



Northern Ireland  
Assembly

Committee for Enterprise, Trade and  
Investment

# OFFICIAL REPORT (Hansard)

Deregulation Bill Legislative Consent Motion:  
DETI Briefing

11 November 2014

# NORTHERN IRELAND ASSEMBLY

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### Deregulation Bill - Legislative Consent Motion: DETI Briefing

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#### **Members present for all or part of the proceedings:**

Mr Patsy McGlone (Chairperson)  
Mr Phil Flanagan (Deputy Chairperson)  
Mr Steven Agnew  
Mr Sydney Anderson  
Mr Gordon Dunne  
Ms Megan Fearon  
Mr Paul Frew  
Mr William Humphrey  
Mr Máirtín Ó Muilleoir

#### **Witnesses:**

Mr Martin Graham                      Department of Enterprise, Trade and Investment  
Mr Diarmuid McLean                  Department of Enterprise, Trade and Investment

**The Chairperson (Mr McGlone):** With us today from the Department to brief the Committee are Mr Diarmuid McLean, the head of the economic policy division and Mr Martin Graham, deputy principal in the economic policy unit. Thanks very much for attending. I invite you to make your opening statement

**Mr Diarmuid McLean (Department of Enterprise, Trade and Investment):** Good morning, Chair. Thank you for the invitation to attend the meeting to discuss the legislative consent motion (LCM).

As Committee members may be aware, a Deregulation Bill is currently in Committee in the House of Lords. The Bill is aimed at providing for the removal of regulatory burdens on businesses, individuals, public sector bodies and taxpayers. As part of that, the Bill will repeal legislation that is no longer of any practical use.

In the spring of 2014, the Minister responsible for the Bill in the UK wrote to our Minister to seek agreement in principle to bringing forward a complete legislative consent motion that would cover the provisions in the Bill that extend to Northern Ireland in the devolved field. The Minister agreed to a timetable for taking the issue forward and wrote to Executive colleagues before the summer recess. At this point, I would like to acknowledge that, as part of that process, the Committee should have been pre-notified that the Department was examining the matter and that a legislative consent motion was likely to come forward in due course. It was an oversight that that did not happen before the summer recess.

The motion covers areas within the responsibility of DARD, DEL and DETI, and Minister Foster secured the support of the Minister of Agriculture and Rural Development and the Minister for

Employment and Learning to progress a single legislative consent motion. In September, the Executive agreed to bring forward a composite legislative consent motion, and a memorandum was laid before the Assembly on 24 October.

Officials from Northern Ireland Departments have been liaising with Whitehall counterparts to identify matters that could effectively be dealt with through the Deregulation Bill. As you will have seen from the briefing paper that has been provided, 13 matters that are relevant to Northern Ireland have been identified for inclusion in the Bill. Of the 13 matters, seven are in areas within DETI's remit, five are within DARD's areas of responsibility and one falls to the Department for Employment and Learning.

The DETI-related matters are a simplification of regulations for auditors leaving office; the correction of a minor drafting error in the Companies Act 2006 for the appointment of proxies; the removal of unnecessary provisions relating to the audit of charitable companies, and the provision of an exemption for turban-wearing Sikhs from head protection requirements on construction sites. They also include the removal of redundant legislation, such as the repeal of the Mining Industry Act 1920; repealing the remaining provisions of the Newspaper Libel and Registration Act 1881 to essentially remove the requirement for Companies House to maintain a register that is not used by any Northern Ireland companies; and the removal of redundant legislation relating to the historical vesting of assets in the former British Aerospace through the repeal of the Aircraft and Shipbuilding Industries Act. In the main, the DETI issues contained in the Bill relate to removing redundant legislation or tidying up errors in previous legislation.

The issues contained in the legislative consent motion range across a number of areas in the Department. While Martin and I would not purport to know the detail of all the issues, where possible, we would be happy to try to answer any questions the Committee might have.

**The Chairperson (Mr McGlone):** OK. There was a fair bit of it.

**Mr Flanagan:** The parts of the Deregulation Bill that apply here do not generally concern me; they are fairly uncontentious. However, the parts that apply to England are a bit strange.

Has any consideration been given to the fact that 800,000 workers will be made exempt from health and safety legislation in England? Is there any chance that that will apply here through the Bill?

