 2018/186 The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2018

The Committee considered SR 2018/186 The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2018 which provides for the enforcement of EU Commission Regulation (EU) 2018/213 on the use of bisphenol A (BPA) in varnishes and coatings intended to come into contact with food and makes amendments regarding use of BPA in plastic food contact materials.

Agreed: The Committee considered SR 2018/186 The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2018, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

19. SR 2019/5 The Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/5 The Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019 which make amendments to a number of regulations relating to food and feed. These include regulations regarding raw materials and additives permitted in fruit juices and similar products, and measures to benchmark and mitigate against the amount of acrylamide in foods.

Agreed: The Committee considered SR 2019/5 The Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

20. SR 2019/9 The Food Safety (Information and Compositional Requirements) (Amendment) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/9 The Food Safety (Information and Compositional Requirements) (Amendment) Regulations (Northern Ireland) 2019 which provides for the enforcement of EU delegated regulations regarding specific information and compositional requirements for food for special medicinal purposes.

Agreed: The Committee considered SR 2019/9 The Food Safety (Information and Compositional Requirements) (Amendment) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

21. SR 2019/110 The Food Hygiene (Amendment) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/110 The Food Hygiene (Amendment) Regulations (Northern Ireland) 2019 which amend labelling provisions for raw drinking milk to inform vulnerable consumers of the potential risks associated with its consumption.

Agreed: The Committee considered SR 2019/110 The Food Hygiene (Amendment) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

22. SR 2019/62 Health and Personal Social Services (Superannuation) and Health and Social Care Pension Scheme (Amendment) Regulations 2019

Mr Andrew Dawson, Director of Workforce Policy at the Department of Health joined the meeting at 1.17 pm.

Mr Dawson briefed the Committee on SR 2019/62 Health and Personal Social Services (Superannuation) and Health and Social Care Pension Scheme (Amendment) Regulations 2019 concerning Health and Social Care pensions.

The briefing was followed by a question and answer session.

Mr Dawson agreed to provide the Committee with further information on a number of issues raised by Members during the question and answer session.

The briefing session was reported by Hansard.

The Committee considered SR 2019/62 Health and Personal Social Services (Superannuation) and Health and Social Care Pension Scheme (Amendment)

Regulations which introduced a 6.25 percentage point increase in employer contributions to 22.5% and for existing member contribution rates to continue.

Agreed: The Committee agreed to seek further advice and defer consideration of the Statutory Rule.

23. SR 2017/200 The Healthy Start Scheme and Day Care Food Scheme (Amendment) Regulations (Northern Ireland) 2017

The Committee considered SR 2017/200 The Healthy Start Scheme and Day Care Food Scheme (Amendment) Regulations (Northern Ireland) 2017 which amend principal regulations to add Universal Credit to the Healthy Start Scheme's qualifying criteria.

Agreed: The Committee agreed to seek further advice and defer consideration of the Statutory Rule.

24. SR 2019/117 The Healthy Start Scheme and Day Care Food Scheme (Amendment) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/117 The Healthy Start Scheme and Day Care Food Scheme (Amendment) Regulations (Northern Ireland) 2019 which amend principal regulations to add State Pension Credit claimants to the Healthy Start Scheme's qualifying criteria.

Agreed: The Committee considered SR 2019/117 The Healthy Start Scheme and Day Care Food Scheme (Amendment) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

25. SL1 The Food Safety (Information and Compositional Requirements) (Amendment) Regulations (Northern Ireland) 2020

The Committee considered a proposal by the Department of Health to make a Statutory Rule to make provision for the enforcement of specific requirements for food for special medical purposes for infants, and infant formula and follow-on formula.

Agreed: The Committee agreed that it was content with the proposal for the statutory rule.

26. Correspondence

- i. The Committee considered correspondence from the British Association of Social Workers (BASW) outlining issues of concern to the profession and requesting to meet the Chairperson.

Agreed: The Committee agreed to consider the issues raised by BASW as part of its Forward Work Programme and noted that the Chairperson intended to hold an introductory meeting with BASW.

