

**COMMITTEE FOR HEALTH, SOCIAL SERVICES AND PUBLIC
SAFETY**

MINUTES OF PROCEEDINGS

**Wednesday 27 January 2016
Senate Chamber, Parliament Buildings**

Present: Ms Maeve McLaughlin MLA (Chairperson)
Mr Alex Easton MLA (Deputy Chairperson)
Mr Thomas Buchanan MLA
Mrs Pam Cameron MLA
Mrs Jo-Anne Dobson MLA
Mr Kieran McCarthy MLA
Ms Rosie McCorley MLA
Mr Michael McGimpsey MLA
Mr Daithí McKay
Mr Fearghal McKinney MLA

Apologies: None.

In Attendance: Dr. Kathryn Aiken (Clerk)
Ms Marie Austin (Senior Assistant Clerk)
Ms Éilis Haughey (Bill Clerk)- for item 2 only
Ms Deirdre Farry (Assistant Assembly Clerk)
Ms Elaine Farrell (Assistant Assembly Clerk)
Ms Sharon McGurk (Clerical Supervisor)
Mr Craig Mealey (Clerical Officer)

The meeting commenced at 2.02 p.m. in closed session.

1. Apologies

None.

2. Human Transplantation Bill: final deliberations

The Committee discussed the Human Transplantation Bill.

The Committee noted a response from the Minister regarding his approach to possible amendments to the Bill.

Mrs Jo-Anne Dobson declared an interest as Bill Sponsor.

2.07p.m. Mr Fearghal McKinney joined the meeting.

2.32 p.m. The meeting moved into public session.

3. **Human Transplantation Bill: formal clause by clause scrutiny**

Mrs Jo-Anne Dobson declared an interest as Bill Sponsor.

Clause 1 – Duty to promote transplantation

The Committee considered a proposed Committee amendment to leave out reference to the annual promotional campaign that is connected to deemed consent.

Question: That the Committee is content with the following amendment proposed by the Committee:

Clause 1, page 1

Leave out lines 7 to 11

The Committee divided: Ayes 6; Noes 4; Abstain 0

AYES: Ms Maeve McLaughlin
Mr Alex Easton
Mr Thomas Buchanan
Ms Pam Cameron
Ms Rosaleen McCorley
Mr Daithí McKay

NOES: Mrs Jo-Anne Dobson
Mr Kieran McCarthy
Mr Fearghal McKinney
Mr Michael McGimpsey

Agreed: That the Committee is content with the proposed Committee amendment.

Question: That the Committee is content with Clause 1 subject to the proposed Committee amendment.

The Committee divided: Ayes 6; Noes 4; Abstain 0

AYES: Ms Maeve McLaughlin
Mr Alex Easton
Mr Thomas Buchanan
Ms Pam Cameron
Ms Rosaleen McCorley
Mr Daithí McKay

NOES: Mrs Jo-Anne Dobson
Mr Kieran McCarthy
Mr Fearghal McKinney
Mr Michael McGimpsey

Agreed: That the Committee is content with Clause 1 subject to the proposed Committee amendment.

Clause 2 – Authorisation of transplantation activities

The Committee considered two proposed Committee amendments to leave out those subsections that do not define transplantation activities.

Question: That the Committee is content with the following amendments proposed by the Committee:

Clause 2, page 1

Leave out subsection (1)

Clause 2, page 2

Leave out subsection (3)

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That the Committee is content with the proposed Committee amendments.

Question: That the Committee is content with Clause 2 subject to the proposed Committee amendments.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That the Committee is content with Clause 2 subject to the proposed Committee amendments.

Clause 3 – Express consent: adults

The Committee considered Clause 3 as drafted.

Question: That the Committee is content with Clause 3 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 3 as drafted.

Question: That Members wish to formally register opposition to Clause 3 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That Members wish to formally register opposition to Clause 3 with the Bill Office.

Clause 4 – Deemed consent: deceased adults

The Committee proposed three amendments to require that deemed consent can only be effective if contact has been made with a person in a qualifying relationship; and to remove references to affirmation and instead replace it with objection.

