

# Official Report (Hansard)

Monday 30 January 2012  
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Wells, Jim (South Down)  
Wilson, Sammy (East Antrim)

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# Northern Ireland Assembly

Monday 30 January 2012

*The Assembly met at 12.00 noon (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## Speaker's Business

### Public Petition: Bangor Central Integrated Primary School

**Mr Speaker:** Mr Steven Agnew has sought leave to present a public petition in accordance with Standing Order 22. The Member will have up to three minutes to speak about the petition.

**Mr Agnew:** I present this petition on behalf of the Bangor Central Integrated Primary School parents' action group. The school has almost 600 pupils and, as its name suggests, is situated in the heart of Bangor town centre. The original school building, in which the school is still housed, was built for 300 pupils — half the number currently in attendance. For the school to expand to meet its requirements, it was proposed that a land swap take place between the South Eastern Education and Library Board and North Down Borough Council. That would have allowed the school to expand on to the land on which Bangor Castle Leisure Centre is situated. Caitríona Ruane, the then Minister of Education, said in July 2009:

*"I want to emphasise that officials are conscious that there is a limited timeframe available to facilitate the purchase"*

of the Bangor Castle Leisure Centre site. However, in just over two years, very little progress has been made, and now North Down Borough Council proposes to sell off the land to a private developer, putting at risk the sustainability of the school in the town centre.

The petition, signed by over 3,000 people, was created by the parents' action group, which feels that Bangor Central Integrated Primary School, its pupils and the wider community have been let down by their council, their education and library board and the Department of Education. All six North Down MLAs wrote to the Education

Minister asking him to meet them to discuss the future of the school in the town centre. I appreciate that he is not in a position to grant a new school building at this time, but, if the land is sold, the opportunity to expand the school at its current site will be lost. The Minister's intervention could be crucial. It will be too late after the viability audit; the land will likely have already been sold by then.

On behalf of the parents' action group, I present the petition asking the Minister of Education to meet local elected representatives, the South Eastern Education and Library Board, the principal of the school and representatives of the council to ensure that the issue is resolved in a satisfactory manner and to ensure the future sustainability of the school in the town centre.

*Mr Agnew moved forward and laid the petition on the Table.*

**Mr Speaker:** I will forward the petition to the Minister of Education and send a copy to the Chair of the Education Committee.

## Private Members' Business

### Housing: Tenancy Deposit Scheme

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes in which to propose and five minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

**Mr Copeland:** I beg to move

*That this Assembly recognises the safeguards which tenancy deposit schemes offer to landlords and tenants within the private rented sector; expresses concern that many landlords often make unjustified deductions or are slow to return deposits at the end of a tenancy, particularly for tenants living in student accommodation; and calls on the Minister for Social Development to urgently bring forward his plans to introduce a mandatory tenancy deposit scheme which would safeguard tenants' deposits and provide a fair and effective mechanism to resolve disputes.*

Few words resonate in the history of this island and its jurisdictions like the word "landlord". It conjures up memories of people doing things that they should not have been doing and people living in squalor. To some, it brings to mind foppish Victorian gentlemen in the gaming houses and pleasure houses of London while their tenants suffered in squalor. The truth then was as now: some are good landlords, and some are bad.

I am grateful, sir, to the Business Committee for selecting the motion for debate today. To avoid confusion from the outset, I would like to clarify that I am fully aware that the Department for Social Development previously announced plans for a tenants' deposit scheme. I am also aware that the Housing (Amendment) Act (Northern Ireland) 2011, passed by the House in the previous mandate, requires that the Department for Social Development lay subordinate legislation and regulations before the Assembly by November 2012 to introduce a landlord registration and tenancy deposit scheme. We would like to see those regulations laid well in advance of November, so that students can start the new academic year knowing that their rights

and deposits will be protected by legislation. Therefore, the Ulster Unionist Party will not accept or support the Sinn Féin amendment. Frankly, we feel that it adds little to the motion. Some could even consider it to be an attempt to weaken it by taking the impetus away from the Department.

**Mr F McCann:** Will the Member give way?

**Mr Copeland:** Not at the minute, Fra.

I have no idea why Sinn Féin seeks to make life easier for officials in the Department. Perhaps it will elaborate on that subsequently.

The purpose of the debate is twofold: first, to inform the Department that the delay in introducing a tenancy deposit scheme has simply not been good enough and to seek an explanation for it; and, secondly, to put forward the case for having the scheme in place by September 2012. Senior officials in the Department, as well as their Ministers, have sat back and watched successive schemes in Great Britain go from the earliest embryonic stages of planning to full implementation in the same time as it has taken us to make lukewarm public comments about the potential of similar schemes. That is one point that, I respectfully ask, the Minister should consider answering in his response.

I hope that Members, in advance of the debate, sought to find out the clear definition of what we in the Ulster Unionist Party are referring to in calling for a tenancy deposit scheme. I will clarify for those who did not. In short, such a scheme would protect tenants' deposits by placing them with an independent third party. Any organisation seeking to take part in the scheme would need to be approved by the Department in advance. In addition to holding the money, those third parties would include arrangements to resolve disputes arising in connection with deposits paid. That would create a more professional approach to tenancy deposits and would, we hope, in all likelihood reduce the number of disputes. The dispute service would be free, and the scheme would apply to anyone who lets property and receives or holds a deposit.

One in six people in Northern Ireland lives in private rented accommodation. Between 1991 and 2009, the number of properties in that category increased fourfold to more than 125,000 — and those are properties, not people. Of the total housing stock in Northern Ireland, 17% is used for private rentals. That

far exceeds the entire Housing Executive permanent stock, which is between 85,000 and 95,000. The sector is diverse. It is made up of a multitude of differing types of dwelling owned by a range of people. Even in relation to landlords, it is difficult for me to describe anything that could be described as or apportioned the title "typical". Some own one or maybe two properties to supplement their income, while others own dozens — sometimes hundreds — of multiple-occupancy properties. Nevertheless, no matter how large the property portfolio or how great the rents brought in, no landlord should be immune from regulations brought about as the result of a tenancy deposit scheme.

The reason the motion that I brought to the House refers particularly to students is that they are a demographic that such a scheme would especially benefit. They are by no means the only group, however, and I know that Members will, in all likelihood, make that point continually throughout the debate. That recognition is important. A scheme would protect the pensioner living in a rented bungalow as much as the six students sharing a house in south Belfast. Nevertheless, 60% of those living in the sector are under the age of 40, and I wish to focus on students, who are most often exposed to the dishonest actions of unscrupulous landlords.

I could give an example or two, or three or four or five. Time will limit the examples. I am aware of a group of young people living in a five-bedroom mid-terrace house in a well-known university area who paid a deposit of £1,245, only to be told at the end of the tenancy that they would get back £370. Although they were mature enough to accept that they needed to pay for some costs, those were minor. Nevertheless, when the young people challenged the landlord on the extent of the charges levelled against them, telling him that they would take it to the small claims court if needed, he threatened to do exactly the same to them, conveniently mentioning a broken door that appeared long after they had left the property. In truth, there was little they could do. Even if they had proceeded to the small claims court, they would have ended up paying the costs, with little chance of a reasonable hearing. It would, in fact, have been hardly worth their while. We have to remember that, at the end of the day, students are young people living away from home for probably the first time and therefore are not experienced with the legal process and are possibly even daunted by it.

I will also refer quickly to another example of which I am aware. This one demonstrates another benefit of having a scheme in operation. I know of students living in another student area of Belfast who did not get a single penny of their £750 deposit back despite leaving the property in excellent condition and initially being told that they would get their money back in full. The landlord was based in the Republic of Ireland and effectively cut off all contact with the young people when the deposit was due to be paid back. They never received a penny. If a tenancy deposit scheme had been in operation in Northern Ireland, that landlord would not have been able to touch the students' money, as he or she would never have got near it.

### 12.15 pm

Those are only two examples. However, such instances happen every year and on what can only be described as a startling scale. The NUS-USI conducted research recently that revealed that, from a sample of 1,302 students, 48% had their deposit unfairly withheld.

Robin Swann and other party colleagues will speak about other groups of people who depend heavily on the private rented sector, including professionals and migrants, who also fall victim to the acts of dishonest landlords.

I hope that I have been able to get the point across as to why Northern Ireland needs a deposit scheme. Not only would it enable money to remain wholly with independent third parties but it would give students the right to appeal, which is regrettably missing at the moment.

In Belfast, another case occurred on an even greater scale. The landlord and the repairman appeared to be one and the same person, and deductions from the deposit were used to fund repairs that were, in the opinion of those involved, erroneous.

It is not my intention to mark landlords with a negative light. As I said, some are bad, and some are good. Many are perfectly reasonable people. However, the fact remains that, in Northern Ireland, there are people with vast property portfolios who, in some cases, see tenancy deposits as a tax-free bonus. I hope that Members on all sides of the House recognise that there are serious problems in the private rented sector in the Province. We are the only part of the United Kingdom that does not offer protection to tenants. It is about time that that

changed, and we really should not have to wait until November.

**Mr F McCann:** I beg to move the following amendment: After "Social Development" insert:

*"to consider the workings of the Private Residential Tenancies Board, which is based in Dublin, as a potential way forward for dealing with unscrupulous landlords who cheat their tenants out of deposits; and"*

Go raibh míle maith agat, a Cheann Comhairle. Thank you, Mr Speaker. I thank the Members responsible for bringing this issue to the Assembly for debate. It was discussed last year when the Housing Bill was before the House. At that time, we in Sinn Féin argued for strong legislation to deal with the private rented sector, which, until that time, had been unregulated. Although the legislation was not as strong as we would have liked, we supported the Housing Bill after we were advised that it could fall at the end of the mandate. So, we are happy that this issue is back in front of the Assembly, and we view it as unfinished business.

I should point out that not all landlords are bad landlords. However, a sizeable rump are poor providers of housing. That is recognised in the sector and the broad housing family. I hope that the Minister uses the opportunity to advise us what protections are in place to deal with the issue, which was also in the last Housing Bill. That point is also crucial to today's debate.

I recently attended the AGM of Shelter, at which they had a guest speaker from Galway university who was an expert on housing law and housing in general. He delivered what I thought was a good lecture on some of the antiquated laws that still guide housing law on both sides of the border. He spoke about the introduction of a private residential tenancy board, which he described as the result of an effective piece of legislation. The Private Residential Tenancies Board (PRTB) was established and came into operation on 1 September 2004. That aspect of the legislation in question dealt with security of tenure, tenancy termination procedures, registration of the private rented sector, laws to deal with antisocial behaviour and offences relating to standards in houses. The remainder of that Bill became law on 6 December 2004, which meant that, for the first time, effective legislation was enacted to deal with the unregulated private rented sector in that jurisdiction. We have heard periodically that there were problems with the implementation of

the legislation, although it seems to me, having listened to that lecture, that we have come a long way from those early days. The legislation is now seen as an important weapon in bringing order to a sector that controls a huge section of housing provision in the South.

In the North, there has been a huge increase in the private rented sector. Landlords in the private rented sector are now the biggest providers of housing across the North, and they draw down tens of millions of pounds in housing benefit from government each year. We have an obligation to protect tenants from the activities of unscrupulous landlords. Although the Ulster Unionist Party motion touches on protection, it does not state what protection it would like to see. The motion limits itself to the protection of students rather than all those who have their deposit withheld. My office has dealt with a number of cases in which deposits have been withheld. The most recent case is probably one of the worst examples of that abuse. A young person approached a well-known estate agency to ask for accommodation. He filled in the relevant forms, paid his deposit and was asked to get people to support his application. He was unable to get anyone to supply the necessary letters because people are reluctant to take on the responsibility in case they are left liable for unpaid debts or breakages. He went back to the agents, advised that he was finding it difficult to obtain the letters and asked for his deposit back, but he was refused. It is not the first time that I have heard such a story from young vulnerable people. It is an abuse of their rights. How many people just walk away from those shops and landlords and accept that they will not get their money back? In many cases, people have gone into debt to raise the deposit in the first place. They believe that challenging those unscrupulous people is a waste of time. We need to ensure that we legislate to protect them.

I have had occasion to speak to those who supply private rented properties. Some of them are well-known high street names. The arrogance of some when challenged is atrocious. The company of which I spoke earlier was also the first that I heard of to implement the four-weekly rent cycle in place of the calendar month so that it could get the extra week over the year. The withholding of deposits is wrong, putting at risk the person who paid the deposit. Many people are not in a position to raise the additional deposit for whatever new property they seek.

People have spoken of landlords using the flimsiest of excuses to withhold deposits. We need to ensure that whatever legislation we enact stops that practice. Sinn Féin believes that a solution could lie in the Residential Tenancies Act 2004. It is self-funding, has dispute resolution at its core and deals with deposit refunds, breaches of tenancy obligations, lease terms, termination of tenancies, market rent, rent arrears and neighbour complaints. Either the tenant or the landlord can initiate a complaint and choose mediation or adjudication. The proceedings are confidential and, if they go to stage two, consist of a three-person tenancy tribunal. The decision of a tribunal can be appealed only to the High Court on a point of law, and the Private Residential Tenancies Board can award damages.

The Minister is about to make an announcement on the future of the Housing Executive. The equivalent of the tenancies board could sit with the regulatory element of his proposals. I understand that the Minister is moving towards more use of the private rented sector in the provision of social housing. That should be done only if there are tenant protections in place, such as an effective deposit retention scheme. A private residential tenancies board, similar to that in the South, can offer the safeguards and protections required to deal with the sector. I ask for support for the motion as amended.

**Mr Campbell:** The issue has been outlined by the proposer of the motion, Mr Copeland. It certainly has the interests of a number of tenants, particularly those in the private rented sector, at heart. As the Member said, we have seen significant growth in the private rented sector in recent years. In all probability, according to the stats for housing provision, the sector is likely to continue to grow over the next year or two. At the moment, we have considerably in excess of 100,000 dwellings in the private rented sector, which indicates that there is an area of concern.

Mr Copeland outlined some examples. I will not multiply the number of examples, but we should lay it open to public scrutiny, as regards acceptance, that, although there are unscrupulous landlords, many landlords are entirely scrupulous. The scheme would not be aimed at them. Unfortunately, however, there are examples of several hundreds of pounds being held and not returned, even though the terms of the tenancy have been adhered to by the tenant

and the landlord. A tenancy deposit scheme, such as that outlined by Mr Copeland, would take care of that. I am glad that the Minister is in the business of implementing such a scheme. I am sure that he will discuss it when he addresses the motion, and I hope that the Committee for Social Development will get time to examine it.

*(Mr Deputy Speaker [Mr Dallat] in the Chair)*

With regard to Sinn Féin's amendment, I do not see the relevance of the scheme in the Irish Republic as regards any scheme implemented in Northern Ireland. Hopefully, the Assembly will be able to introduce a scheme that will not only protect tenants from landlords who try to act unscrupulously and retain deposits to which they are not entitled but give landlords security and ensure that they get good tenants. Therefore, there would be double and mutual reassurance.

Given that the Minister is about to introduce such a scheme and bring it to the Committee for Social Development, I hope that there will be unanimous approval in the Assembly and that we can make significant progress in the next few weeks.

**Mr Durkan:** I support the motion. A couple of Members referred to the size of the private rental sector; indeed, it accounts for 20% of housing stock in the North. That is a staggering statistic. It seems that students are the motion's main priority. Indeed, I am sure that they are seen as soft targets by unscrupulous landlords. However, that is really only the tip of the iceberg as far as that situation is concerned. A much bigger percentage of residences is rented by people who are unemployed or on a very low income. In my opinion, that is indicative of the Assembly's inability to provide sufficient social housing. We really need to work together to address that.

There is a huge ongoing issue with the affordability of deposits, particularly for those who are on benefits. Many of them are lone parents. The Simon Community is working on a scheme through which it provides assurances or sureties to landlords, which is helping to alleviate the ongoing problem of homelessness.