- ii. The Committee noted an invitation from Business in the Community to attend its Healthy Working Lives Conference on 20 March 2020.
- iii. The Committee considered correspondence from an individual regarding those affected by the neurology patient recall.
 - Agreed:* The Committee agreed to note the correspondence pending a reply from the Department of Health to the Committee's request for an overview of the ongoing and planned inquiries into this matter.
- iv. The Committee considered correspondence from an individual regarding the commitment by the RQIA to carry out a review of the work of the neurologist, Michael Watt.
 - Agreed:* The Committee agreed to note the correspondence pending a reply from the Department of Health to the Committee's request for an overview of the ongoing and planned inquiries into this matter.
- v. The Committee considered correspondence from the College of Podiatry highlighting issues that may be of interest to the Committee.
 - Agreed:* The Committee agreed to consider the issues raised by the College of Podiatry as part of its consideration of the Primary Care aspects of Transformation scrutiny.
- vi. The Committee considered correspondence from an individual outlining the requirement for better support for sufferers of endometriosis and for improved menstrual health education through the school curriculum.
 - Agreed:* The Committee agreed to consider the health issues raised as part of its Forward Work Programme and to forward the correspondence to the Committee for Education to consider the issues relating to menstrual health education.
- vii. The Committee considered correspondence from the Chief Social Work Officer to the Chairperson regarding a meeting to discuss the Power to People Report and noted that, as a departmental briefing relating to this has been scheduled, the Chairperson would not meet separately with the Chief Social Worker.
- viii. The Committee considered correspondence from the Chair of the Committee for Education regarding the Department of Education's Emotional Health and Wellbeing Strategy, and proposing that the Committee for Education and the Committee for Health consider the matter at a joint committee session.
 - Agreed:* The Committee agreed to add this matter to its Forward Work Programme and to schedule a joint briefing session when the Executive's Mental Health Action Plan is published.
- ix. The Committee considered correspondence from Mental Health Policy Group NI outlining its purpose, highlighting its mental health policy priorities and requesting a meeting with the Chairperson.
 - Agreed:* The Committee agreed to consider the issues raised by Mental Health Policy Group NI as part of its Forward Work Programme and noted that the Chairperson intended to hold an introductory meeting with the group.

- x. The Committee considered correspondence from Mesh Ireland requesting to brief the Committee in relation to the issue of mesh implant injury.

Agreed: The Committee agreed to invite Mesh Ireland to present to the Committee and to invite the relevant Department of Health officials to attend to provide detail on the Department's response to issues raised.

- xi. The Committee noted a copy of the Minister of Health's urgent written statement to the Assembly on the Department's response to the Coronavirus and a further updated written statement on this matter.
- xii. The Committee considered correspondence from an individual requesting that the Committee meet with a delegation of neurology recall patients.

Agreed: The Committee agreed to note the correspondence pending a reply from the Department of Health to the Committee's request for an overview of the ongoing and planned inquiries into this matter.

- xiii. The Committee noted a briefing note from a Queen's University of Belfast academic on the UK Withdrawal Agreement Bill, statutory instruments and devolved competences.

- xiv. The Committee considered correspondence from the British Dental Association regarding doctors' and dentists' remuneration.

Agreed: The Committee agreed to consider the issues raised by the British Dental Association as part of its consideration of workforce strategy and related matters.

- xv. The Committee considered correspondence from the Minister of Health requesting that his officials brief the Committee on progress made on the recommendations from the Hyponatremia-Related Deaths Inquiry Report.

Agreed: The Committee agreed to add this briefing to its Forward Work Programme.

The Chairperson advised Members that the procedures for recording whistle-blowing correspondence received by the Committee has been amended in order to monitor its progress with the organisation to which it has been referred.

27. Forward Work Programme

The Committee considered its Forward Work Programme.

Agreed: The Committee agreed to await the Department's response to a request for information on the ongoing reviews relating to the work of the neurologist, Michael Watt before deciding how it wished to proceed in relation to this issue.

28. Any Other Business

None.

29. Date, Time and Place of Next Meeting

The next Committee meeting will be on Thursday 6 February 2020, at 10.30 am in the Senate Chamber, Parliament Buildings.

The Chairperson adjourned the meeting at 1.53 pm.

Signed: _____
Chairperson

Date: _____