Question: That the Committee is content with the the following amendments proposed by the Committee:

Clause 4, page 3, line 5

Leave out from beginning to 'contact' on line 6 and insert-

'(a) contact has been made, in accordance with the code of practice with one or more'

Clause 4, page 3, line 8

Leave out paragraphs (b) and (c) and insert-

'(b) no one who stood in a qualifying relationship with the person immediately before death has objected.'

Clause 4, page 3, line 21

Leave out from ' , affirmations' to end and insert 'and objections.'

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with the proposed Committee amendments.

Question: That the Committee is content with Clause 4 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 4 as drafted.

Question: That Members wish to formally register opposition to Clause 4 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|--------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
|---------------------------|-------|--------------------|

Mr Alex Easton
Mr Thomas Buchanan
Ms Pam Cameron
Ms Rosaleen McCorley
Mr Daithí McKay

Mr Kieran McCarthy
Mr Fearghal McKinney
Mr Michael McGimpsey

Agreed: That Members wish to formally register opposition to Clause 4 with the Bill Office

Clause 5 – Express consent: excepted adults

The Committee considered Clause 5 as drafted.

Question: That the Committee is content with Clause 5 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

AYES: Mrs Jo-Anne Dobson
Mr Kieran McCarthy
Mr Fearghal McKinney
Mr Michael McGimpsey

NOES:

Ms Maeve McLaughlin
Mr Alex Easton
Mr Thomas Buchanan
Ms Pam Cameron
Ms Rosaleen McCorley
Mr Daithí McKay

Agreed: That the Committee is not content with Clause 5 as drafted.

Question: That Members wish to formally register opposition to Clause 5 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

AYES: Ms Maeve McLaughlin
Mr Alex Easton
Mr Thomas Buchanan
Ms Pam Cameron
Ms Rosaleen McCorley
Mr Daithí McKay

NOES:

Mrs Jo-Anne Dobson
Mr Kieran McCarthy
Mr Fearghal McKinney
Mr Michael McGimpsey

Agreed: That Members wish to formally register opposition to Clause 5 with the Bill Office.

Clause 6 – Express consent: children

The Committee considered Clause 6 as drafted.

Question: That the Committee is content with Clause 6 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 6 as drafted.

Question: That Members wish to formally register opposition to Clause 6 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That Members wish to formally register opposition to Clause 6 with the Bill Office.

Clause 7 – Express consent: transplantation activities involving excluded material

The Committee considered Clause 7 as drafted.

Question: That the Committee is content with Clause 7 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 7 as drafted.

Question: That Members wish to formally register opposition to Clause 7 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That Members wish to formally register opposition to Clause 7 with the Bill Office.

Clause 8 – Deemed consent: activities involving material from living adults who lack capacity to consent

The Committee considered Clause 8 as drafted.

Question: That the Committee is content with Clause 8 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 8 as drafted.

Question: That Members wish to formally register opposition to Clause 8 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |

Mr Daithí McKay

Agreed: That Members wish to formally register opposition to Clause 8 with the Bill Office.

Clause 9 – Appointed representatives

The Committee considered Clause 9 as drafted.

Question: That the Committee is content with Clause 9 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | | |
|-------|----------------------|-------|----------------------|
| AYES: | Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| | Mr Kieran McCarthy | | Mr Alex Easton |
| | Mr Fearghal McKinney | | Mr Thomas Buchanan |
| | Mr Michael McGimpsey | | Ms Pam Cameron |
| | | | Ms Rosaleen McCorley |
| | | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 9 as drafted.

Question: That Members wish to formally register opposition to Clause 9 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | | |
|-------|----------------------|-------|----------------------|
| AYES: | Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| | Mr Alex Easton | | Mr Kieran McCarthy |
| | Mr Thomas Buchanan | | Mr Fearghal McKinney |
| | Ms Pam Cameron | | Mr Michael McGimpsey |
| | Ms Rosaleen McCorley | | |
| | Mr Daithí McKay | | |

Agreed: That Members wish to formally register opposition to Clause 9 with the Bill Office.

Clause 10 – Qualifying relationships

The Committee considered Clause 10 as drafted.

Question: That the Committee is content with Clause 10 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 10 as drafted.