Although people have difficulty paying deposits, there is, as the motion identifies, a lot of difficulty in getting them repaid. It is important to stress that the majority of landlords are not unscrupulous, and

Mr Campbell touched on that. I am sure that we have all encountered altruistic individuals who go above and beyond their responsibilities to tenants. I am also sure that we have all encountered tenants who are less than respectful towards the properties that they rent. However, we must act to protect people from unscrupulous landlords who see their properties as cash cows rather than as people's homes. The introduction of any scheme to prevent such abuses would be welcome. We should look at similar models in other jurisdictions to learn what would work and suit best here. It is important that we work to build relationships and trust between tenants and landlords.

If we are to act on the issue, we should, at the same time, look at other protective measures for tenants. Last week, I received depressing figures on houses that have been repossessed during the past few years. I have been contracted by families who are tenants in such houses. In my experience, they have, now, been made homeless with no recourse to deposits whatsoever. At least, with an independent or third-party body holding the deposit, so to speak, it could be ensured that such dire situations were avoided. Another issue might be the accrual of interest on deposits. I have yet to hear of any instance when that has been returned to tenants when they leave a property.

As I have stressed, I support the motion. I have no great difficulty with the amendment. We can learn from the Private Residential Tenancies Board in Dublin. We may need to look at more robust mechanisms for registering tenancies because, undoubtedly, the most unscrupulous landlords will attempt to avoid registration.

Every effort must be made to regulate the sector and to ensure protection for all private rental tenants, including students, many of whom are vulnerable to exploitation and abuse.

### 12.30 pm

**Ms Lo:** Over the years, I, too, have received a number of complaints regarding tenancy deposits from students and tenants in my constituency of South Belfast. When moving out of a privately rented property, tenants are faced with a wholly unregulated process in trying to get their deposit back from the landlord. Some had unfair deductions, unacceptable delays or all their deposit withheld. Not only is that unjust but it can leave tenants unable to pay a deposit upfront on their next rental. The

visas of overseas students or workers run out within weeks of their education or work permits ending, so if they do not get their deposit returned quickly enough, they have to leave without it. Many landlords know that, and some look to abuse the situation.

Due to the current economic downturn and the fact that mortgage finance is increasingly difficult to access, more and more people, in addition to students and migrant workers, are turning to the private rented sector. In Northern Ireland, the private rented sector is now the second largest tenure after owner-occupied. As a result of the boom that was followed by the recession, a new kind of landlord emerged: those who bought properties as an investment and are now unable to sell them on. To help to pay the mortgage on those properties or to create an income from their investment, they are now becoming amateur landlords and are renting out their properties. That is all done without any regulation or checks being carried out.

Citizens Advice states that tenants who have been told that they are not entitled to their full deposits back from their landlords are often forced to pursue court action in the small claims court. However, given the daunting nature of such action and the fact that it can be a very slow process, many tenants simply write off the loss. Tenancy deposit schemes are designed to act as an independent middleman between landlords and tenants and, therefore, take the hassle out of such disputes. They also encourage landlords and tenants to draw up a comprehensive agreement as to what condition the property should be left in and an inventory of terms that are included in the contract.

With welfare reform well on its way, we cannot ignore the large numbers of people who will be affected by the significant changes to housing benefit, including the changes to the local housing allowance, which will be calculated at the 30th percentile of rents rather than the median, and the extension of the shared room rate to include those aged under 35. Those changes will create new challenges for tenants, landlords, housing associations and the Housing Executive. Less housing benefit will be available to those who are currently eligible and more people will be expected to move into shared accommodation.

With respect to the amendment, when I was on the Committee for Social Development, we

looked at Dublin's Private Residential Tenancies Board. It really is an example of good practice, and I think that we should consider it.

I recognise that the Department for Social Development (DSD) has made a significant attempt, such as the registration scheme, to provide a regulatory framework for the private rented sector. However, the time has really come for the Minister to bring forward a mandatory tenancy deposit scheme, as included in the Housing (Amendment) Act (Northern Ireland) 2011. The scheme has proved successful in the South and in other parts of the UK, in that it protect tenants' rights and regulates the process for all involved, while providing an effective mechanism in which to resolve landlord and tenancy disputes. I support the motion and the amendment.

**Mr Easton:** The current economic climate has led to an inevitable rise in the use of the private rented sector. With that in mind, the tenancy deposit scheme, which the Minister is planning to introduce, can come at no better time.

The scheme described in the motion will ensure that deposits are protected by ensuring that landlords enter into mandatory schemes, which will allow the quick and fair resolution of all disputes around deposit returns. Similar schemes are in place in England and Wales, with Scotland following suit. Therefore, it is important that the private rented sector in Northern Ireland is not left behind.

Since the implementation of the schemes in England and Wales, in the first two years of operation, over 1.5 million deposits have been protected, totalling nearly £1.4 billion, with an average deposit of £906. That evidence shows the real need for such a scheme and the need for the scheme to be brought in sooner than planned.

At present, our private rented sector is our second largest housing tenure after owner-occupiers. It is well known that the need for a vibrant and growing private rented sector is important for the economic growth of countries. The current economic climate has seen the rise of accidental landlords; that is, people who are forced to rent out properties, as they cannot afford to sell.

Although no one doubts that landlords want to provide the best service possible for their tenants, it is important to ensure that, financially, tenants

who want to move on from their property should not be forced to enter into a lengthy process through the small claims court for the return of part or all of their deposit that they feel entitled to. The scheme will ensure that the need of tenants to have quick access to their deposit funds will be balanced with the needs of landlords to protect their property and to ensure that any damage is compensated for and any moneys due in regard to rent arrears are covered.

Research conducted in 2009 by the Northern Ireland Housing Executive shows that 17% of people who took part in the survey failed to get their deposit back and felt that that was unjust. By bringing forward the scheme, we will have in place a clear and transparent process, which can be used by tenants and landlords to resolve such disputes quickly and will provide a degree of security to all involved.

The motion specifically mentions the plight of students. Although students make up a very small number of private rented sector tenants, they are some of the most vulnerable when it comes to the return of their deposits. This group is often made up of young people who are living away from home for the first time, and they are often unaware of their rights or how to access the small claims court system to pursue the return of part or all their deposits that they feel they deserve. They are also often living on very low incomes, which means that they rely on the return of their deposits to secure accommodation for the next academic year. By bringing forward the scheme, we can afford everyone involved in the private rented sector the feeling that their money and property are protected.

It is important that we remember that a high number of people have a very positive experience of our private rented sector. That has been evidenced in research and by the continual growth in the sector. Although some of that growth will no doubt be down to necessity, research shows that 48% of tenants viewed the private rented sector as being more desirable than the social housing sector.

The tenancy deposit scheme will not in itself ensure that vulnerable tenants and others do not fall victim to bad landlords. However, in conjunction with other changes in legislation, the education package already endorsed by the Department for Social Development for landlords and the support services that guide

tenants and landlords, that relationship will be managed and sustained in a way that means that the private rented sector can continue to be a viable, attractive option for housing for many people in Northern Ireland.

By bringing the tenancy deposit scheme forward, we can build on those positive experiences, by ending the uncertainty surrounding the return of deposits or part of deposits for both landlords and tenants. That can only be a positive outcome for the sector and for the economy of Northern Ireland, and the early implementation of this mandatory scheme will allow that to begin earlier.

**Ms Lewis:** I support the motion as a member of the Committee for Social Development. However, I reject the Sinn Féin amendment because I believe the scheme referred to in the Republic of Ireland is not comparable to the system that the Minister is committed to bringing into being. Furthermore, instead of looking just at tenancy deposit schemes in the Republic of Ireland, we could look at numerous examples of such schemes across the European Union, including those in areas where renting takes precedence over purchasing homes. We could also look closer to home at the scheme that operates in other parts of the United Kingdom.

The failure of tenants to secure their deposits when they finish their leases is widespread and, in many ways, is taken for granted. I believe that under schedule 2 of the Housing (Amendment) Act (Northern Ireland) 2011, we have the solid basis for a scheme that can help to develop and secure tenants' rights. I know that the Minister is committed to that Act and will lay legislation for a scheme before the House by November.

A tenancy deposit scheme would provide for an independent third party to hold tenants' deposits and to resolve any disputes that may arise between landlords and tenants. At present, deposits are held by landlords or property management companies, and tenants are often likely to come into dispute with landlords over their deposits. Deposits are paid with the first month's rent to cover any damage that is done to a property or to furnishings during the time that tenants live there. However, many landlords, and I make it clear that this does not mean all landlords, are keen to make any excuse to keep the deposits.

As many other Members stated, the main body of the population that rents in Northern Ireland are students. That is a section of the

population that has little or no money and to whom a deposit of £100, £200 or much more is a great deal of money. Queen's University, Belfast Students' Union recently surveyed 1,500 students, and just under half of those felt that they had lost their deposits unfairly when they had been withheld by a landlord or letting agency. Of those, only 40% chose to contest that decision, and of that, only 35% reported that they were able to get back their deposits in full or in part. My concern is that tens of thousands of pounds are being lost in that way each year via unscrupulous landlords. Normal mechanisms and processes that are available to tenants who are in dispute over deposits are open to ensure fairness, but many do not make use of them.

As we heard, the private rented sector now represents 17% of the total housing stock in Northern Ireland and consists of some 125,000 dwellings. Indeed, it is now larger than the total social housing sector. People rent for a variety of reasons, and renting is especially more prevalent during a recession when young people, who are capable of purchasing their own homes but unable to secure a mortgage, are forced to rent. As research by the Northern Ireland Housing Executive shows, those who are from disadvantaged backgrounds are also more likely to rent. Therefore, such a tenancy deposit scheme stands to protect tenants and, I would add, landlords. I, therefore, support the motion.

**Mr Kinahan:** I congratulate my colleague Michael Copeland for tabling the motion. I declare an interest as the landlord of one house, and I wonder whether some other Members should also have declared an interest.

The scheme has been a long time coming. I remember that when I first entered the House in 2009, I heard of the probable introduction of a tenancy deposit scheme. I also recall similar discussions when the Housing (Amendment) Bill was discussed at the start of last year. However, it would appear that little or no substantive preparation has been put into its operation.

It has been said that the introduction of such a scheme in Northern Ireland would provide benefits for landlords and tenants. I emphasise that the purpose of the motion is not to cast the same aspersion on all landlords. However, as in many such situations, it is the minority that let the majority down. A landlord can own one

property or 100; the scheme will apply to them all equally.

I am aware that students are paying close attention to the debate. That is perhaps not overly surprising, given that they are most frequently affected by the unfair withholding of tenancy deposits. I wholeheartedly agree with Michael Copeland that the scheme should be in place by the start of the new academic year, so it is important that in advance of its coming into effect later this year, appropriate discussions take place with those who rent privately. I know that the NUS-USI has a campaign that is ready to go the moment the scheme is announced, and its Brick by Brick campaign will be crucial in informing students of their rights. However, the Department must also realise that landlords will need to be educated about the scheme as much as the tenants who would benefit from it most.

#### 12.45 pm

It is not only students who should be the focus of this debate. Many families in South Antrim live in private rented accommodation. I will give two examples from my nearly three years as an MLA. The first concerns a single mother who was thrown out of her home because she was having difficulty paying. Her situation was made particularly difficult because of Child Support Agency payments. I suspected that the landlord put pressure on the people who lived beside her to cause her an uncomfortable life in the house in order to make her leave, with the result that when she left, she did not get her deposit back. We have to keep that in mind.

The second example occurred during last year's thaw. A lady from Ballyclare who was pregnant and had four children under the age of 10 called me to say that her boiler had burst in the roof and that water was running down all the walls. The weather was still freezing. It was Christmas Sunday, if I may call it that, the day between Christmas and Boxing Day, because Boxing Day was on the Monday. Her house was freezing, and every wall was wet. I rang the landlord three or four times and heard a foreign dialling tone. I texted him, but I got nowhere. Eventually, I e-mailed the Minister — I congratulate him for being on the end of an e-mail between Christmas and Boxing Day as we tried to find my constituent a home. In the middle of all that, the landlord meant to text a friend but texted me by mistake. I knew that he knew what was going on, but he

ignored every request. Eventually, we tried to find a home for my constituent elsewhere.

Many migrants who have moved to Northern Ireland over the past decade also live in rented accommodation. It is those people to whom we should pay particular attention, given their vulnerability because of language barriers and social isolation. It is vital that they are offered the protections that they deserve. It is regrettable that the current situation of differing protections being in place across the regions of the UK has occurred. However, it is my hope that the Minister will be able to rectify that problem.

I ask him, in particular, to look at the model in place in Scotland as well as those in the Republic of Ireland and in England. I want the Minister to detail whether his Department has yet investigated whether there are any companies in Northern Ireland that, it believes, will come forward if a tenancy deposit scheme is introduced. The issue is too important to get wrong; it will affect too many people, and, therefore, whatever format the Minister decides on, I urge him to look at the experiences of those who rent in the private rented sector. I support the motion.

**Mr McCausland (The Minister for Social Development):** First, I thank all those who have contributed to the debate. If my response fails to address any Member's specific points, I will, of course, write to them separately.

I welcome the opportunity to respond to the motion, which calls on me:

*"to urgently bring forward ... plans to introduce a mandatory tenancy deposit scheme which would safeguard tenants' deposits and provide a fair and effective mechanism to resolve disputes."*

I am somewhat bemused, however, because, as most Members will know, I am already committed to legislation to introduce tenancy deposit schemes. In fact, my Department is legally bound to lay draft regulations before the Assembly no later than November this year. Nevertheless, there is scope to have the regulations laid before the summer recess, depending on the scrutiny undertaken by the Committee for Social Development. If that is the case, tenancy deposit schemes should be operational by the end of this year.

The problems associated with the return of deposits in the private rented sector have been a long-running and constant concern of

mine. Since taking up the reins as Minister with responsibility for housing, I have been determined to tackle the issue swiftly and decisively. Therefore, I am very pleased to use the opportunity of this debate to inform Members of my plans, which are already well advanced, to introduce appropriate schemes here later this year.

It is well known that the private rented sector is a vital part of the Northern Ireland housing market and makes a significant contribution to meeting housing need. It provides homes for a wide, diverse range of households across many locations, and the sector has grown considerably over the past number of years. It now represents approximately 17% of the total housing stock in Northern Ireland, consisting of 125,000 dwellings. It is now larger than the total social housing sector. Traditionally, the sector was popular with students and young professionals, but, over the past decade, the profile of private rented tenants has greatly changed. More families and more people who live on low incomes and people with a wider range of vulnerabilities, such as lone parents and those with disabilities, are moving into the sector to meet their housing needs.

'Building Sound Foundations - A Strategy for the Private Rented Sector', which was published in March 2010, included plans for the introduction of a tenancy deposit scheme in Northern Ireland. Since then, new legislation in the form of the Housing (Amendment) Act (Northern Ireland) 2011 was passed in May 2011. Among other issues, it made provision for the introduction of regulations for schemes to safeguard tenancy deposits paid for private tenancies in Northern Ireland together with an associated dispute resolution service, including for houses in multiple occupation. Since then, I have tasked officials with preparing and introducing the necessary legislation and ensuring that it is introduced as early as possible to give tenants and landlords in the private rented sector the necessary protections. I assure the House that I will bring forward those regulations for consideration by the Assembly as quickly as possible.

The amounts paid by way of deposits are generally large sums of money and not easily come by. The average tenancy deposit is around £300 and is frequently accompanied by a month's rent in advance. On average, 60% of privately renting tenants are asked for a deposit, yet many people who pay deposits and many landlords who receive

deposits are not clear about what those actually cover and in what circumstances they will be returned. In 2011, the Social Development Committee noted a report by the Northern Ireland Housing Executive that suggested that up to 28% of tenants' deposits may not be returned at all or not returned in full. Northern Ireland Housing Executive research published in 2009 showed that only 14% of tenants got their deposit back in part and that 17% did not get it returned at all. More than half of those felt that the landlord was not justified in retaining any of the deposit.

