

From the Office of the Minister



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Alban Maginness MLA
Chair of the ETI Committee
Room 375
Parliament Buildings
Stormont
Belfast
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27th August 2012

Dear Alban,

MENTAL HEALTH (DISCRIMINATION) BILL- LEGISLATIVE CONSENT MOTION

I am writing to inform you of my Department's intention to seek a Legislative Consent Motion (LCM) to enable the Department for Business, Innovation and Skills (BIS) to legislate to:

- revoke those parts of the Companies (Model Articles) Regulations 2008 which require that a person should cease to be a director of a company when by reason of that person's mental health, a court order is made preventing that person from exercising some or all of their powers and rights, or on the written opinion of a medical practitioner, that the person will not be capable of acting as a company director for three months or more.

Company Law

The relevant provisions of the UK Mental Health (Discrimination) Bill will amend the Companies Act 2006 and hence company law as it applies in Northern Ireland. As company law is a transferred matter, an LCM from the Northern Ireland Assembly is required.

Legislative Consent Motion

By letter dated 16th July 2012, Mr Mark Harper, MP, Minister for Political and Constitutional Reform, wrote to me seeking agreement that a LCM would be required to facilitate the clause dealing with the revocation of those parts of the Companies (Model Articles) Regulations 2008 which require that a person should cease to be a director of a company when by reason of that person's mental health, a court order is made preventing that person from exercising some or all of their powers and rights, or on the written opinion of a medical practitioner, that the person will not be capable of acting as a company director for three months or more.

I intend to issue to Ministerial colleagues an Executive Paper seeking agreement to put to the Northern Ireland Assembly a LCM, which would permit the relevant clauses of the Mental Health (Discrimination) Bill to apply to Northern Ireland.

It is in the best interests of Northern Ireland business that this LCM is passed as the provision is intended to remove potentially discriminatory legislation, which could be seen as prejudicial to people with mental health issues. It would also maintain parity in company law between Northern Ireland and Great Britain, and ensure that Northern Ireland companies continue to benefit from a single UK-wide company law regime.

BIS has indicated that, in order to comply with its legislative programme schedule, it requires confirmation of the passage of the Legislative Consent Motion by 15 November 2012. The timescale requires that I lay the LCM before the Assembly on 21 September 2012 I would seek the support of the Committee to make this possible.

*Yours sincerely,
Arlene Foster*

ARLENE FOSTER MLA

Minister of Enterprise, Trade and Investment