Question: That Members wish to formally register opposition to Clause 10 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That Members wish to formally register opposition to Clause 10 with the Bill Office.

Clause 11 – Prohibition of transplantation activities without consent

The Committee considered Clause 11 as drafted.

Question: That the Committee is content with Clause 11 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 11 as drafted.

Question: That Members wish to formally register opposition to Clause 11 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That Members wish to formally register opposition to Clause 11 with the Bill Office.

Clause 12 – Offences by bodies corporate

The Committee considered Clause 12 as drafted.

Question: That the Committee is content with Clause 12 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 12 as drafted.

Question: That Members wish to formally register opposition to Clause 12 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That Members wish to formally register opposition to Clause 12 with the Bill Office.

Clause 13 - Prosecutions

The Committee considered Clause 13 as drafted.

Question: That the Committee is content with Clause 13 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 13 as drafted.

Question: That Members wish to formally register opposition to Clause 13 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That Members wish to formally register opposition to Clause 13 with the Bill Office.

Clause 14 – Annual report on transplantation

The Committee considered a Committee amendment to insert a reference to the current legislation, the Human Tissue Act 2014, to ensure that it is subject to review at least once every five years.

Question: That the Committee is content with the following Committee amendment:

Clause 14, page 9, line 13

Leave out 'has' and insert 'and the Human Tissue Act 2004 have'

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That the Committee is content with the proposed Committee amendment.

Question: That the Committee is content with Clause 14 subject to the proposed Committee amendment.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That the Committee is content with Clause 14 subject to the proposed Committee amendment.

Clause 15 – Preservation for transplantation

The Committee considered Clause 15 as drafted.

Question: That the Committee is content with Clause 15 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 15 as drafted.

Question: That Members wish to formally register opposition to Clause 15 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That Members wish to formally register opposition to Clause 15 with the Bill Office.

Clause 16 - Coroners

The Committee considered Clause 16 as drafted.

Question: That the Committee is content with Clause 16 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 16 as drafted.

Question: That Members wish to formally register opposition to Clause 16 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That Members wish to formally register opposition to Clause 16 with the Bill Office.

Clause 17 – Relevant material

The Committee considered Clause 17 as drafted.

Question: That the Committee is content with Clause 17 put and agreed to.

Clause 18 - Interpretation

The Committee proposed four amendments to: leave out the definitions of adult, child, qualifying relationships and excluded material, and to leave out subsections relevant to deemed consent.

Question: That the Committee is content with the following proposed Committee amendments:

Clause 18, page 10

Leave out lines 23 and 24

Clause 18, page 10

Leave out line 27

Clause 18, page 10, line 28

Leave out from 'and "excluded" to the end of line 29

Clause 18, page 10, line 31

Leave out subsections (2), (3) and (4)

The Committee divided: Ayes 6; Noes 4; Abstain 0

AYES: Ms Maeve McLaughlin
Mr Alex Easton
Mr Thomas Buchanan
Ms Pam Cameron
Ms Rosaleen McCorley
Mr Daithí McKay

NOES: Mrs Jo-Anne Dobson
Mr Kieran McCarthy
Mr Fearghal McKinney
Mr Michael McGimpsey

Agreed: That the Committee is content with the proposed Committee amendments.

Question: That the Committee is content with Clause 18 subject to the proposed Committee amendments.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That the Committee is content with Clause 18 subject to the proposed Committee amendments.

Clause 19 – Orders and regulations

The Committee considered Clause 19 as drafted.

Question: That the Committee is content with Clause 19 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 19 as drafted.

Question: That Members wish to formally register opposition to Clause 19 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That Members wish to formally register opposition to Clause 19 with the Bill Office.

Clause 20 – Consequential amendments to the Human Tissue Act 2004.

The Committee considered Clause 20 as drafted.

Question: That the Committee is content with Clause 20 as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with Clause 20 as drafted.

Question: That Members wish to formally register opposition to Clause 20 with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That Members wish to formally register opposition to Clause 20 with the Bill Office.

Clause 21 - Commencement

The Committee considered Clause 21 as drafted.

Question: That the Committee is content with Clause 21 put and agreed to.