The introduction of tenancy deposit schemes will not only ensure that all deposits are properly safeguarded during the life of the tenancy but that the availability of a free independent arbitration process will be properly and efficiently handled. When the proposals for the Building Sound Foundations strategy for the sector were being developed, careful analysis of the experience of the Irish Republic, where the Private Residential Tenancies Board was established to resolve disputes between landlords and tenants, was undertaken. Without going into too much detail, it is sufficient to say that the process for dealing with disputes was time consuming and resource intensive. That is the principal criticism of the system in the Irish Republic.

It is also worth pointing out that the Private Residential Tenancies Board is not a tenancy deposit protection scheme but purely a dispute resolution service. As I have already indicated —

**Mr F McCann:** What you said about the tenancies board at the beginning was correct, but if you were to check on the workings of the board, you would see that it has come on leaps and bounds since then. Although it may not be a tenancy deposit protection scheme, the board's findings are binding and can carry fines. The private rented sector in the South has bought into the scheme because of the stringent measures taken to ensure that the sector abides by instruction from the board.

**Mr McCausland:** I thank the Member for his intervention. Indeed, there may well have been an improvement over the years. I will return to that towards the end of my remarks, if I may.

As I indicated, the Housing (Amendment) Act (Northern Ireland) 2011 legally bound the Department to bring forward tenancy deposit schemes with associated dispute resolution services. The Department of the Environment, Community and Local Government in the Irish

Republic has learned from the experience elsewhere and has plans to establish a tenancy deposit protection scheme.

In line with England and Scotland, I intend to bring forward provisions to allow for two types of tenancy deposit schemes in Northern Ireland: a custodial scheme and an insurance-based scheme. Subsequently, the Department will approve scheme providers capable of delivering those schemes in accordance with the regulations. The custodial scheme — similar to the scheme that has been operational in England since 6 April 2007 and is due to be implemented in Scotland later this year — will be free for the landlord to use. It will work on the basis that the landlord pays the deposit to a scheme administrator to safeguard in a designated account until such times as it has to be repaid to the tenant. The custodial scheme will be self-funding from any interest accrued on the designated account. The insurance-based scheme will be similar to that which currently operates in England. It will allow the landlord to hold the deposit for the duration of the tenancy, on the condition that he pays a fee for the scheme administrator and a contribution in respect of the insurance that the scheme administrator will have to hold. The insurance-based scheme will also be self-funding, with the costs covered through insurance premiums paid by landlords.

Only tenancy deposit schemes that demonstrate the ability to implement and operate in accordance with the regulations, which will include an associated dispute service that is free to both tenant and landlord to use, will be approved by my Department. As a further safeguard and to ensure that the landlord complies with the law and the timescales for safeguarding and returning deposits, the regulations will require approved schemes to work effectively alongside our local councils and our courts service in the administration of their duties and enforcement actions. Provisions will include arrangements for sharing information, so that local councils can use all relevant data sources to ensure that private landlords comply with the law, particularly as a large number of private landlords receive housing benefit in respect of their tenants' housing costs.

Members will know that the Housing (Amendment) Act (Northern Ireland) 2011 provided for the sharing of information held by the Department of Finance and Personnel and the Housing Executive

for the purpose of the administration of housing benefit with local councils and to assist them in the regulation of the private rented sector. That was a major development in improving regulation and accountability of the private rented sector here, where more than 60% of privately renting tenants depend on housing benefit to meet their housing costs.

The introduction of tenancy deposit schemes is an important part of the Building Sound Foundations strategy to raise standards in the private rented sector to ensure that it is fit for purpose, capable of meeting housing need and to do so in a professional and accountable environment. Hand in hand with safeguarding deposits, I am introducing mandatory landlord registration so that all those who let properties privately will be required to register and to provide relevant details. Local councils, which already have a wide range of responsibilities and powers to regulate the private rented sector, will use that registration scheme to ensure that the practice of private landlords in managing their tenancies is in line with the law. For the first time, local councils will have a comprehensive register and an effective means to monitor the operation of private landlords.

Good progress has been made in the development of the necessary legislative provisions to allow mandatory landlord registration to be introduced later this year or early next year. I look forward to debating the detail of those provisions and the tenancy deposit regulations with Members shortly.

I want to pick up on two points that were raised. Danny Kinahan seemed to suggest that little preparatory work has been done. I assure him that intensive work has been carried forward by officials to bring all this into place. I also assure him that we have met with relevant stakeholders, including representatives of landlords.

In addition, the housing strategy, which we will bring forward in due course — certainly within a few months — will have significant implications for the private rented sector.

### **1.00 pm**

The scheme in the Irish Republic, administered by the Private Residential Tenancies Board, was established in 2004, primarily to resolve disputes between landlords and tenants. Five years after it was established, the board had dealt with over 368 applications for dispute resolution, which works out at around 70

or 75 a year, of which approximately 60% concerned deposit retention. Although only 1% of tenancies had resulted in PRTB disputes, the bureaucracy and timescale associated with dealing with them was significant. For example, it took 15 months in the Republic to process an application to determination order stage; that is, nine months from application to hearing and six months from hearing to determination order.

The PRTB does not currently operate a tenancy deposit protection scheme, and what this Department is already committed to, as contained in the 2011 legislation, is making regulations to provide for securing tenancy deposit schemes. However, the Department in the Irish Republic, in its Programme for Government in 2011, stated that it:

*“will establish a tenancy deposit protection scheme to put an end to disputes regarding the return of deposits.”*

It therefore intends to learn from the experience of schemes in place elsewhere. The schemes in England and Scotland are particularly good examples. In summary, the criticism one has of the Irish Republic's system is that it is resource-intensive and slow in operation. That is why it now intends to establish a tenancy deposit protection scheme.

I would welcome a strong vote of support for the motion. It would show support right across the Chamber for such a scheme, work on which is already well advanced. It will be going out for legal advice in a matter of weeks and will then be passed on to the Committee for Social Development. The introduction of the scheme, which will provide an effective and enforceable dispute mechanism, will go a long way to improving the conditions of renting for all tenants in the private rented sector, particularly our students and the most vulnerable in our society. I look forward to bringing the draft regulations before the Assembly in the not-too-distant future.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle. I welcome the debate today. One of the things that has come out of it is that everybody is in favour of having a tenancy deposit scheme. I will just go through what some Members, if not all, have said.

Michael Copeland proposed the motion. He talked about protecting tenants' deposits. He talked about a third-party independent scheme

and reducing the number of disputes. He talked about the statistics for the private rented sector, which now consists of something in the region of 125,000 properties, as opposed to people. Obviously, more people are involved. The private rented sector deals with 17% of the total housing stock.

He also said that no landlord should be immune from regulations. Students are a demographic that the scheme would benefit, but the scheme would actually protect across the board, and rightly so. He gave an example of a deposit of over £1,000 of which only £370 was returned and other examples of deposits not being returned in full. Resolution is achieved through the small claims court and is a lengthy and expensive process.

He talked about a deposit scheme protecting 48% of students whose deposits have been withheld. He talked about the fact that not all landlords are the same and that the majority are not involved in retaining deposits. He talked about tenancy deposits in some cases being regarded as a tax-free bonus by some owners.

I make the point to Mr Copeland that his co-signatory to the motion, Mr McCallister, was patently absent in the previous mandate in input to the housing legislation that was being proposed. Perhaps he has had a conversion thanks to Mr Copeland. I am sure that you will convince him of the merits of getting involved in these debates and dealing with issues such as this.

**Mr Copeland:** I thank the Member for giving way and for those comments: I have been accused of many things, but being absent is not one of them. If I have played any part in the conversion of John McCallister, I will very kindly accept the kudos.

**Mr Brady:** I am sure that Mr McCallister has good reason for being absent today.

**Mr Swann:** Mr McCallister is in Washington on party business at this minute.

**Mr Brady:** He obviously could not arrange a video link to the debate. I think he can be excused this time because of the distances, although it may be argued that he was distant from debates on the issue in the last mandate.

**Mr Deputy Speaker:** Order. The Deputy Speaker is not in Washington: he is here, and all remarks should be made through him.

**Mr Brady:** Go raibh maith agat, a LeasCheann Comhairle, for that reining-in.

In proposing the amendment, Fra McCann spoke about housing legislation being debated at length last year. He mentioned the “sizeable rump” of the landlord sector being a poor housing provider. He talked about listening to a professor from Galway University who spoke about effective legislation to deal with the private rented sector in the South. He also mentioned the PRTB and its inception in December 2004. He talked about it bringing order to a sector that deals with large amounts of housing.

There is a duty to protect tenants from unscrupulous landlords. Again, examples were given of deposits not being returned. The withholding of deposits is wrong, as are the flimsy excuses given by landlords. The equivalent of the tenancy board would lie within the remit of proposed legislation on private tenancies.

Mr Campbell spoke about the interests of the private sector tenants being at the heart of the motion. He talked about statistics and mentioned the 100,000-plus dwellings in the private rented sector. He talked about areas of concern around unscrupulous landlords, and, true to form, he dismissed with impunity anything that might be connected with the Twenty-six Counties in relation to possible examples of good practice.

Mark Durkan supported the motion, and gave statistics about the —

**Mr Campbell:** The Member said that I dismissed it “with impunity”. I did not really dismiss it with impunity. I dismissed it, but not with total impunity.

**Mr Brady:** Sorry; I will qualify that. I meant to say “out of hand”.

Mark Durkan spoke about the Simon Community having a scheme to provide surety to landlords and the difficulty in providing deposits and getting them back, particularly for people who have difficulty even in accessing the private rented sector for housing. He said that people must be protected from unscrupulous landlords, that we should look at models in other jurisdictions and that the independence of a third party should ensure that deposits are protected. He had no difficulty with the

amendment and said that we could possibly learn from the PRTB.

Anna Lo made a very good point about the wholly unregulated process of trying to get deposits back. I think that has been the crux of the problem for many people, particularly students.

**Mr Deputy Speaker:** Will the Member bring his remarks to a close, please?

**Mr Brady:** In closing, everybody seems to be in agreement. The Minister has indicated that legislation will be brought forward this year —

**Mr Deputy Speaker:** Time is up.

**Mr Brady:** That is to be welcomed sooner rather than later.

**Mr Swann:** I congratulate my party colleague Michael Copeland on proposing the motion, and I thank everyone who has spoken on it. I will refer to contributors' comments shortly; however, at this stage, I will make a few of my own.

The case for a scheme in Northern Ireland is clear. It would offer protection for tenancy deposits whatever the circumstances. It would also provide landlords with a mechanism through which their decisions could be independently verified and, therefore, provide tenants with confidence that what they are being charged is fair and justified. Finally, it would rectify any unfairness that has, unfortunately, been allowed to develop between here and the rest of the United Kingdom over recent years. I represent a constituency that, at the moment, has a relatively small student population. However, it has many younger families and other demographic groups deciding to bide their time in the private rental market. Local estate agents across north Antrim, particularly those in Ballymena town, say that the demand for private accommodation remains high. Therefore, although many of the points raised about students in Belfast are entirely valid, they are equally applicable to tenants living in properties anywhere in Northern Ireland.

The population in the Ballymena Borough Council area is projected to grow by 6.2% by 2019. That is in addition to the increase of 8.7% between 1999 and 2009. That increasing population, combined with the declining average household and a slump in the construction of newbuilds, inevitably means that greater numbers of people will look to the private rented

sector as a way forward. That increased demand has already been met by vendors who look to the private rented sector to provide an income from properties that are unlikely to be sold in the current circumstances.

The recent growth of the private rented sector has also been partly underpinned by housing benefit. The fact that 60% of tenants in that sector get full or partial housing benefits shows that, in many circumstances, deposits can represent a large sum of money for the people involved. Therefore, it is reasonable to assume that there may be financially vulnerable people renting from private landlords. Consequently, the introduction of a tenancy deposit scheme would provide significantly more protection for them.

In opening the debate, my party colleague Mr Michael Copeland referred to the number of unscrupulous landlords who provide low-grade housing and withhold deposits illegally. Mr Copeland gave a colourful description of them and referred to many as absentee landlords. Unfortunately, most now reside in the Republic of Ireland, charging exorbitant deposits and making it increasingly hard to reclaim them.

I will now refer to other contributors to the debate. Unfortunately, Mr McCann has covered most of what was said. However, he spent a bit of his time referring to the absence of John McCallister from the debate. Sinn Féin moved an amendment —

**Mr F McCann:** On a point of order, Mr Deputy Speaker. I never mentioned John McCallister; he was mentioned by my colleague.

**Mr Swann:** Sorry, I apologise. I do not know how I mixed up the two of you. Sorry, Mr Brady. The seconder of the amendment covered most of what other Members said and referred to the absence of Mr McCallister from the Chamber today. The proposer of the Sinn Féin amendment made his case weakly, and the seconder was the only other Member from Sinn Féin to speak on its amendment. I think that it is a bit unjust to challenge the Members who are here in the House —

**Mr F McCann:** The point was made that a debate went on for months last year on the shape that the Bill would take, and the tenancy deposit scheme was mentioned. The Ulster Unionists were absent for more meetings than they attended so took no part in the debate. Therefore, it is a bit rich for you to turn round

and say that only two Sinn Féin Members spoke today, when your Member did not turn up to take part in the debate on the Bill.

**Mr Swann:** We are here to talk about today, and I am a bit disappointed that the Member had to bring that up. It was your party colleague who introduced that subject to the debate and brought it to this level, not us.

**Mr Deputy Speaker:** Order, please. The Deputy Speaker has to remind Members once again that he is present here and that all remarks should be made through him.

**Mr Swann:** Thank you, Mr Deputy Speaker.

I will get back to what other contributors said. My party colleague Mr Michael Copeland reiterated the point that 48% of a sample of 1,302 students had their deposit unfairly held. The proposer of the amendment referred to the fact that it mentioned students. However, I must point out that the wide-ranging motion did not concentrate solely on students but referred to all in the private rented sector.

Mark Durkan referred to the lack of social housing as a major factor. However, he made the point that charities provide deposits for individuals. They, too, need protection, and that should be looked at further when the Minister brings forward legislation, as should the need for a third party to regulate the deposit scheme as necessary.

Ms Lo said that it was time to enforce the Housing (Amendment) Act (Northern Ireland) 2011, and I agree that the time is now. We have been waiting because of delays and, as the Member said earlier, it has been talked about. The Minister said that he hoped to bring the scheme forward sooner rather than later, and I welcome that.

In supporting the motion, Ms Lewis said that we have the basis of a scheme, that there were other examples of good practice across Europe and that we should not concentrate solely on the one in the South.

I thank Mr Kinahan for his contribution. He said that the scheme needed to be in place by the start of the next academic year to protect the students coming forward.

I thank Mr Campbell for his dismissal of the amendment.

**1.15 pm**

**Mr Beggs:** Does the Member accept that this needs to be in place well in front of the next academic year, because tenancies will probably be signed up to at the start of the summer?

**Mr Swann:** I agree with the Member. That is a very good point, and, I think, one that Mr Kinahan introduced.

I thank the Minister for his comments. The motion has been brought forward today, and I thank him for realising that the matter needed to be brought forward earlier; sooner rather than later. Co-operation between him and the Social Development Committee will be a way forward. That is why we in the UUP have called for this as a matter of urgency. That is why the word "urgently" was used in the motion.

**Mr Humphrey:** I thank the Member for giving way. I assure the Member that the Minister made it very clear that he is absolutely committed to having the measures in place as soon as possible. However, the Member must remember that there are due processes that must go on before any of this comes to a final resolution in the House.

**Mr Swann:** Certainly, and that is why I welcome the Minister's comments. However, it has taken us two years to get here, so I hope that we can move on it now.

**Mr Humphrey:** It has taken two years to get here. We have had this Ministry since June of last year. Please remember that.

**Mr Swann:** I thank the Member for his comments, and I congratulate him on the work that is being done, but we can still move quicker. I congratulate the Minister on his pledges to move swiftly. I look forward to that.

I look forward to the regulations that will see the enforcement of a mandatory landlord registration scheme. Look at the tenants discussed in the debate and the tenants who are out there. The last thing we need is a private rented housing sector that moves under the black market, with pirate landlords rather than private landlords.

In conclusion, it is vital that we have those protections in place, not only for those already renting but for those who will be taking it up in increasing numbers over the coming years.

