

FROM THE OFFICE OF THE JUSTICE MINISTER



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18 March 2020

Dear Kathy,

**LEGISLATIVE CONSENT MOTION - THE PRIVATE INTERNATIONAL LAW  
(IMPLEMENTATION OF AGREEMENTS) BILL**

Thank you for your letter dated 13 March 2020. I will respond to each of the Committee's points in turn.

Firstly, Ministry of Justice colleagues advise that the LCM is needed by the last amending stage in the second House, which would be Report Stage in the Commons for this Bill. They expect that to be in late May/early June, but note that it could be earlier. On that basis we anticipate having the Legislative Consent Motion take place in the Assembly around 11 or 12 May 2020. As the Committee knows, Whitehall are working towards Royal Assent in early September to enable the necessary steps to be taken, under the terms of the three Hague Conventions in question, for their entry into force by 31 December. As we would not be in a position to advance an Assembly Bill to that timescale, we would then risk the three Hague Conventions not applying in Northern Ireland. In particular, we would lose the frameworks in place under the 1996 Hague Child Protection Convention and the 2007 Hague Maintenance Convention. Hague 1996 ensures that decisions relating to children (such as contact arrangements) made in one country are respected in others, so that people do not have to incur the expense and

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trouble of bringing fresh proceedings when they move to another country. Hague 2007 facilitates cross-border maintenance applications, helping reduce financial hardship for the children of UK resident parents.

Secondly, on the regulation-making powers in the Bill, the Secretary of State can *only* act in relation to Northern Ireland with the consent of a Northern Ireland department. Where Justice is the department in question, the Committee will be informed, in advance of a decision, as to whether the Justice Minister is minded to provide or withhold consent. Without these regulation-making powers, it would be necessary to pass primary legislation to implement each new international agreement, causing delay to people being able to enjoy the advantages of any agreement. The regulations are likely to simply state that a new international agreement has the force of law and to make any requisite supporting procedural changes. They will not entail significant policy choices.

I trust this is helpful.

Yours sincerely,

Departmental Assembly Liaison Officer (DALO)



**NORTHERN IRELAND  
ASSEMBLY  
COMMITTEE FOR JUSTICE**

DALO  
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Castle Buildings  
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13 March 2020

Dear **Departmental Assembly Liaison Officer (DALO)**

**Legislative Consent Motion – Private International Law (Implementation of Agreements) Bill**

At its meeting on 12 March 2020, the Committee for Justice took evidence from a Department of Justice official on the proposed Legislative Consent Motion (LCM) on the Private International Law (Implementation of Agreements) Bill. It was agreed that a definitive timeline for passage and completion of the LCM should be provided to the Committee.

The Committee also raised a number of concerns regarding the regulation-making provisions in the Bill which would allow the Secretary of State to legislate for Northern Ireland with the consent of a Northern Ireland department. Officials may wish to take this opportunity to provide further comment on these issues in their response.

Given the time constraints indicated during the evidence session, I would appreciate an urgent response.

Yours sincerely

**Kathy O’Hanlon**  
**Senior Assistant Clerk to the Committee for Justice**