Clause 22 – Short title

The Committee considered Clause 22 as drafted.

Question: That the Committee is content with Clause 22 put and agreed to.

Schedule

The Committee considered the Schedule as drafted.

Question: that the Committee is content with the Schedule as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|----------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
| Mr Kieran McCarthy | | Mr Alex Easton |
| Mr Fearghal McKinney | | Mr Thomas Buchanan |
| Mr Michael McGimpsey | | Ms Pam Cameron |
| | | Ms Rosaleen McCorley |
| | | Mr Daithí McKay |

Agreed: That the Committee is not content with the Schedule as drafted.

Question: That Members wish to formally register opposition to the Schedule with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

| | | |
|---------------------------|-------|----------------------|
| AYES: Ms Maeve McLaughlin | NOES: | Mrs Jo-Anne Dobson |
| Mr Alex Easton | | Mr Kieran McCarthy |
| Mr Thomas Buchanan | | Mr Fearghal McKinney |
| Ms Pam Cameron | | Mr Michael McGimpsey |
| Ms Rosaleen McCorley | | |
| Mr Daithí McKay | | |

Agreed: That Members wish to formally register opposition to the Schedule with the Bill Office.

Long Title

The Committee considered the Long Title as drafted.

Question: That the Committee is content with the Long Title as drafted.

The Committee divided: Ayes 4; Noes 6; Abstain 0

| | | |
|--------------------------|-------|---------------------|
| AYES: Mrs Jo-Anne Dobson | NOES: | Ms Maeve McLaughlin |
|--------------------------|-------|---------------------|

Mr Kieran McCarthy
Mr Fearghal McKinney
Mr Michael McGimpsey

Mr Alex Easton
Mr Thomas Buchanan
Ms Pam Cameron
Ms Rosaleen McCorley
Mr Daithí McKay

Agreed: That the Committee is not content with the Long Title as drafted.

Question: That Members wish to formally register opposition to the Long Title with the Bill Office.

The Committee divided: Ayes 6; Noes 4; Abstain 0

AYES: Ms Maeve McLaughlin
Mr Alex Easton
Mr Thomas Buchanan
Ms Pam Cameron
Ms Rosaleen McCorley
Mr Daithí McKay

NOES: Mrs Jo-Anne Dobson
Mr Kieran McCarthy
Mr Fearghal McKinney
Mr Michael McGimpsey

Agreed: That Members wish to formally register opposition to the Long Title with the Bill Office.

4. Chairperson's Business

There was no Chairperson's Business.

5. Draft minutes of the meetings on Wednesday 20 January 2016

The Committee agreed the minutes of the Committee meeting on Wednesday 20 January 2016.

3.04pm Mr Alex Easton left the meeting.

6. Health and Personal Social Services (Amendment) Bill – formal clause by clause scrutiny

Clause 1 - Additional powers in respect of registered persons

The Committee considered Clause 1 as drafted.

Question: That the Committee is content with Clause 1 put and agreed to.

Clause 2 - Powers to obtain and disclose information etc

The Committee considered Clause 2 as drafted.

Question: That the Committee is content with Clause 2 put and agreed to.

Clause 3 - Social workers etc to be registered in Northern Ireland register

The Committee considered Clause 3 as drafted.

Question: That the Committee is content with Clause 3 put and agreed to.

3.06 p.m. Mrs Jo-Anne Dobson left the meeting.

3.06 p.m. Mr Michael McGimpsey left the meeting.

Clause 4 - Recognition of attainment of standards by social workers

The Committee considered Clause 4 as drafted.

Question: That the Committee is content with Clause 4 put and agreed to.

Clause 5 – Appeals to the Care Tribunal

The Committee considered Clause 5 as drafted.

Question: That the Committee is content with Clause 5 put and agreed to.

Clause 6 - Minor and consequential amendments

The Committee considered Clause 6 as drafted.

Question: That the Committee is content with Clause 6 put and agreed to.

Clause 7 - Interpretation

The Committee considered Clause 7 as drafted.

Question: That the Committee is content with Clause 7 put and agreed to.

Clause 8 - Commencement

The Committee considered Clause 8 as drafted.