At the moment, people can already take precautions to limit the chances of landlords unfairly withholding their deposits. Tenancy contracts should always be closely read before being signed. What deposits can be used for should always be established by both sides in advance. Nevertheless, there are landlords in Northern Ireland who, at the moment, look at deposits as a way to supplement what is, most likely, an attractive tax-free income. Tenants who find it difficult to recover deposits from landlords once their tenancy comes to an end are forced to pursue court action to get their money back. However, many tenants simply write off the loss of their money because the process is too slow and cumbersome. Some landlords abuse that, often repeatedly.

Northern Ireland should be looking towards Scotland's scheme as a model. The Sinn Féin amendment refers to the Private Residential Tenancies Board in Dublin as a potential way forward, but I would prefer to look at a scheme that we know for certain is the way forward and is effective.

Mr Deputy Speaker, I have great pleasure in seconding the motion.

*Question, That the amendment be made, put and negatived.*

*Main Question put and agreed to.*

*Resolved:*

*That this Assembly recognises the safeguards which tenancy deposit schemes offer to landlords and tenants within the private rented sector; expresses concern that many landlords often make unjustified deductions or are slow to return deposits at the end of a tenancy, particularly for tenants living in student accommodation; and calls on the Minister for Social Development to urgently bring forward his plans to introduce a mandatory tenancy deposit scheme which would safeguard tenants' deposits and provide a fair and effective mechanism to resolve disputes.*

**Mr Deputy Speaker:** I ask Members to take their ease for a moment while there is a change in the Chair.

(Mr Speaker in the Chair)

## Marian Price

**Mr Speaker:** Before we begin, I must give Members the strongest possible warning to be very careful about their contributions to this debate. The focus of the motion is the detention of Ms Price at Maghaberry prison as a result of the Secretary of State's decision to revoke her licence. It is not about any other issue or any other person. If Members stray from the motion, I will certainly intervene this afternoon. More importantly, there are currently a number of prosecutions before the courts. Members should not make any remarks that may interfere with those ongoing legal proceedings in anything that they say or do today. Members should avoid the risk of prejudging those proceedings. I hope that that is clear.

I know that Members will be able to focus on the motion and the decision of the Secretary of State without straying into the domain of the courts. I want to say to the whole House that I will intervene. Members know how far they can stray into this particular debate with the contributions that they might make. If Members stray too far, I will ask the relevant Member to take a seat, and I will move on to the Member who is next on the list to speak. If that is clear, let us proceed.

The Business Committee has agreed to allow up one hour and 30 minutes for the debate. The proposer will have 10 minutes in which to propose the motion and 10 minutes in which to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mr P Ramsey:** I beg to move

*That this Assembly notes with concern the continuing detention of Marian Price in Maghaberry prison, by reason of the Secretary of State's decision to revoke her licence; further notes her ongoing medical and social needs; believes that reliable evidence and the necessary process should govern judicial and quasi-judicial actions; and calls on the Minister of Justice to engage with the Secretary of State on the reasons for the revocation of her licence, and for her detention, by reason of the Secretary of State's decision, to be reviewed urgently.*

I listened to and welcome your words of caution to all of us speaking in this debate today. I take the opportunity to thank your office, Mr Speaker, and that of the Business Committee for their

guidance and assistance going forward. That is much appreciated. I also welcome the Minister of Justice to the debate.

In my view, the motion covers three distinct but connected issues. The first is the wider impact on society of Marian Price's detention. Sadly, there still exists here in the North a small minority of people who have yet to come to the realisation that violence is not the solution to the aims that they wish to achieve. The violent actions of those dissidents have been all too real in recent weeks in our constituencies, particularly in the constituency that you and I represent, Mr Speaker, and they must be utterly condemned. Likewise, the horrendous murders of Sappers Azimkar and Quinsey and those of Ronan Kerr and Stephen Carroll must be utterly condemned. Those of us in elected office must do everything in our power to prevent dissidents from succeeding. Unfortunately, however, the actions of the Secretary of State have unintentionally provided a recruiting tool for those individuals who are so intent on reigniting violence.

Through our local justice system, Marian Price was granted bail at Derry Magistrates' Court. On the previous night, however, the Secretary of State had signed an order to revoke her licence. That action gave the appearance of a local judge being overruled by a politician from North Shropshire, and it served to damage public confidence in the devolution of justice for many people in this region, particularly in my constituency. The action provided the dissidents with the opportunity to arouse the long-held suspicions of the British justice system imposing its will on the people across Northern Ireland. It provided the dissidents with further evidence to support that world view. Those groups have been able to stoke a sense of injustice in the community, use it for political gain and seek to mobilise young people in their actions against the democratic will of the people.

The situation was further aggravated when the Northern Ireland Office and the Secretary of State would not release, even to Members of Parliament, any information on the specifics of why Marian Price's licence was revoked. That connects to the second issue, which is that of the clear questions arising for the accountability of future justice arrangements in Northern Ireland. My colleague Alex Attwood raised those questions prior to the Hillsborough agreement.

Unaccountable security services cannot be justified in a democratic society, especially one with a history such as ours, but that is what we have: a Justice Minister who is not able to hold MI5 to account, and a London Government who are determining what information pertaining to national security can be shared and in what terms it should be provided. Northern Ireland is unlike Britain; we have had a bitter experience around policing. We have had MI5 involvement in very serious incidents, including providing money to the police to pay agents who were involved in serious incidents, including murder.

**Mr Givan:** On a point of order, Mr Speaker. At the commencement of the debate, you said that Members' comments would be restricted to what is in the motion. What has MI5's accountability got to do with the motion?

**Mr Speaker:** I thank the Member for his point of order. I assure him that I am listening to the debate very carefully. Once again, I remind the Member and the whole House that we should try, as far as possible, to stick to the subject of the debate and what the motion is asking the House.

**Mr P Ramsey:** I welcome the Member's intervention, and I will explain the point, if he is interested to know why I am raising the issue of MI5. We need mechanisms to ensure that MI5, if it is involved here, is subject to some level of control and accountability. We should not allow the arrest of individuals such as Marian Price, no matter what they have been accused of, to be based on the suspicions of an MI5 officer. It is essential that our Justice Minister raises with the Secretary of State the need to review current inadequate accountability and scrutiny mechanisms.

**Mr Allister:** Is it not the case, at least according to what the NIO has said, that the licence was revoked under article 9(1) of the Life Sentences (Northern Ireland) Order 2001? If that is correct, does it not follow that it was on the advice of parole commissioners that such a course was taken? So, it was not on the advice of MI5 but on that of the parole commissioners. Is that not the case?

**Mr P Ramsey:** I am glad that the Member raised that point. There was a royal prerogative of mercy granted to Marian Price in 1980 that was not subject to the Good Friday licences, as they were commonly known. The Secretary of State's Office, the Northern Ireland Office, cannot find

that royal prerogative. They cannot find written details of it. Mr Speaker, I make the point very clearly that there is something very suspicious about the fact that the Northern Ireland Office cannot find that document. Either it is withholding it or is too embarrassed to share it.

The Justice Minister must raise with the Secretary of State the volatility of current processes within our prison system. They are brought into further doubt by this case, which includes the loss of the royal pardon that was granted to Marian Price. It is distinctly worrying how such important information and documents have been so badly mismanaged, and that reinforces doubts about current processes.

Finally, I wish to raise the rights implications of this case. Marian Price is a vulnerable person. Many in the Chamber may not want to sympathise with her, but I ask them to put aside preconceived judgements and look at the human rights and medical problems associated with the case.

Marian suffers from severe arthritis and has had operations, including joint replacements. Despite contracting serious infections in Maghaberry prison, she has been forced to wait days for antibiotics to be delivered. These are the facts. In addition, she has received no occupational therapy for a debilitating deformity and disfigurement of hands and wrists. She has great difficulty sleeping and has severe pain in both feet.

I have been given just a short snippet from the list of medication that Marian Price is taking at the minute. Mr Speaker, with your indulgence, I inform the House that she is in receipt of a cancer drug that is used to treat severe psoriatic arthritis. Left unmonitored, it can cause liver and kidney failure. Mixed with antidepressants, the medication can cause seizures. A drug used to treat depression and bulimia nervosa is also on the list and so, too, are serious painkillers that are potent enough to kill if overused.

### 1.30 pm

There is clear evidence — I say this directly to our Minister — that holding people indefinitely causes mental health problems, a subject that has been covered by the 'British Medical Journal'. Marian Price has pre-existing health problems and concerns, has been in prison since May of last year and was charged

only recently. It is hard to believe that this imprisonment will not have further medical impact.

In Northern Ireland, we still work on the presumption of innocence until proven guilty. Article 5 of the European Convention on Human Rights requires that anyone arrested must be promptly informed why he or she has been arrested and what charges are against them. It also intends to impose a strict limit on pre-charge detention and an obligation to provide a trial within a reasonable time and release on bail. It is essential that we recognise that proper process and good evidence are vital to proper judgements and the future of justice in Northern Ireland, something that has not happened in this case. It is our duty to ensure the human rights of all citizens, and it is essential that we do nothing that provides further fuel for the violent campaign of dissident republicans.

Marian Price is in isolation 24 hours a day, with the exception of three visits a week from family members. Today is her 262nd day in solitary confinement. She cannot avail herself of the one hour a day recreation because her mobility is so restricted, so she is locked up for 24 hours in a cell, as her arthritis clearly does not enable her to do that. When I met Marian Price twice in the past three years, she made several references to the effect that isolation was having on her. I will not break confidence, but even a member of the prison staff made very clear to me the noticeable change over recent weeks in this lady. Marian Price, at this time, should not be in prison. She should be in hospital receiving medical care or at home with her family. I ask Members to support the motion.

**Mr Givan:** I welcome the opportunity to speak on the motion, however irresponsibly tabled by the SDLP. It is interesting to note that Mr Ramsey not once commented on Marian Price's history and why her licence was revoked. So, let us take a quick opportunity just to mention that.

Marian Price was convicted because of her part in an IRA bombing unit that was responsible for bombing the mainland, with the Old Bailey being the most notorious target of them all, and she was given a life sentence in 1973. That is who we are talking about, not some little old lady who was sent to prison because she stole a bag of peas out of a shop. So, let us get real about what it is we are discussing in the Chamber today. Why the SDLP now wants to act as proxy

for the 32 County Sovereignty Movement is beyond me.

Marian Price was released on licence in 1980 on compassionate grounds. Al-Megrahi has become the most high-profile individual to be released because they were at death's door. Worldwide, such stupidity is attributed to the decision that was taken with regard to al-Megrahi. Actually, Marian Price set the template for that. She was released, we are told, because she was at death's door and her life was in imminent danger. Robert Bradford, speaking in the House of Commons — I note Mr Ramsey is shaking his head — said that the advice on which the then Secretary of State took the decision was that, if she remained in custody, she would, within days, have been in imminent danger of her life. He went on to say that they were told then that she could be recalled to resume the remainder of her sentence, if her health improved. She had tuberculosis and anorexia and apparently weighed 5st at that time. The reason she was allowed to be released was that she was at death's door. Lo and behold, we are now in 2012, and she is still alive. It would appear that the justice system still does not learn.

This individual has had her licence revoked by the Secretary of State. The Secretary of State has a duty — Mr Ramsey talked about the wider interests of society — to protect the wider interests of society.

**Dr McDonnell:** Will the Member differentiate between a royal pardon and a licence being revoked?

**Mr Speaker:** The Member has an extra minute.

**Mr Givan:** I appreciate the extra minute. I will need it.

Republicans are now saying, "Long may she reign over us because we need the royal pardon of mercy". The irony that they now wish to use the Queen in that manner is not lost on people on this side of the House. Marian Price is not the first; other republicans are seeking to use the Queen's pardon. Of course, there is no proof that the pardon ever existed, so it would be wrong for me to comment further.

**Mr Allister:** Marian Price had two separate life sentences and one determinate sentence of 20 years for a third offence, so is it not likely that the licence pertained to the life sentences

and that it would not be possible to attach a licence to the determinate 20-year sentence? Therefore, the royal prerogative, if it was used, is likely to have been used on the determinate sentence. There are still two life sentences that would be subject to licence, for which she has been recalled. Is that not likely to be the real situation?

**Mr Givan:** I thank the Member for that contribution.

Importantly, it is for the Parole Commissioners to determine whether the licence should be reinstated. That is where we need to be very clear. An attempt is being made to have undue influence brought to bear on how the Parole Commissioners exercises its duty, as was the case with Brendan Lillis. Again, we have pressure being put on the Parole Commissioners to have the licence reinstated. If we are to have confidence in a system, it is important that the process be opened up to allow us to know what, for example, the Department of Justice is saying to the Parole Commissioners in the representations that it makes.

**Mr A Maginness:** Will the Member give way?

**Mr Givan:** No, I want to continue. I have only a minute left.

We had the case of Brendan Lillis. I tabled numerous questions about the Department of Justice's role and the information that was being provided. Let us shine a light on the role that our current Minister of Justice has to play in all of this. The Department of Justice can release an individual on compassionate grounds. There is a clear attempt being made to say, "Here we go again. I fooled you once, now let me fool you twice. Release me on compassionate grounds, because my health is deteriorating to such an extent that I should not be held in Maghaberry prison". I would like to know what the Department of Justice is saying in the representations that it is making. I know that the Minister of Health, Social Services and Public Safety made representations to the Department of Justice. In response to my questions, the Minister of Justice has consistently said that no such representations were made. The Health Minister says that they were. Someone is telling lies, and I would like to know how the Department of Justice will deal with the representations that it makes to the Parole Commissioners on whether to reinstate Marian Price's licence.

**Ms J McCann:** Go raibh maith agat, Mr Speaker. First, I thank the Members responsible for tabling the motion. Our party will support it.

Mr Speaker, you gave your ruling at the beginning, but we attempted to table an amendment that would have made the motion go further. It is important to remember that Martin Corry is also in Maghaberry prison, having had his licence revoked in the same circumstances as Marian Price's. It is important to remember that, and he has been there since April 2010.

I have listened to the debate so far. From our party's perspective, the continued imprisonment of Marian Price and Martin Corey is tantamount to internment without trial, as the normal legal processes whereby a person appears in court and is given the right to a trial have not been carried out. The proposer of the motion said in his opening remarks that Miss Price was granted bail for what she was charged with and immediately rearrested. That shows that there is a need to look at the whole justice system. The Justice Committee has been looking at access to justice and the right of all individuals, including witnesses and victims, to a fair hearing. It is very important that everybody has that right when brought into a situation like that.

As we move forward, and given the new position that we are all in, we are totally opposed to all ex-prisoners being treated in any way as second-class citizens. It is for reasons such as licences being revoked without charges that the prisoner group Coiste has tried to get the records of ex-prisoners who were imprisoned for conflict-related offences destroyed. Prisoners need to be treated with dignity and respect.

It has been said here today that Miss Price is in solitary confinement. She has been there for quite a long time and is in total isolation. Obviously, her mental and physical health has been affected as a result. A number of weeks ago, we listened to the Justice Minister talk in the Chamber about the report by Anne Owers on the prison review. It is important that we recognise the need for root-and-branch change to the prison system. We have all discussed at different times Miss Price being in Maghaberry. The ongoing situation in Maghaberry's Roe House is totally unacceptable. In August 2010, an agreement was reached with all prisoners. There is an onus on representatives in the Chamber, the Minister of Justice and the prison

administration to ensure that all prisoners are treated with dignity and respect.

I want to go back to the situation in Maghaberry for Marian Price, Martin Corey and others —

**Mr Speaker:** Order. I say to the whole House and the Member that the motion is clear: it is on Marian Price. To mention any other prisoner would be absolutely wrong procedurally and in every other way. Let us try to stick to the focus of the motion.

**Mr McCartney:** On a point of order, Mr Speaker. In making that ruling, are you talking about any other prisoner or a specific prisoner because of a judicial review?

**Mr Speaker:** The motion is very clear: it is on Marian Price and the issues in and around the Secretary of State's decision. We need to focus on the motion. It would be wrong to mention any other prisoner. I am trying to guide the House as best I can. Members should focus on the motion. I understand that, sometimes, Members might want to generalise. There is nothing wrong with that, provided that Members do not talk too widely around the issue.