**Mr McLean:** To the best of my knowledge, the only parts of the Bill that will affect Northern Ireland are those that are contained in the legislative consent motion —

**Mr Flanagan:** Are the paragraphs listed?

**Mr McLean:** — that we have agreed to. Only the areas that are referred to in the briefing will be relevant to Northern Ireland legislation.

**Mr Flanagan:** Will you go into more details about the proposed changes within the mining industry?

**Mr McLean:** My understanding is that the Department in the UK has conducted a review of the Mining Act 1920, which deals with mines and minerals, and has identified a number of elements in the Act that are redundant. The Deregulation Bill will repeal the Act, which relates to powers that are held by a board of trade that have either been transferred elsewhere or have become obsolete. Inclusion of that in the LCM will remove redundant legislation and ensure parity with the rest of the UK. That is also in keeping with the Red Tape Challenge, which aims to clean up the statute book and remove redundant legislation.

The Department's minerals and petroleum branch consulted with the Health and Safety Executive Northern Ireland, which had no objections to the repeal of the 1920 Act. There will be no impact on the current licensing regime in Northern Ireland.

**Mr Flanagan:** We have heard from the Royal Society for the Prevention of Accidents (RoSPA) about proposed changes to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR). Did it or the trade unions give any response to the proposals?

**Mr McLean:** My understanding is that the UK Government consulted widely on the powers that were to be repealed. I cannot say for definite whether there was a response regarding RIDDOR to that consultation by the UK Government.

**Mr Dunne:** I want to ask about the exemption for safety helmets. How will that fit in with the risk assessments, which are the responsibility of contractors when on site? Where will the remit fall?

**Mr McLean:** There is an exemption in legislation that turban-wearing Sikhs do not have to wear safety helmets on construction sites. This legislation will merely extend that to include other generally less hazardous occupations. So, there was an anomaly where they were exempt on construction sites but not in other industries that were less hazardous. My understanding is that representation from the Sikh community in the UK has led to the anomaly being highlighted and the introduction of the exemption in the Deregulation Bill. It will not introduce a new policy. The exemption is already in place in relation to construction sites; it merely extends that to other areas. It will put Northern Ireland on the same footing as the rest of the United Kingdom in this matter.

**Mr Dunne:** In relation to risk assessments for the management of a building site, whose call is it in relation to how that is managed?

**Mr Martin Graham (Department of Enterprise, Trade and Investment):** The exemption does not remove the requirement for the employer to provide safety helmets for Sikhs. However, it allows the Sikh to decide whether to wear it or not. So, it is a personal decision, providing that the employer provides the appropriate safeguards if they wish to take that up.

**Mr Dunne:** The employee and employer are covered under the law.

**Mr Graham:** As far as we understand, it does not have an impact on the insurance liabilities of the company.

**Mr Dunne:** Are you sure about that?

**The Chairperson (Mr McGlone):** Perhaps the Health and Safety Executive would be involved in that aspect.

**Mr Graham:** Yes. The Health and Safety Executive has been liaising closely with its Whitehall counterparts and has been heavily involved in it.

**Mr Humphrey:** You have pretty much answered my question in your reply to Gordon, but, if the individual opts out of wearing a safety helmet, would that not be seen as being contributory negligence and, therefore, nullify any claim?

**Mr McLean:** I am not sure that I will be able to answer that. The amendment will be subject to certain exclusions, as we understand it, for hazardous operational tasks where a risk assessment requires the wearing of a safety helmet, but that exclusion will apply only in hazardous operation scenarios. Therefore, it would mean that turban-wearing Sikhs would not undertake those operations, but it does not mean that they would be exempt from taking up employment in institutions that may have hazardous operations.

**Mr Humphrey:** Are you basically saying that, in certain cases, they may not be able to carry out all the functions of someone who was wearing a helmet?

**Mr McLean:** There may be certain exemptions where a safety helmet may be essential.

**Mr Humphrey:** I would be concerned that, if someone were not wearing a helmet or some sort of protective clothing, it would leave them exposed to having some head injury. There would be contributory negligence there.

**The Chairperson (Mr McGlone):** Thanks very much for coming along and clarifying those issues. It has been very helpful.

**Mr McLean:** Thank you.