Question: That the Committee is content with Clause 8 put and agreed to.

Clause 9 - Short title

The Committee considered Clause 9 as drafted.

Question: That the Committee is content with Clause 9 put and agreed to.

Long Title

The Committee considered the long title as drafted.

Question: That the Committee is content with the long title of the Bill put and agreed to.

7. Health (Miscellaneous Provisions) Bill - formal clause by clause scrutiny

Clause 1 - Prohibition of sale of nicotine products to persons under 18

The Committee considered Clause 1 as drafted.

Question: That the Committee is content with Clause 1 put and agreed to.

Clause 2 - Prohibition of sale of nicotine products from vending machines

The Committee considered Clause 2 as drafted.

Question: That the Committee is content with Clause 2 put and agreed to.

3.09 Mr Alex Easton rejoined the meeting.

New Clause 2A– Register of nicotine product retailers

The Department proposed an amendment to insert a new Clause 2A to provide that the Department may by regulations amend the provisions of the Tobacco Retailers Act (Northern Ireland) 2014 relating to the register of tobacco retailers, to apply them in relation to nicotine product retailers as well as tobacco retailers.

Agreed: The Committee is content with the following departmental amendment to insert new Clause 2A.

After clause 2 insert-“Register of nicotine product retailers

2A. The Department may by regulations –

(a) amend the provisions of the Tobacco Retailers Act (Northern Ireland) 2014 (in so far as relating to the register of tobacco retailers) so as to apply them (with or without modifications) in relation to nicotine product retailers; or

(b) provide for those provisions to apply (with or without modifications) in relation to nicotine product retailers.”

Clause 3 - Amendments consequential on sections 1 and 2

The Committee considered an amendment proposed by the Department as a consequence of its amendment to insert new Clause 2A.

Question: That the Committee is content with Clause 3 subject to the following departmental amendment put to and agreed.

Clause 3, Page 2, Line 21

Leave out “or 2” and insert”, 2 or 2A”.

Clause 4 - Amendment of the Order of 1991

The Committee considered Clause 4 as drafted.

Question: That the Committee is content with Clause 4 put and agreed to.

Clause 5 - Interpretation of Part 1

The Committee considered Clause 5 as drafted.

Question: That the Committee is content with Clause 5 put and agreed to.

New PART 2 – SMOKING IN A PRIVATE VEHICLE

The Department proposed an amendment to insert a new Part 2 to amend the Smoking (Northern Ireland) Order 2006. The amendment will provide the Department with regulation-making powers to allow for the creation of offences in relation to smoking in private vehicles where under 18s are present and for fixed penalty notices to be applied to the offences.

Question: That the Committee is content with the amendment proposed by the Department to insert new Part 2:

After clause 5 insert-“PART 2

SMOKING IN A PRIVATE VEHICLE

Smoking in a private vehicle

(1) The Smoking (Northern Ireland) Order 2006 is amended as follows.

(2) In Article 6 (smoke-free vehicles)-(a) After paragraph (1) insert-“(1A) Regulations under this Article may in particular provide for a private vehicle to be smoke-free where a person under the age of 18 is present in the vehicle.”;

(b) In paragraph (2), for “The regulations” substitute “Regulations under this Article”.

(3) In Article 10 (fixed penalties)-(a) For the heading substitute “Fixed penalties”;

(b) In paragraph (1), for “,or in a place or vehicle,” substitute “or in a place”;

(c) After paragraph (1) insert

“(1A) An authorised officer of an enforcement authority who has reason to believe that a person has committed an offence under Article 7(5) or 8(2) in a vehicle in relation to which the authorised officer has functions may give that person a penalty notice in respect of the offence.

(1B) The Department may by regulations provide that, in the circumstances specified in the regulations, an authorised officer of an enforcement authority who has reason to believe that a person has committed an offence under Article 9(3) in relation to a vehicle in relation to which the authorised officer has functions may give the person a penalty notice in respect of the offence.”.

(4) In Article 11 (enforcement)-(a) For the heading substitute “Enforcement”;

(b) In paragraph (1), for “premises, places and vehicle s” substitute “premises and places”;

(c) After paragraph (1) insert-“(1A)

The Department may make regulations designating the persons or bodies or descriptions of person or body which are to be enforcement authorities for the purposes of enforcing, as respects vehicles, the provisions of this Order and regulations made under it.