**Ms J McCann:** Thank you, Mr Speaker. Thank you for the intervention. I am conscious of what you are saying.

A suspicion of breaking the law or associating with people who break the law is not enough to imprison someone who has already served a life sentence. That person is as entitled to due process as anyone else. That is why our party supports the motion. We believe that it is wrong for Marian Price to be in prison and wrong for anyone to be in prison because their licence has been revoked. We call for the release of prisoners who are currently in Maghaberry jail because of the revoking of their licence.

**Mr B McCrea:** Mr Speaker, I acknowledge your advice that the matter is before the courts, so I will mention some matters of fact, as I understand them, but make no supposition one way or the other; that is for the courts.

I draw the House's attention to the fact that it is a matter of record that Marian Price was one of nine IRA volunteers sentenced to life for the planting of four bombs in London. In 1980, she was given a pardon due to the fact that she was, apparently, suffering from anorexia and believed to be close to death. I will move on rather than commenting on that. In 2009, Marian Price was

arrested in connection with the murder of two soldiers. We know all about that. Subsequently, in 2010, she was also charged with encouraging support for a proscribed organisation, which, presumably, the majority of people in the House do not support.

**1.45 pm**

**Mr McCartney:** Does the Member accept that that person was granted bail?

**Mr Speaker:** The Member will have a minute added to his time.

**Mr B McCrea:** Thank you, Mr Speaker. She was released on bail following the charge in 2010. However, the Secretary of State revoked her licence.

**Mr Speaker:** Order. Once again, I am trying to guide the Member. You are going slightly too far outside the subject of the motion. I am trying to be as helpful as possible to all Members and to the entire House. Once again, I ask the Member to be careful.

**Mr B McCrea:** OK, Mr Speaker. I take your advice. I just want to set the scene with regard to the person with whom we are dealing.

It has gone unsaid that the debate is as much about how to deal with other organisations and the potential threat to society as it is about the individual mentioned in the motion. The SDLP's argument, as I understand it, is that the party looked at three issues: first, inadequate oversight by MI5 and others who advise on such matters, although the issue of parole commissioners was raised in an intervention; secondly, the question of the royal pardon and, although it cannot be found, whether it should supersede anything on licence; and, finally, whether human rights conflict with the rights of society.

I have to say that, during my time as chair of the Policing Board's human rights and professional standards committee, we were aware of the oversight arrangements that had to be brought to bear. Members here present who also sat on that Policing Board will know that there are, indeed, adequate or, at least, existing arrangements for checking those matters, albeit at arm's length. I also have to say that human rights tend to be a balance between conflicting rights. There is the right of society to defend itself, the right of victims to have justice and the right to life. All those rights

are engaged. It is with some sensitivity that you try to make the argument on behalf of an individual. Therefore, the real issue is that there is a judicial process that needs to be respected. Perhaps, the Minister will shed light on that matter. As with all judicial processes and the entire criminal justice system — not just in this particular case — speedier justice is usually better justice. We need to reach a situation in which the law is able to make its appropriate determination without encumbrance. Therefore, it is unhelpful that the motion has been brought to the Chamber. There is a danger or perhaps a wariness that you have, rightly, drawn to the Assembly's attention, Mr Speaker, that we might interfere with the judiciary's independence in making the appropriate call.

With regard to the individual circumstances of the person named in the motion, I will conclude by saying that I have, recently, been to Maghaberry prison on a number of occasions. Although I was not inside Roe House, I went past it. It seemed to me to be not so much a unit of solitary confinement as a large building with only one person in it. It is a fact that the building was built for other purposes, and I understand that appropriate adjustments have been made. It is appropriate that people should be able to get —

**Dr McDonnell:** Will the Member give way?

**Mr B McCrea:** I will if the Member is brief. I am short of time.

**Dr McDonnell:** Does the Member accept that Marian Price is not an inmate of Roe House?

**Mr B McCrea:** I am talking about making the necessary adjustments to ensure that people are taken care of adequately. I say to the Member that I believe that all reasonable adjustments have taken place.

The issue of medical assistance has been raised. Of course, anybody who needs medical assistance should get it in a timely manner. If that is not the case, that point must be made. However, my understanding — I am not 100% sure, and I am happy to get clarification if it is not the case — is that there is a matter of choice about where that particular person resides and there are other places where she could be put up. There were certain political decisions that she wished to make. If I am wrong about that, I am happy to have clarity about where it goes back in. The situation,

in general terms, is that people were let out on licence because they said that they were going to put the past behind them and move forward. I say to the proposers of the motion that the record that I am aware of — I make no judgement on it because that is for the courts — does not lend support to the issue.

**Mr Speaker:** The Member's time is up.

**Mr B McCrea:** The real way of resolving this is for adequate medical supervision to be provided, but that is as far as it goes.

**Mr Dickson:** I recognise the concern felt by many regarding Ms Price-McGlinchey's detention, the resulting isolation and issues surrounding her physical and mental well-being. Maghaberry is a designated male prison, and, therefore, the arrangements are obviously not ideal. However, I am sure that the Minister will explain to us that measures have been taken to address those concerns by making her accommodation more suitable and by comparing it with that which is available to female prisoners at Hydebank Wood. I, therefore, contest the description of solitary confinement with regard to this. It is my understanding that the legal definition of solitary confinement is not met in this case.

I know that meeting the needs of prisoners, particularly their healthcare needs, is a priority for the current Minister. We want to see the same care in prisons strengthened to assist the most vulnerable inmates. That is part of the required transformational change identified in the prison review team's report last year, which made a number of recommendations regarding the improvement of prisoners' health and well-being. Again, I am sure that the Minister will elaborate on those arrangements. The Minister has expressed his commitment to delivering the required change, and that is visible in the actions of the Department. For example, we have seen the recent opening of new facilities that were developed in partnership with the Department for Employment and Learning (DEL) and the Department of Health.

**Mrs D Kelly:** I thank the Member for giving way. I am pleased to hear that the Minister is making some progress, but it seems to be pretty slow in the face of such glaring reports, which have been very critical of the Prison Service. In relation to DEL and the education strategy, does the Member agree that there needs to be a co-ordinated approach if we are serious about the rehabilitation and resettlement of young

offenders, in particular, and that a full education strategy needs to be developed in the Prison Service?

**Mr Speaker:** The Member has an added minute.

**Mr Dickson:** The relevance of that escapes me, but the answer is yes.

I am surprised by the failings of the motion on the most basic levels. Surely when formulating a motion to bring before the House, one would wish to consider carefully whether it is within the remit of the relevant Minister to whom it is directed. It appears that there may be a tendency for Members to assume that all matters relating to prisoners are the sole responsibility of the Justice Minister and should be directed to him. At the heart of today's motion are issues around the revocation of Ms Price-McGlinchey's licence. In her case, that occurred due to national security concerns, which places responsibility for this clearly in the hands of the Secretary of State. Article 9 of the Life Sentences (Northern Ireland) Order 2001 makes that very clear. This, therefore, is not a matter for the Justice Minister. I am surprised that my fellow Assembly Members in the SDLP and others do not seem to appreciate that. They are normally very aware of the remits and boundaries of responsibilities, particularly when it comes to justice and security matters. I know that we in the Alliance Party are committed to respecting those boundaries and to the care and welfare of all prisoners in Northern Ireland. I hope that the SDLP reflects on that and respects them as well.

**Dr McDonnell:** Will the Member give way?

**Mr Dickson:** I am just about to close.

It is for that reason that we will oppose the motion.

**Mr Campbell:** Very often, when we are dealing with issues such as this, we have to establish the bona fides or otherwise of the person at the centre of the dispute. Sometimes, we can get carried away with people's concerns. Of course, prisoners have certain rights, and, as I understand it, there is no suggestion that any of those rights have been contravened in relation to Marian Price.

We should be absolutely clear about the nature of the person we are talking about. In 1973, a detective questioned Marian Price after her arrest at Heathrow Airport. He recalls that,

just before 3.00 pm, she calmly looked at her watch and smiled. An hour earlier, the IRA had phoned a bomb warning to a newspaper, but only two of the four car bombs that it had positioned at New Scotland Yard and the British forces broadcasting offices in Westminster were defused in time. The other two ripped through the Old Bailey and Whitehall army recruitment centre. One man died of a heart attack, but, with 200 injured, it was by sheer chance that there were not many more fatalities.

After that, Marian Price was interviewed by a number of press reporters, because, as my colleague Mr Givan said, she apparently had severe health problems in 1980, which was seven years after she had been imprisoned. Of course, 32 years later, miraculously, she is still alive. That seems to be a thing with prisoners who are at the point of death. Whether their name is al-Megrahi, Price or Lillis, they all seem to manage to keep living, when we are told that they are going to die in a few weeks. I do not know of any who actually died within a few weeks, but we are all told that they are about to die.

When Marian Price was interviewed after her release, she said:

*"I've never had a sleepless night over anything I've done as an IRA volunteer. Bombs are weapons of war."*

The difference between Marian Price and some people in here is that she does not seem to have learned the lesson that they do not win. Some others have finally come to terms with that and have managed to find out that they do not win and they cannot win and they are now in the democratic process. Hopefully, that will continue.

If we consider the regime under which Marian Price is currently being held, again, we hear people talk about rights. Sinn Féin talks about treating prisoners with respect and dignity. My colleague Lord Morrow tabled a question a couple of months ago regarding what facilities Miss Price had. According to the answer, in September 2011, Glen House in Maghaberry prison was set aside as a dedicated facility, with a flat-screen TV/DVD combination set. It would not do to have a TV and a DVD player that had to be operated separately; it is a combination set, if you do not mind. That is what we are told in terms of treating prisoners with dignity and respect. I will not go through the list of other things that she has that many people outside

who never murdered anybody and never planted any bombs do not have in their home. Marian Price has those things in her prison cell. People ask for respect and dignity, when they already have many things that others do not.

The Minister needs to provide a robust response. This society and community are content that people abide by the law. When they break the law, they serve the sentence in jail until they are released. That is dealing with matters that Marian Price was sentenced for almost 40 years ago. She is in prison at the moment. She is being treated appropriately, and she ought to continue being treated appropriately. Hopefully, at some point in the future, the sentences and the regime that brings charges will do that and we will see the outcome of the judicial system. However, the judicial system at the moment should run its course appropriately.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. Like my party colleague, I support the motion and thank the Member for bringing it before the House today.

It seems to me, as I listen to the debate, that there is a lot of confusion around the continued detention of Marian Price. The Secretary of State revoked the licence that was granted to her in 1980, which was over 30 years ago. It now appears that he may have acted outside his remit. There is some confusion around that. Nine months after her arrest, Marian Price's continued detention seems to me to be nothing more than internment without trial.

The Minister will argue that her detention is not his decision and that it falls outside his remit. However, as the motion states, he should

*“engage with the Secretary of State”*

and seek the reasons for Marian Price's continued detention.

Finally — because I do not want to go on about this — I agree with my colleague Jennifer McCann that Marian Price and others who have had their licences revoked should be released as a matter of urgency.

## 2.00 pm

**Mr S Anderson:** Those who tabled the motion have made great play of human rights, compassion, humanity, clemency and mercy, which are all noble and commendable

principles. We have also heard much about Marian Price's plight and the legalities of her case. However, before we get too carried away by our concerns for Marian Price, we should get a grip on reality.

During and after the Troubles, those who tabled the motion have prided themselves on their support for civil rights. However, they often seem to show more concern for the perpetrators of violence than they do for victims. That is reflected in the motion. Price is a convicted terrorist. She is involved with the 32 County Sovereignty Committee, which is the mouthpiece of the Real IRA. The 'Socialist Worker' website states:

*“Marian Price has devoted her entire life to ending British Rule in Northern Ireland. She firmly believes this can only be won by an armed struggle.”*

**Mr T Clarke:** I am sure that the Member will recognise another quote of Marian Price's. She wrote:

*“I have dedicated my life to a cause and because of that I am prepared to die.”*

**Mr Speaker:** The Member has an extra minute.

**Mr S Anderson:** Thank you, Mr Speaker. I thank the Member for his intervention. Marian Price has made many comments, and I will touch on her wish to die later in my speech.

Marian Price has supported and was active in a campaign of murder and destruction against the British, unionist and Protestant people. She has the blood of innocents on her hands and she has shown no sign of remorse or repentance. Indeed, since her release from prison, she has continued with her evil intent.

Marian Price deserves no pity or respect from right-thinking people and especially not from those who have suffered at the hands of terrorism. As was stated, she was part of the gang that planted four car bombs at the Old Bailey and other parts of London in 1973. Around 200 people were injured in those attacks and one man later died of a heart attack. It is no thanks to Price and her cohorts that more people did not lose their lives on that occasion. We hear much about her ill health, which some say can be traced back to 1973 when she went on a self-imposed hunger strike. She said that she had a fear of dying — this touches on the Member's intervention — but I find it ironic that someone who was prepared

to consign innocent victims to an early grave should have such a fear of death.

Rev Robert Bradford, the former MP for South Belfast, who was himself violently murdered by republicans, commented on Price's supposed ill health in the House of Commons in February 1981. He said:

*"Marian Price is probably... healthier than I am tonight. She is touring the length and breadth of Ulster."*

Over 30 years later, Marian Price is still alive and well enough to remain active in militant republicanism.

I want to be careful of what you have said, Mr Speaker. However, as we all know, two charges are currently being pursued against her. One of those dates from last May for encouraging support for an illegal organisation relating to —

**Mr Speaker:** I am trying to be helpful to Members. I ask the Member to be careful that he does not stray into legal issues.

**Mr S Anderson:** Thank you, Mr Speaker. I was just referring to what has been well publicised. Following that incident, the Secretary of State quite rightly revoked her licence. Mr Paterson said:

*"My priority is the safety of the people of Northern Ireland."*

He took the right decision, and he has correctly concluded that, because of the terrorism charges that she now faces, Price is a risk to the public. The protection of the public must always take priority and that is why the motion is so unbalanced and flawed; its sympathies rest with the terrorist and not the public.

We have been told that Mr Paterson had no right to revoke the licence as Marian Price had obtained a royal pardon, which is another part of a saga that is so rich in irony. There are also concerns about the conditions that Marian Price is being held in and about her being interned in solitary confinement and all that nonsense. The conditions seem quite reasonable to me; indeed, as has been said, they seem rather luxurious. She remains in custody, as we have said. However, bearing in mind what you said, Mr Speaker, about another charge relating to Massereene Barracks in Antrim, I will not touch on that. I am aware that those charges are ongoing and I will make no further comment.

The 'Socialist Worker' website also says:

*"Everyone who believes in human rights and civil liberties needs to do whatever they can to help free Marian Price."*

I take precisely the opposite view. All those who believe in human rights and civil liberties will do all in their power to ensure that Marian Price stays where she deserves to be, which is in jail for a very long time. That, at least, will help to ensure some justice for her victims and will protect us all from further evildoing. I suspect that the Justice Minister has more important matters to attend to than consulting with the Secretary of State about Marian Price. Surely the public would expect the Assembly to be debating more pressing and relevant matters. I oppose the motion.

**Mr Nesbitt:** I believe that Mr Givan said that he welcomed the opportunity to speak in this debate and that he was glad of an intervention that gave him an extra minute, because he would need it. Mr Speaker, I am afraid that I do not particularly welcome the opportunity to speak, nor will I take five minutes to tell you why.

You asked me to stick to the motion, and I shall. It asks me to note:

*"with concern the continuing detention of Marian Price".*

I do note it, Mr Speaker, but I am not convinced that I should have particular concern. I am told that she is a vulnerable person, but, perhaps, being in prison is the best place, at times, for vulnerable people. I am told that she is being given medication that, if inappropriately dispensed, could prove fatal, but is there any question that anyone dispensing the medicine is not properly qualified so to do? I doubt that very much.

We are asked to note her ongoing medical and social needs. Perhaps we should decamp to the Commission for Victims and Survivors and allow it to gather a small group of victims and survivors of our conflict who can tell us about their medical and social needs. Perhaps we should meet someone who was physically injured 40 years ago and is still waiting for Northern Ireland — for us — to provide the proper physical support for their pain.

Perhaps we should look at the tens of thousands of people who have severe mental health issues because of our conflict; people for whom a noise, a smell, or, in one case, the sight

of a particular chocolate bar that one person's uncle used to give them every time they met before he was murdered, will spark off a memory. It may be that the sight of a particular colour or make of motor car, or, perhaps, even, a debate on someone such as Marian Price, will spark off mental health issues for the people whom we are here to serve.

Finally, I see that we are asked to support:

*"that reliable evidence and the necessary process should govern judicial and quasi-judicial actions".*

Who is to say that MI5 does not provide reliable evidence? Who is to say that MI5 and the security services, when it is a matter of national security, do not follow necessary process? For those reasons, I oppose the motion.

**Mr McCartney:** Beidh mé ag tabhairt tacaíochta don rún. I speak in support of the motion and I thank Pat Ramsey for bringing it to the Assembly. I declare an interest as the chairperson of Coiste na nIarchimi, which is the republican ex-prisoners' representative group.

This issue can be divided into two general principles. The first is around the use of licences and of recalling people to prison under the terms of a licence. The second is the particular circumstances of Marian Price. I note that Mike Nesbitt, having made a valuable contribution to the debate, has left the Chamber, which does not allow Members to rebut some of his arguments. For someone who was a former victims' commissioner — *[Interruption.]*

**Mr Speaker:** Order. I ask the Member to continue.

**Mr McCartney:** — to come out with a statement that, perhaps, prison is a good place for vulnerable people, is something that he should reflect on. It is mind-boggling, but there you go.

Since the inception of licences back in the 1980s, Sinn Féin has been totally and absolutely opposed to the idea that someone could be released from prison and then recalled under the terms of the licence without any proper evidence.

Again, Mr Nesbitt talked about various organisations that may have reliable information, yet there are no processes to test that. It is some indictment of the Ulster Unionists that they promote the idea that we should have a court system that is not open to

scrutiny and not open to evidence being tested, and tested properly. If there is any evidence that any person who is out on the terms of a licence should be in prison, it should be tested in front of the courts.

That is the place we find ourselves in 2012. This is not the 1970s, nor should we allow it to become the 1970s. On a very clear basis, Sinn Féin and, indeed, Coiste have campaigned for a long number of years. I declare somewhat of an interest in that I was subject to a licence for a number of years until my convictions were overturned by the Court of Appeal. Therefore, perhaps people should be asking questions about the quality of justice. Last week in Question Time, the Minister referred to the need for jury trials, and, indeed, I have often heard many people say that the bulwark of British democracy is jury trials. Let me tell him that many trials were held in the North of Ireland in which many people were sentenced to life imprisonment. Many people are held on licence as a result of those sentences, which came from non-jury trials. Time out of number, over the years, cases have gone in front of the Court of Appeal where the RUC has been exposed as having carried out torture and having fabricated evidence in places such as Castlereagh. That is the basis on which many people are held on licence.

Pat Ramsey talked about Marian Price's particular circumstances. I ask every Member: in their time as elected representatives, have they ever made any representation for a life sentence prisoner? I have heard many unionist representatives saying that they have. I have heard many representatives say that they have made representations for loyalist prisoners who have been recalled and asked that, perhaps, some mercy and compassion should be shown. Sometimes you find that people mix up justice and mercy with revenge. What I have heard in the debate is large doses of revenge.

Bear in mind and have in your head that this woman was released from prison in 1980 — *[Interruption.]*

**Mr Speaker:** Order.

**Mr McCartney:** — and that, 31 years later, she was returned to prison. *[Interruption.]*

**Mr Speaker:** Order.

**Mr McCartney:** The person has no right to challenge the basis on which her licence

has been revoked. That is the system; it is Kafkaesque. Someone can tell you that you are going back to prison, and, when you ask why, they say that they cannot tell you. When you ask why they cannot tell you, they say that it is in British national interests not to. When we ask what British national interest is, we are told "we cannot tell you". When we ask "why can you not tell us?", we are told that that is also in British national interest. It is a circle of lies and deceit. The clear message that should come from this Assembly in 2012 is that no one should be held on the basis of a licence. A person should serve their sentence and be released, and that should be the end of the matter.

**Mr Speaker:** Time is almost up.

**Mr McCartney:** We back the motion, and we call for the immediate release of Marian Price on the basis that she is being held in Maghaberry prison on the revocation of her licence.

**Mr McDevitt:** I support the motion. I have never spoken to Marian Price, and I have never met her. One of the reasons why the party felt it useful that someone in my position would contribute to the debate is that there are, undoubtedly, significant wider issues at play. The first issue that arises is one of the confidence that all of us in this region responsible for a devolved system of criminal justice and for a devolved courts system must be able to have in the criminal justice process as it is applied here in these Six Counties of Northern Ireland. To have that confidence, it is not unreasonable to expect a standard of a degree of accountability in that process. If decisions are going to be taken in the name of criminal justice and in the name of proper order in society, those decisions must be capable of being held to account. What is deeply unsettling and deeply unnerving about this particular case is that, at every point where one looks to seek some reassurance that matters are being conducted in the interests of justice, instead of finding assurance, you find uncertainty.

## 2.15 pm

That uncertainty started on the day that Marian Price was arrested and returned to prison. She was arrested and returned under the revocation of a licence, when, in fact, the very existence of that licence is questioned. In fact, her lawyers believe that she received a royal pardon, and I understand that there is no conditionality in the vast majority of royal pardons.

The reasonable question asked is: may we establish the terms on which she was released? However, the Secretary of State for Northern Ireland is unable to produce that document. Marion Price's solicitor wrote the following to the Secretary of State:

*"It is difficult to fathom how, even exercising a modicum of care, this document was destroyed without someone, before destruction, ensuring that the original (or at least another copy) was still in existence ... There is certainly a foundation for suggesting that the document may (and we can put it no higher) have been deliberately 'buried' given the embarrassment it might cause."*

The document in question is the one that gave rise to Ms Price's release in 1980; a document, which, we believe —

**Mr Campbell:** The Member seeks to take us into the territory of questioning whether the legitimacy of the current scenario is appropriate. Yet, he does not appear to be prepared to look back to 1980 to examine the rationale for her original release, which many would argue, 32 years later, was open to question. Given that we were told she was very close to death's door 32 years ago, she seems to have managed to survive reasonably well in the time since.

**Mr Speaker:** The Member has an added minute.

**Mr McDevitt:** I thank Mr Campbell for his intervention, and he made an interesting point. The difference between 1980 and today is that there is a degree —

**Lord Morrow:** Thirty-two years.

**Mr McDevitt:** Indeed. I was only eight then. You were probably grown up and have a much better memory of the time than I do.

The difference is that, no matter how much we may want to debate the situation in 1980, at least there was a degree of openness and accountability around the process that lay at that time. The one thing that we have today is no openness and accountability. We are reminded often that the standing and test of any society should be its ability to deal with those whom it seeks to deprive of liberty. In other words, if you want to look at the true measure of any society, look to how it treats its prisoners, because that will really test its underlying values. The sad reality —

**Mrs D Kelly:** Churchill.

**Mr McDevitt:** By the way, as Mrs Kelly reminds me, those are not my words but the words of Winston Churchill, who is held in very high regard across the House as someone who stood up for the integrity of the state and the values that we all profess to hold dear at a time when they were being challenged fundamentally.

The interesting thing, and it is an important point to make, is that if we are serious about progressing our project of continuing to devolve policing and justice, if we are to really hold true to the onerous responsibility that that places on all of us as legislators and on everyone in this society, we must understand that we cannot do so without the light of accountability being shone into every corner. There is an awful darkness at the heart of Ms Price's return to, and continued, detention.

The second point that I would like to make briefly is that some people suggest that there is nothing here for Mr Ford to address. I put to him and ask him to address specifically in his summation that we are told that it is for "operational reasons" that Ms Price is not today in Hydebank, where she would at least be able to socialise, where she would be among prison inmates. It is for "operational reasons" that she was sent to Maghaberry. Perhaps, in his summation, Mr Ford will specifically address why those operational reasons exist and what steps he could take — in the same way as he took steps in the case of Mr Brendan Lillis — to ensure that the conditions of her internment are at least proper and to a global standard.

**Mr T Clarke:** After listening to Mike Nesbitt's contribution, I understand why emotions could be triggered for some people listening to the debate. I came to the Chamber with an open mind in some sense, but, listening to the tenor of the debate, I wondered whether I was hearing about a woman who had served for many years in her community and worked hard for the community. She did work hard in the community: she was working hard to bomb and murder people in it over a number of years, and, rightly, she went to prison for that in 1973. There is a dispute over the just or unjust reason — I suggest that it was unjust then, as it was unjust even after the Good Friday Agreement, to let any prisoners out of jail who had not served their sentence laid down by the law, given that they laid down a tougher sentence on many of the victims on whom they perpetrated their violence. Marian Price was one of those prisoners.

I listened to Raymond McCartney talk about no-jury trials and the reasons for revoking a licence. Any right-thinking person could come up with many solutions. There were no jury trials for the people on whom those people perpetrated murder. They were murdered with no trial and no defence. I think that I could use that as a reason. We can look at the events at last year's Easter Rising commemorations, at which Marian Price was holding a script promoting terrorism. In my mind, that would be enough to hold her or any of her cohorts in prison.

**Mr Speaker:** Order. The Member is almost stepping outside the parameters of the motion and coming close to discussing legal cases that are before the court. Once again, I say to all sides of the House that I am trying to be helpful — I certainly do not want to stifle Members' contributions — but I am just warning the Member.

**Mr T Clarke:** I take on board your words of caution, Mr Speaker. I will go on. As I said, she was freed and mysteriously disappeared for quite a number of years. Some of us may have wished that she had disappeared for ever, never to be seen again, but unfortunately that was not to be the case. I am not implying anything one way or the other, but we then had the tragic murders in 2009 of the sappers, who, again, had no jury and no trial but were brutally murdered. BBC reports claim that that lady had been charged in connection with the murders. That is as much as I would like to say on that, given your guidance on not saying too much, Mr Speaker. I would hate to interfere with or prejudice any outcome in which we could get a good long sentence for those involved, regardless of whom they may be, but it is interesting that she has been charged in connection with those murders.

The motion pains me, and I cannot understand why the SDLP brought it to the House, other than to try to out-green Sinn Féin. It has failed to do that, as it has been failing to do for a number of years, but here we have it again. I do not understand how SDLP Members can stand here today in defence of someone of such a character and background. I think that Mr Campbell was fairly liberal in his views, which is unlike him, when he read out the sorts of conditions in which this poor, ill woman lives. He omitted to say that she probably has a choice of 14 bedrooms. Most of us have to manage with two or three in our home, but she has a choice of 14. He mentioned that she had one TV and

DVD player, but in fact she has two. She has plush carpets and bookcases. I actually think that the Minister has something to answer for here today. That should be —

**Mr Campbell:** I thank the Member for giving way. I want to take the opportunity to apologise to the Member for my oversight.

**Mr T Clarke:** Apology accepted, and I hope that your constituents will also grant you that apology, Gregory.

The Minister of Justice should reflect on the conditions that Marian Price and others are living in, given that they are part of the justice system. If some of the victims' families knew of the conditions — we have it portrayed that the conditions are poor, but I would say that it is the complete opposite. They are living in the lap of luxury. I suggest that we get back to the days when there was one cell and no luxuries for them. Prison should not be an enjoyable time. It should be a time when prisoners can reflect on what they have done over the period of the murderous campaign that many of these —

**Mr Givan:** I am grateful to the Member for giving way. He makes the point that the Minister of Justice should explain some of his actions. I said earlier that I had previously asked what representations were made by the Health Minister concerning Brendan Lillis. The response was that no representations were received. I then asked the Health Minister —

**Mr Speaker:** Order. We are straying into different areas. Once again, even in interventions, Members need to be very careful. The motion is clear: it is on Marian Price and nobody else.

**Mr T Clarke:** Thank you for that, Mr Speaker.

In closing, and just to follow on from my colleague's remarks, I think that we should reflect on the conditions of all prisoners. As I said previously, I think that they are living in the lap of luxury, and the sooner they get down to one cell with just the basic requirements the better. We can take televisions as an example, and we can look at what conditions were like in the past and at what they were like in other areas. The sooner we get to that the better. I oppose the motion.

**Mr Speaker:** Before I call Jim Allister, I am sure that he and the whole House are conscious that we are coming very close to Question Time.

**Mr Allister:** Thank you, Mr Speaker. I am surprised at both the origin and the content of the motion, which includes phrases such as:

*"believes that...the necessary process should govern judicial and quasi-judicial actions".*

That is exactly the process that is under way in respect of Marian Price. There is a process; it is in the 2001 Order. The licence was revoked, and she is now making recourse, as she is entitled to, to the Parole Commissioners. That is the due process. It is a process that is reflected in many common law jurisdictions throughout the world whereby a licence exists, a licence is revoked and the person whose licence is revoked has the right to appeal that revocation. It is beyond me to understand why there is a call for necessary process when necessary process is already under way in this regard.

We then have the dubious suggestion —

**Mr Lynch:** Will the Member give way?

**Mr Allister:** I have been told that I have very little time, so I will not on this occasion.

We then have this dubious suggestion that, in fact, she was never on licence at all and that she was given a pardon. I suggested already that the probable answer is that she was given a pardon on the determinate sentence but was given a licence, which can then be revoked, on the two life sentences.

Many people's licences have been revoked. I have appeared professionally from time to time for people whose licences have been revoked on what appeared to be very slight grounds. I remember one man who was long released and who got into a conflict in a domestic situation and had his licence revoked. He took that to the Parole Commissioners and argued his case. That is exactly the due process that we have here, and so it should be.

Miss Price has certainly had a very charmed existence in that, instead of serving her 20 years and her life sentence, she was released after seven years when she first tried the stunt of ill health. Now she is trying it again. Of course, she is not alone in having a charmed existence; one of her co-accused and co-convictes for the same bombings sits in this Chamber today.

However, the real insight into some of those who back this motion was evidenced in the

contributions of Miss McCann, Mr Lynch and Mr McCartney, who boldly said that they wanted to see an end to a process of anyone being recalled on licence. They said that they wanted to see an end to the licence system. Why? The truth is that they want amnesty for themselves and their compatriots for the crimes that they committed.

However, licences are an essential part of due process. If the lady were being held under anything other than due process, there would have been a habeas corpus application long ago, as we still have habeas corpus in this country. Some people ask how the Secretary of State lost the copy of the pardon. How has Miss Price lost the copy of the pardon that she was given? Does she not want to produce it, as it would show that it related only to the determinate sentence, that she is lawfully on licence and that her licence has been lawfully revoked?

**Mr Speaker:** Order. I ask the House to take its ease as we move to Question Time.

*The debate stood suspended.*

2.30 pm

## Oral Answers to Questions

### Agriculture and Rural Development

#### **Agri-Food and Biosciences Institute: Fish Stocks**

1. **Mr McNarry** asked the Minister of Agriculture and Rural Development for her assessment of the ability of the Agri-Food and Biosciences Institute to produce accurate, complete fish stock assessments. (AQO 1151/11-15)

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a Cheann Comhairle. The Agri-Food and Biosciences Institute (AFBI) contributes fully to an extensive Europe-wide marine data collection programme and, along with other institutes, provides accurate information on the state of Irish Sea fish stocks. Fish stocks are assessed in an international forum, primarily through an independent scientific body, the International Council for the Exploration of the Sea (ICES). The basis of the assessments includes the biological data gathered by fisheries research institutes, such as AFBI, as well as commercial landings data from member states' fishing fleets. Numerical models process that data to provide estimates of what the future fish catch should be in order to maintain sustainable stock sizes. If any of the data streams are missing, which can be for numerous reasons, the models may not work. That can lead to an inability to provide a complete stock assessment.