(1B) The regulations-

(a) must specify the descriptions of vehicle in relation to which an enforcement authority has functions,

(b) may provide for a case being dealt with by one enforcement authority to be transferred (or further transferred back) to, and taken over by, another enforcement authority.

(1C) It is the duty of an enforcement authority to enforce, as respects the vehicles in relation to which it has enforcement functions, the provisions of this Order and of regulations made under it.”;

(d) In paragraph (2)-(i) after “district council” insert “or other enforcement authority”;

(ii) after “the council” insert “or other authority”;

(iii) for “authorised by it” substitute “authorised by that council or other authority”.

(5) In Article 12(1) (obstruction of officers), after “district council” insert “or other enforcement authority”.

(6) In Article 15(3) (regulations subject to affirmative procedure)-(a) In subparagraph (a), for “or 14” substitute “,10(1B) or 14”;

(b) In subparagraph (b), for “or 8” substitute “,8 or 18”.

(7) In Schedule 1 (fixed penalties), after paragraph 17 add -“Power to amend or modify Schedule

18. The Department may by regulations-(a) amend this Schedule so as to modify its application in relation to penalty notices issued by an authorised officer of an enforcement authority of a particular kind,

(b) provide for this Schedule to apply with modifications in relation to such notices.”.

The Committee divided: Ayes 7; Noes 1; Abstain 0

AYES: Ms Maeve McLaughlin
 Mr Alex Easton
 Mr Thomas Buchanan
 Mrs Pam Cameron
 Mr Kieran McCarthy
 Ms Rosie McCorley
 Mr Daithí McKay

NOES: Mr Fearghal McKinney

Agreed: That the Committee is content with the proposed departmental amendment to insert new Part 2.

Clause 6 - Persons performing primary dental services

The Committee considered Clause 6 as drafted.

Question: That the Committee is content with Clause 6 put and agreed to.

Clause 7 - Ophthalmic services

The Committee considered Clause 7 as drafted.

Question: That the Committee is content with Clause 7 put and agreed to.

Clause 8 - Pharmaceutical services

The Committee considered Clause 8 as drafted.

Question: That the Committee is content with Clause 8 put and agreed to.

Clause 9 - Disqualification by the Tribunal

The Committee considered Clause 9 as drafted.

Question: That the Committee is content with Clause 9 put and agreed to.

Clause 10 - Provision of medical or dental services: Article 15B arrangements

The Committee considered Clause 10 as drafted.

Question: That the Committee is content with Clause 10 put and agreed to.

Clause 11 - Charges for services provided to persons not ordinarily resident in Northern Ireland

The Committee considered Clause 11 as drafted.

Question: That the Committee is content with Clause 11 put and agreed to.

Clause 12 - Interpretation

The Committee considered Clause 12 as drafted.

Question: That the Committee is content with Clause 12 put and agreed to.

Clause 13 - Regulations and Orders

The Committee considered Clause 13 as drafted.

Question: That the Committee is content with Clause 13 put and agreed to.

Clause 14 - Repeals

The Committee considered Clause 14 as drafted.

Question: That the Committee is content with Clause 14 put and agreed to.

Clause 15 - Commencement

The Committee considered Clause 15 as drafted.

Question: That the Committee is content with Clause 15 put and agreed to.

Clause 16 - Short title

The Committee considered Clause 16 as drafted.

Question: That the Committee is content with Clause 16 put and agreed to.

Schedule 1 - Amendments consequential on sections 1 and 2

The Committee considered Schedule 1 as drafted.

Question: That the Committee is content with Schedule 1 put and agreed to.

Schedule 2 - Repeals

The Committee considered Schedule 2 as drafted.

Question: That the Committee is content with Schedule 2 put and agreed to.

Long title

The Committee considered an amendment to the Long Title proposed by the Department as a consequence of the proposed new Part 2.