The work of AFBI has been essential in securing fishing opportunities for our fishing fleet. Pioneering work using new stock assessment methods such as underwater camera surveys of prawn burrows in the Irish Sea has helped us to demonstrate that prawns are being fished in a very sustainable manner, and that information has been used to maintain our prawn quotas.

In recent years, AFBI has also used acoustic methods to survey our herring stocks to address uncertainties in the traditional assessments. Again, that work assures us that the stock is being fished sustainably. Ultimately, we hope that it will result in an increase in the

quota figures. I assure the Member that AFBI is supplying all the data required and more. In addition, AFBI scientists fill senior roles in ICES, including representation on its advisory committee that drafts the overall management advice. Therefore, I am satisfied that, where we are required to submit data on fish stocks, it is accurate and complete.

**Mr McNarry:** Thank you, Mr Speaker. I must say that it is a bit cold in this part of the House. *[Laughter.]* If there is anything that you might be able to do to warm it up, I would be very grateful.

I thank the Minister for her answer. Does she have information or expect to obtain information in the near future that would encourage her to challenge inaccurate fish stock assessments?

**Mrs O'Neill:** Absolutely. The Member will be aware from my recent statement on the outcome of the December Fisheries Council meeting that we consistently fought science with science. We thought that our science was sufficient, particularly around the cuts proposed to the herring quota. Therefore, we have to keep engaging with the Commission and ensuring that it is aware of our science. However, the fact that scientists from AFBI sit on ICES is a good advantage. Nevertheless, some work will be carried out on a stock assessment in February, which will, hopefully, lead to an opportunity to go back to the Commission to make the case for an increased herring quota.

**Ms Ritchie:** I thank the Minister for her answer. In advance of the forthcoming ICES benchmark process on cod, what discussions has her Department had with AFBI on identifying the scientific objectives for Irish Sea cod, what those are, what problems AFBI and Department of Agriculture and Rural Development (DARD) scientific officers intend to highlight as part of that benchmarking process, and what proposals have been discussed to find a way forward with regard to the sentinel fishery proposal in particular?

**Mrs O'Neill:** The Member can ask one supplementary question, so I will take my pick as to which of her questions I will answer today. However, I am happy to pick up on the points and write to her in due course.

The industry is making a case for us to examine the sentinel cod fishery. AFBI is working with the industry to see whether that can happen

and a case is being built up. Cod stocks are at an all-time low, and we need to ensure that we support the industry to continue to catch white fish. However, there is no doubt that everybody is aware that the cod recovery plan that the Commission put in place is not working and needs to be reviewed. We intend to work with the Commission in the period ahead to ensure that it is aware of the needs of our local industry while maintaining good cod stocks for the future.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. The Minister touched on the data for Irish Sea herring. Will she seek an in-year total allowable catch increase for Irish Sea herring?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. The scientific benchmarking assessment of the stock, which is scheduled for early this year, will take account of the most recent acoustic data we have on the herring stock. We believe that that will produce a favourable assessment. If the outcome of that benchmarking is strong enough, that will give us the tools to go to back to Europe and argue for an in-year increase for Irish Sea herring. Failing that, we will continue to work with the industry to develop a longer-term management plan for Irish Sea herring and seek to have that adopted by the Commission. If we are able to get positive results from the benchmarking assessment, that will give us what we need to go to Europe to make the case for the increase.

## Brucellosis

2. **Mr McMullan** asked the Minister of Agriculture and Rural Development for an update on the drive to eradicate brucellosis.

(AQO 1152/11-15)

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I am pleased to state that there were only four confirmed cases of brucellosis here in 2011 and that our last confirmed outbreak was on 14 July 2011. Our confirmed herd incidence rate for brucellosis is down to 0.045% as of 30 September. Presently, only seven herds are under restriction due to brucellosis. I think the Member will agree that that is a remarkable achievement. Indeed, the figure might have been a lot lower had it not been for the two infection hotspots that developed in 2010, which were attributable, in part, to suspected reckless or fraudulent activities by some herdkeepers.

Despite that, there is good progress. However, we should not be complacent. It is absolutely vital that farmers report any abortions in their cattle to DARD vets and that good biosecurity is maintained. The eradication of brucellosis by 2014 is one of our objectives in the Programme for Government, and it will allow us to subsequently seek EU official brucellosis-free status. Achieving that status would benefit our farmers through the anticipated phased reductions in the level of routine and pre-movement testing. Overall, that would save £7 million in compliance costs to the industry.

**Mr McMullan:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her answer. Can she state what steps we will have to take before we become officially brucellosis free?

**Mrs O'Neill:** Three years must elapse from the last confirmed brucellosis breakdown before we can take the opportunity to apply to the EU Commission to seek brucellosis-free status. As I said, the last confirmed brucellosis breakdown here was on 14 July last year. That is positive. Eradication and achieving brucellosis-free status will benefit all the cattle farmers here through the progressive relaxation of annual and pre-movement testing, which will save the industry £7 million.

**Lord Morrow:** Will the Minister provide an update to the House on her or her Department's investigations into the deliberate infecting of herds with brucellosis? What steps has the Department taken, and what steps will it take in conjunction with other agencies, to deal with that matter with a view to prosecutions?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. The cases the Member refers to occurred back in 2010. A lot of work was done at that time by my predecessor, Michelle Gildernew. She worked with the people in the area affected and with the wider community. The PSNI were involved; prosecution and whether there were deliberate infections are matters for the PSNI. We will continue to work with them in that regard. However, no stone was left unturned. Michelle Gildernew carried out great work at the time to make sure that the interests of the wider community were represented.

**Mrs Dobson:** Many farmers will welcome the Programme for Government commitment to the eradication of brucellosis. However, turning to an even greater issue, is the Minister aware of recent press coverage reporting a sharp

increase in TB? Can she confirm a report that 182 new TB reactor herds were detected across Northern Ireland in November last year, which would be the highest monthly detection figure for almost six years?

**Mrs O'Neill:** The Member will be aware that TB and brucellosis are two very different cases. We are making very good progress with brucellosis, but TB is a very complex disease that is difficult to identify. We have to work constantly with the industry and our vets to find ways forward. Different people have different ideas about how we can deal with it. We have to explore them all and not rule any of them out.

We have to keep the levels of brucellosis continually under review. After today, I will make sure that I clarify for you in writing whether the figures are correct. In trying to further drive down the levels of TB, as you will be aware, we are out to consultation on the issue of TB and brucellosis compensation. The fact that we will cap the level of compensation and the figure of 75% bear out the fact that we need to work harder on TB and make sure that we get to a better position in the future.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a freagra. I understand that brucellosis has been eradicated in the Republic of Ireland. What lessons are to be learned from how brucellosis was dealt with in that jurisdiction? Are those lessons being acted on here?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. As I said, we are in a good position, and I think that we are close to achieving our target of being free of brucellosis by 2014. The all-island animal health and welfare strategy is the vehicle to ensuring that we share knowledge and learn the lessons that can be learned. Our industry is calling for this, and it will be assisted if we achieve that status, which will help us in allowing the free movement of animals across the island.

### **Agriculture: North/South Co-operation**

3. **Mr McCartney** asked the Minister of Agriculture and Rural Development to outline the progress she is making on building co-operation on a North/South basis. (AQO 1153/11-15)

**Mrs O'Neill:** Since I came into office last May, significant progress has been made across a wide range of formal and informal North/South

activities, building on the work undertaken by my predecessor Michelle Gildernew. That work has been supported by my Department's North/South unit. I have attended four meetings of the North/South Ministerial Council (NSMC) in the agriculture and aquaculture sectors. Those meetings are an important vehicle for me to engage with corresponding Ministers from Dáil Éireann and discuss matters of mutual interest. For instance, we have continued to work on implementing the all-island strategic approach on animal health and welfare issues. That has brought about positive outcomes in such areas as sheep identification, the facilitation of trade and co-operation and the testing regimes for TB and brucellosis that I just mentioned. We will continue with our fortress Ireland approach to protect the whole island from the threat of serious diseases such as the bluetongue virus, and we are working towards our ultimate aim of the free movement of cattle across the island.

Outside the normal NSMC arrangements, a range of informal contacts and activities are taking place. One of the highlights of my first few months in office was attending the national ploughing championship in Kildare last September. It was a fantastic event that was attended by more than 180,000 people over three days. It was a massive success for all those who went down and got involved in the show. The Department had a dedicated stand that allowed the small rural businesses that attended to showcase their products. I know that they got a lot out of it and enjoyed it very much. It also helped them to develop new marketing opportunities.

More recently, I have been working closely with Minister Simon Coveney TD on the CAP reform proposals. I was pleased to meet him again a few weeks ago when the European Commissioner Dacian Cioloş was here and addressed the Oireachtas Joint Committee on Communications, Natural Resources and Agriculture. If we continue to develop relations with the Irish Government, the more support we can garner across the EU for our position and the greater the likelihood of it featuring in the overall final agreement on CAP reform.

It should also be noted, as I said before in the House, that we hope that the Dublin Government will hold the presidency of the EU in the early part of 2013, which is when we believe that the CAP negotiations will conclude. Obviously, that will be very beneficial for us.

I also welcome the participation of the Assembly's Agriculture and Rural Development —

**Mr Speaker:** I am watching the clock. Unfortunately, the Minister is well over her time.

**Mrs O'Neill:** OK. I will finish by saying that that is a flavour of the type of work that is going on in the Department.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire. Thank you, Mr Speaker. Your patience is renowned, and it has been well tested today.

I thank the Minister for her response. Will she outline some of the more specific roles of her Department's North/South unit?

**Mrs O'Neill:** As I said, the North/South unit was established by my predecessor Michelle Gildernew to ensure regular reports and monitoring of the work that is going on and to encourage engagement on formal and informal activities. The unit is very proactive in liaising with all the DARD business areas and engaging in a wide range of North/South activities, and it acts as the main point of contact with the joint secretariat in Armagh. The unit also provides important administrative support for my attendance and that of senior officials at NSMC meetings in agriculture sectoral format.

#### 2.45 pm

Outside of the scope of my continued participation in NSMC meetings, I receive quarterly updates from the unit on a broad spectrum of activities covering almost every aspect of the Department's responsibilities. That information is often further supplemented by presentations from individual business areas on existing or emerging ideas on co-operation. Some examples of that are co-operation on the EU floods directive, all-island animal disease contingency planning, rural development, and agricultural education issues. So, it is a very important unit. There is lots of ongoing work within the Department, and the unit will continue to update me quarterly on its work.

**Mrs D Kelly:** I thank the Minister for her very comprehensive response, which I suspect is more a response to the stinging criticism of Sinn Féin's commitment to North/South co-operation that was recently published. However, I want to specifically ask the Minister about the InterTradelreland report on the agrifood industry and the fact that she got sight of it

only recently, I think, when the Committee forwarded it to her; it was not forwarded by the Enterprise Minister. What discussion will she have with the Enterprise Minister on the report's recommendations?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. Sinn Féin is not interested in paying lip service to the North/South issue — we are genuinely proactive in pursuing it.

As for the point that the Committee forwarded me the paper: the paper has been stalled for quite some time. It is a Department of Enterprise, Trade and Investment (DETI) report. My officials and I have had some discussions with DETI on delivering and taking forward the report. I see it playing a key role in the new agrifood strategy that we are developing, because we have to look at all the areas of growth and at where the potential is for the industry to grow.

**Mr Campbell:** Given the Minister's restated commitment to not paying lip service to "North/Southern", what assurance can she give farmers and rural dwellers in Northern Ireland that rather than chasing will-o'-the-wisp party political issues that will never come to pass, she will use her time usefully and deploy resources to ensure that the people who live in Northern Ireland get the benefit of the expertise of the Department that she heads?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I think that I have represented the industry quite well over the past seven months. I do not think that anybody could say that they are being ignored or that their views were not heard. I will continue to pursue my own political agenda. The Member may wish to call it will-o'-the-wisp — or whatever reference he used — but that is my agenda. That is why I am elected as a Sinn Féin rep and a republican rep. I am elected on my principles.

**Mr Dickson:** Minister, are you satisfied with the current cross-border co-operation on animal health issues, and have you any plans to improve on it?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. That area is key to supporting the industry as it moves forward. A practical example of co-operation is the ongoing contingency planning that we have in place for an epizootic disease outbreak — the fortress Ireland approach. There are good, positive

examples of things that have worked in the past. If we were to have an outbreak of that type, the first thing that we would already have in place is a mapping system in which we could highlight the hotspots, and we look at that on an all-island basis. We need to continue to do more of that and to look at other ways in which we can co-operate positively for the benefit of the whole island and everybody in the agriculture sector.

### **Agriculture: Production Diseases**

4. **Mr Ó hOisín** asked the Minister of Agriculture and Rural Development for her assessment of whether production diseases should be tackled as part of a wider strategy to assist farmers in increasing their production capacity.

(AQO 1154/11-15)

**Mrs O'Neill:** At a farm level, production diseases and conditions such as mastitis, lameness, infectious bovine rhinotracheitis (IBR) and bovine viral diarrhoea (BVD) can have a significant impact on the productivity and competitiveness of the farmer. For example, we know that BVD impacts on growth rates, increases mortality rates and decreases calving rates, and it may also increase susceptibility to other diseases. Last September, I spoke to Animal Health Ireland, the industry-led organisation that focuses on eradication of those diseases and conditions in livestock in the South. I welcome the fact that it is open to the possibility that issues might be dealt with on an all-island basis. I am also pleased to hear that it is open to further co-operation with the industry in the North, where such an approach could help us to attain similar disease status right across the island. That, in turn, will help us to move towards the goal of free movement of animals across the island.

The initial steps taken by the industry-led cattle health steering group and its BVD working group demonstrate that there is a desire to tackle such issues in the North, too. I very much believe that prevention is better than cure, and, if we can address it, BVD is one of the areas in which we can make improvements and help the industry to increase its productivity.

TB and brucellosis were discussed earlier, and we need to be able to resolve the compensation issue so that I can get officials to move on, enabling us to look at production diseases and how we can support the industry.

**Mr Ó hOisín:** Gabhaim buíochas leis an Aire as an fhreagra sin. I am very glad to hear the Minister's proposals. Will she provide the same support as the Government in the South has provided towards the eradication of diseases such as BVD?

**Mrs O'Neill:** As I said earlier, reducing costs in other areas, such as the TB and brucellosis compensation schemes, may help us to get to a better position. Obviously, all budgets are tight, but it may help to put us in a better position to look towards supporting initiatives here that improve wider animal health issues such as BVD or, in this case, production diseases. Officials are closely engaged with the BVD working group, which is chaired by the Ulster Farmers' Union (UFU), with the aim of identifying what, if any, assistance the Department can provide. I believe that it is going to have to be industry-led, and my Department will continue to work with industry on a research project through the research challenge fund. A lot of good work is going on, and I look forward to being in a position in which we can take a preventative approach to animal health.

**Mr Swann:** Will the Minister detail how her Department is working towards coming up with a statistically valid figure for the number of herds in Northern Ireland that have, or have recently had, active BVD? Does she agree that, until DARD has the figures, it is unlikely that the disease can be tackled or eliminated?

**Mrs O'Neill:** As I said, a working group has been established, which the UFU chairs. It is with that working group that we are attempting to identify the stats that are there, the needs of the industry and, then, what the Department can do. It is something that I am actively speaking to the UFU and the Agricultural Producers Association about. If we do not take a preventative approach to animal health, we are always going to be chasing our tail when fighting diseases. We should be trying to look at the preventative approach.

**Mr McGlone:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht na bhfreagraí sin. Will the Minister provide us with some detail on where those commitments are reflected in the Programme for Government?

**Mrs O'Neill:** DARD was able to secure four commitments in the Programme for Government. Animal health was key to them,

as were the agrifood industry and eradicating disease. They are all positives. I could have had a long list of 20 issues that I would have liked to have seen included in the Programme for Government. However, obviously, issues are brought to table, and you have to prioritise. That does not mean that only what can be achieved is included in the Programme for Government; just because something is not in the Programme for Government does not mean that it will go away. There will be ongoing work on all those issues, and animal health and animal welfare is a priority for the Department.