Agreed: That the Committee is content with the following amendment proposed by the Department:

Page 1, Long title

After "tobacco," insert "to regulate smoking in a private vehicle"

Question: That the Committee is content with the Long Title subject to the proposed departmental amendment put to and agreed.

8. SL1 - The Firefighters' Pension Scheme (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016

The Committee considered a proposal for a Statutory Rule to introduce a further consequential amendment resulting from the abolition of "contracting-out" from 6 April 2016.

Agreed: The Committee agreed that it was content that the Department makes the Statutory Rule.

9. SL1 - The Tobacco Retailer (Registration and Display of Notices) Regulations (Northern Ireland) 2016

The Committee considered a proposal for a Statutory Rule which establishes Belfast City Council as the registration authority for the purpose of maintaining a register of tobacco retailers in Northern Ireland. It also sets out the application form which must be completed by retailers in order to register their tobacco business. Furthermore, it sets out requirements which must be fulfilled in relation to the wording and the dimensions of a notice to be displayed by a retailer in the event of a restricted premises order being served.

Agreed: The Committee agreed that it was content that the Department makes the Statutory Rule.

10. SL1 - The Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016

The Committee considered a proposal for a Statutory Rule to prescribe the amount of fixed penalties for certain tobacco-related offences as set out in Section 12 of the Tobacco Retailers Act (Northern Ireland) 2014.

Agreed: The Committee agreed that it was content that the Department makes the Statutory Rule.

11. SL1 - The Tobacco Retailer (Fixed Penalty) (General) Regulations (Northern Ireland) 2016

The Committee considered a proposal for a Statutory Rule to prescribe the form of fixed penalty notice which may be issued for certain tobacco-related offences as set out in Section 12 of the Tobacco Retailers Act (Northern Ireland) 2014.

Agreed: The Committee agreed that it was content that the Department makes the Statutory Rule.

12. Forward Work Programme

The Committee noted the Forward Work Programme.

Agreed: The Committee agreed to invite the Department to brief the Committee on 10 February on its timetable for implementation of the proposals contained in the Commissioner for Older People's Report on Changing the Culture of Care in Northern Ireland.

Agreed: The Committee agreed to visit the North and West Belfast Protect Life Implementation Group to discuss concerns regarding the Protect Life Strategy.

Agreed: The Committee agreed to invite the Department to brief it on the Protect Life Strategy.

Agreed: The Committee agreed to invite the Department to brief the Committee on proposals for the Mother and Children Hospital in Belfast.

13. Matters Arising

- i. The Committee noted a Ministerial response regarding Fertility Services.
- ii. The Committee noted a Ministerial response regarding information on issues relating to the Health and Social Care Trusts.
- iii. The Committee noted a Ministerial response regarding staffing at the Health and Social Care Board.
- iv. The Committee noted a Ministerial response regarding the regulation of clinical physiologists.
- v. The Committee noted a Ministerial response regarding the policy on re-employment of HSC staff.
- vi. The Committee noted a Ministerial response regarding the public consultation on the Individual Funding Request (IFR) process.

14. Correspondence

- i. The Committee noted a Ministerial letter regarding a public consultation on the newborn blood spot screening programme.
- ii. The Committee noted a Ministerial letter regarding implementation of the Donaldson Report recommendation 6.
- iii. The Committee noted correspondence from the Committee for Finance and Personnel regarding the Public Sector Voluntary Exit Scheme.
- iv. The Committee noted correspondence from the Committee for Finance and Personnel regarding the 2014-20 INTERREG VA Programme.
- v. The Committee noted correspondence from the Committee for Education regarding Erasmus Connections.
- vi. The Committee noted correspondence from the Committee for Regional Development to the Minister regarding schemes to alleviate flooding and stormwater.
- vii. The Committee noted correspondence from the NI Hospice regarding the Children's Palliative Care Strategy.

Agreed: The Committee agreed to write to the Department for a response to the issues raised in the correspondence.

15. Any Other Business

None.

16. Date, Time and Place of Next Meeting

The next Committee meeting will be on Wednesday 3 February 2016, at 2.00 p.m. in Room 29, Parliament Buildings.

The Chairperson adjourned the meeting at 3.21 p.m.

Signed: _____
Chairperson

Date: _____