**Mr Speaker:** Questions 6, 7 and 11 have been withdrawn.

### Fisheries: Decommissioning

5. **Mr Allister** asked the Minister of Agriculture and Rural Development what plans she has for a decommissioning scheme for the fisheries industry, in view of the pressures being faced.  
(AQO 1155/11-15)

**Mrs O'Neill:** The Department has prepared a business case for restructuring the local fleet by means of a publicly funded decommissioning scheme. I have instructed my finance division to have it with the Department of Finance and Personnel (DFP) in the next few days. The work on a business case for a vessel decommissioning scheme took longer than expected. The good reason for that was that, when I met the processing sector, I found that it had identified some additional issues that I felt needed to be fed into the overall business case and needed to be addressed.

On 12 December 2011, the European Court of Auditors (ECA) published a special report titled 'Have EU Measures Contributed to Adapting the Capacity of the Fishing Fleets to Available Fishing Opportunities?'. The audit concluded that overcapacity of the EU fishing fleet continues to be one of the main reasons for the failure of the common fisheries policy in ensuring sustainable fishing activity and that current measures have failed. The ECA made a series of recommendations aimed at the Commission and member states. My Department has considered the findings of that special report carefully, and they will be woven into the context of the business case.

I acknowledge that any future intervention in the form of a decommissioning scheme must

result in the permanent reduction of the size of the local fleet. Any proposal will also need to comply with European Fisheries Fund rules and have the appropriate conditions and controls to ensure that the reduction in the white fish and nephrops sectors of the fleet that are being targeted by the scheme will be permanent.

**Mr Speaker:** I call Jim Allister. Sorry.

**Mrs O'Neill:** I hope that the Member will appreciate that I cannot get into the whole detail of the business case until it goes to DFP, but, as I said, that is happening in the next few days.

**Mr Allister:** Will the Minister indicate whether the decommissioning scheme, when it is in place, will apply equally across the sector? Will it be weighted towards the sector that, some would say, has suffered most, namely the white fish sector? Will it be open-ended, and when can we expect to begin the process of applications?

**Mrs O'Neill:** I hope that the business case will be with DFP within the next couple of days. As soon as that is cleared, we can move quite quickly because all the detail in drafting the business case has been worked up.

There is no doubt that we need a sustainable and profitable white fish fleet. I think that I answered questions from you in previous Question Times around the December Fisheries Council. The white fish fleet represents about 5% of the industry, and those people are obviously concerned about their future. I think that it is two vessels out of 105-odd vessels, which is just to put it in context because, obviously, prawn fisheries are the main stocks here.

There is certainly a decline in white fish stocks, and those vessels that continue to fish for cod will probably need to take up alternative fishing opportunities, spending part of the year on, perhaps, nephrops fishing or in other grounds where there is greater availability of white fish species. The weighting and industry targeted are part of the business case, which will be with DFP very shortly, and then I will be happy to discuss the issue with the Member.

**Ms Boyle:** Will common fisheries policy (CFP) reform improve matters for the fishing fleets?

**Mrs O'Neill:** One of my priorities for CFP reform is regionalisation at the level of the Irish Sea. Ideally, those states with direct interest in the Irish Sea should have greater control over management plans for their fish stocks and any

tactical or other measures that are required to implement those plans. However, there remains a lack of clarity from the Commission as to how the proposals for regionalisation will work in practice. The Commission is being pressed to provide further explanation. There have been no political negotiations yet on the Commission's proposals that were issued last year, but I assume they will commence and continue throughout 2012.

**Mr Copeland:** Does the Minister accept that an ageing fleet, no matter how well maintained, will, in certain circumstances, pose additional risks to those involved in the industry? Will she further take on board the fact that the absence of full details of the decommissioning scheme is, or could be seen as, preventing the necessary future investment in expensive upgrades to the fleet?

**Mrs O'Neill:** To give DFP its proper place, and until it clears the business case, it would be inappropriate to comment on the detail of it. However, the whole principle behind the decommissioning scheme is to make sure that we have a fleet that can go out and fish for our quota. If we have an ageing fleet, this will be an opportunity for some of those industry people to get a chance to leave because of the decommissioning scheme. I think that it will support the industry. It is something the industry has been calling for. I know that it is eagerly awaiting the outcome of the business case and wants to move forward with it.

**Mr McCarthy:** I take this opportunity to thank the Minister for getting the good old Comber spud onto the European best quality food list last week. In relation to the fishing, she mentioned the business case, and of course that is very important. When the business case goes to DFP, what faith does the Minister have in the Minister of Finance and Personnel having the money to cough up for the decommissioning scheme?

**Mrs O'Neill:** If the business case weighs up, we hope to be able to move forward with it very quickly. Comber potatoes, Lough Neagh eels and, hopefully, Armagh Bramley apples are all coming, so that is very positive for the local industry. DFP will consider the business case. We will ensure that officials continue to liaise with DFP and make sure it is dealt with in the speediest fashion.

3.00 pm

## Culture, Arts and Leisure

### Ulster Covenant

1. **Mr Wells** asked the Minister of Culture, Arts and Leisure what steps she is taking to mark the centenary of the signing of the Ulster covenant. (AQO 1166/11-15)

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** Go raibh maith agat, a Cheann Comhairle. Significant centenaries and events in the decade ahead provide us all on this island with an opportunity to gain a greater understanding of our shared past and how it shapes and identifies relationships today.

My Department, through the Public Records Office, is revamping its Ulster covenant web resource by incorporating additional historical content. PRONI will also feed into a BBC production by Brian Henry Martin and William Crawley on the Ulster covenant, which is to be transmitted in September this year. PRONI is also partnering a Belfast City Council exhibition to be opened at City Hall in August this year. Other activities, such as exhibitions and talks on the covenant, are being planned by museums and libraries. I am also supportive of the plans by the Community Relations Council and Heritage Lottery Fund to hold a lecture series exploring the historical content of the period from 1912 to 1922.

**Mr Wells:** I am not exactly overwhelmed by the answer from the Minister. We are entering a very important phase in the history of Northern Ireland. We start with a celebration of the covenant of 1912, leading up to the centenary of the foundation of the state of Northern Ireland. Will the Minister and her Department enthusiastically support the commemorations to mark the foundation of the state of Northern Ireland? That will take us well past the anniversary of 1916, so we can celebrate the fact that we, as an integral part of the United Kingdom, have survived 100 years and intend to survive another 100 years.

**Ms Ní Chuilín:** The list of events and commemorations that my Department is enthusiastically bringing forward is inclusive. It is not triumphalist or vitriolic; it is everything it should be. We are trying to build and develop better relations for a good and shared society.

We do not want people beating their chest. So, if the Member is genuine about the suite of events that we hope to bring forward over the next decade, I am happy to write to him.

**Mr G Kelly:** Go raibh maith agat. Further to that answer, will you expand on some of the other commemorations that will take place? I seldom agree with Jim Wells, but I agree with him that we are entering a very historic period. It is one that crosses both traditions, so maybe you could expand on the other commemorations.

**Ms Ní Chuilín:** I have alluded to some of the other commemorations at Question Time before. As regards the forthcoming decade of centenaries, there is a list of significant events, including the Ulster covenant, the plantation of Ulster, the First World War, the Treaty of Versailles, the Easter rising, the battle of the Somme, the rise of the labour movement and the Belfast strike, Lloyd George's convention, universal male and limited women's suffrage, general election, the war of independence, the Government of Ireland Act, the civil war and partition. That is to name but a few. I repeat that it is not about what we commemorate but about how we commemorate it and make sure that it is done in an inclusive way.

**Mr Beggs:** The Minister has indicated that she has had discussions with Belfast City Council on the issue. What other Departments or agencies has she had discussions with about marking the signing of the Ulster covenant, which is an event of huge importance to the state of Northern Ireland?

**Ms Ní Chuilín:** I have met a range of bodies. First and foremost, I have met representatives of my own arm's-length bodies that deal with libraries and museums but not exclusively. There was mention of the exhibition by Belfast City Council. I am holding meetings with other Departments on how they intend to bring commemorations forward so that there is no overlap. I am trying to ensure that that is done in an inclusive way so that the principles of the Community Relations Council and the Heritage Lottery Fund, which I mentioned, are brought forward by all the Departments and all the bodies that are using this year as the start of a period of marking significant commemorations and events.

## Film Production: Security

2. **Mr Byrne** asked the Minister of Culture, Arts and Leisure whether she has met with representatives from NI Screen, given the recent attacks on film crews and extras in Belfast, and if she can give any assurances that these incidents will not deter agencies from choosing Northern Ireland as a production location.

(AQO 1167/11-15)

**Ms Ní Chuilín:** I have arranged a meeting with NI Screen, which will happen this week. I am assured that NI Screen will continue with its robust and aggressive marketing to the global screen industry. I am confident that the growing reputation for film and television in the North of Ireland is undiminished.

The attack on the young men, who were left traumatised, was at the very least regrettable and at the very worst absolutely shocking. The whole incident — the attack on the young men — reflects poorly, but it is not reflective of the people from that community. I am confident that NI Screen is doing everything that it can to learn lessons from the incident and move forward.

**Mr Byrne:** I thank the Minister for her answer. Does the Department hope to encourage other agencies and companies to get involved in more film production right across Northern Ireland?

**Ms Ní Chuilín:** Absolutely. I am sure that the Member is aware that one of our local film-makers, Terry George, has been nominated for an Academy award for the short film 'The Shore'. He is shortlisted fifth out of a pool of 107 people, which is absolutely brilliant for the local film industry. We are content that NI Screen is doing everything that it can to attract other film producers and film-makers to these parts.

**Ms Ruane:** Go raibh maith agat, a Cheann Comhairle. Go raibh maith agat, a Aire, as an fhreagra sin. Will the Minister outline what actions NI Screen is taking, has taken or plans to take to reassure actors and crews that the North remains a safe and welcoming environment for film and TV production?

**Ms Ní Chuilín:** I thank the Member for her question. The head of production of NI Screen has spoken to the film producer who employed the team of young extras and to the young men who were attacked. They also spoke to other production companies that are enquiring

about filming here, if they have not already started filming here, about what happened. They have been reassured that the attack does not represent the experience of the film and television industry in the North of Ireland and is not reflective of communities here. I am assured — I will raise this again at the meeting — that everything that can be done will be done to attract inward investment.

**Ms Lo:** The incident was due to sectarianism in the area among some people. What actions are the Minister and her Executive colleagues taking to improve community relations to ensure that no localities are seen as no-go areas?

**Ms Ní Chuilín:** I thank the Member for her question. It is a very important question; it is more important than some of the hysterical knee-jerking that we have heard in the past. The Executive condemned the attack clearly and unequivocally, and I know that that meant a lot to the young men involved. I think that the community was unequivocal in its condemnation of what happened, and the community and voluntary sector in that community, for the best part, was unequivocal in saying that what happened was wrong.

NI Screen is one of the companies that go to hard-to-reach areas. In other words, it goes to some of our most disadvantaged and deprived areas. It is involved in after-school and outreach programmes to get young people who may not be involved in other activities involved in the film and TV industry. The programmes have proved very successful. For example, the AmmA Centre in Armagh and the Nerve Centre in Derry in particular have made it their business to attract young people. In the past, perhaps deliberately, people have felt that it was easier to move on than go back and bring those people with them. I am confident that NI Screen can continue to do that, and I encourage other companies and other industries to follow its example.

## 2012 Olympics: Torch Relay

3. **Mrs Hale** asked the Minister of Culture, Arts and Leisure for an update on the development of the plans for the Olympic torch relay.

(AQO 1168/11-15)

**Ms Ní Chuilín:** The Olympic torch will travel round the North for five days from 3 June to 7 June and will visit all 26 councils, with evening celebrations in Portrush, Derry, Newry

and Belfast. The street-level route will be released closer to the time of the relay. The torch will also visit Dublin on 6 June. The route in the North and the involvement of local community, cultural and sporting groups is the responsibility of the relevant councils. In order to identify opportunities and allocate roles and responsibilities, councils hosting an evening celebration have each set up a community task force. The other councils have also been encouraged to set up their own task force in relation to the torch relay. My officials are liaising with the task forces and the London Organising Committee of the Olympic and Paralympic Games (LOCOG) to ensure that a joined-up approach is taken and opportunities are maximised. In October, a local panel met to select torch-bearers for the North. LOCOG issued conditional offers in December last year. Places will be confirmed in February this year.

**Mrs Hale:** I welcome the update from the Minister. As she is more than aware, the Chinese gymnastics team, which won 18 medals in Beijing, will be based at Salto in Lisburn for its pre-Olympic training. It appears, however, that that has been given no consideration with regard to the agreed torch route. Can the Minister liaise with the organising body to ensure that Salto is highlighted?

**Ms Ní Chuilín:** Responsibility for the torch route lies with Lisburn City Council. LOCOG has met NILGA, SOLACE and the 26 district councils. I see that a Member opposite is shaking his head. If there is any information that suggests that that is not the case, he needs to bring it forward. I am very supportive of Salto. In Lisburn — on our doorstep — we will host the number one gymnastics team. It is ranked first in the world. If an opportunity is missed by Lisburn and, indeed, the rest of the North and this is bypassed, that is exactly what it will be — an opportunity missed. I have been told that the decision on the route lies with councils. It is arranged between councils and LOCOG. If the Member feels that I need certain information, I would really appreciate its being brought forward. I am really keen to make sure that Lisburn is highlighted and Salto's role and huge achievement are supported.

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. The Minister has touched on this in her answer to the previous supplementary

question. Will she outline her plans for the Paralympic torch relay?

**Ms Ní Chuilín:** I thank the Member for his question. The Paralympic torch relay will start on 24 August with the first flame-lighting event in London. Greater Belfast will host a flame-lighting event on 25 August, followed by Edinburgh and Cardiff on 26 and 27 August. The four flames, under the theme of the power of human endeavour, will be brought together to create a Paralympic flame at a special ceremony at Stoke Mandeville Stadium on 28 August. Later that evening, there will be a 24-hour torch relay to carry the Paralympic flame to London for the opening of the Paralympic Games. After the flame-lighting event in greater Belfast, the flame will visit communities before arriving at a flame festival later that evening.

**Mr Kinahan:** We all really look forward to the torch being in Northern Ireland. What steps and action are being taken with the Tourist Board to ensure that, while the flame goes around Northern Ireland, it shows off and links together everything that is fantastic about Northern Ireland, so that we keep the launch of Northern Ireland tourism for this year high in everyone's minds?

**Ms Ní Chuilín:** I thank the Member for his question. It is important that he and, indeed, other Members realise that the Tourist Board has sat on the organising committee from the very start. That simply proves the Member's point that tourism is essential. We need to use the asset of the Olympic torch being here to work with, join up with and promote tourism, particularly in smaller rural towns and villages. Therefore, the Tourist Board sits on the leadership group and the group that is organising the torch route. It has worked with my Department and, indeed, LOCOG throughout the whole process.

**Mr Eastwood:** Is the Minister content that the torch relay will be inclusive of our whole society, including ethnic minorities and people with disabilities?

**Ms Ní Chuilín:** Part of the criteria was that it had to demonstrate inclusion, particularly of young people, marginalised groups and minority ethnic communities. Indeed, the strapline for it all was, "Ordinary people doing extraordinary things" — not so much athletes or the usual suspects who are involved in such events. I am fairly content with the information that I have received so far. If the Member has any cause to suggest that

that is not the case in his constituency, I would be happy to forward that. We cannot have a situation where we have an opportunity like this but people who are already marginalised have to stand aside and have no opportunity to be involved.

**3.15 pm**

### **Irish Language Strategy and Ulster-Scots Culture and Heritage Strategy**

4. **Mr F McCann** asked the Minister of Culture, Arts and Leisure when the consultations on the strategies on Irish language and Ulster-Scots culture and heritage will begin.

(AQO 1169/11-15)

**Ms Ní Chuilín:** In the draft Programme for Government for 2011-15, the Executive included among its building blocks a strategy for the Irish language and a strategy for Ulster-Scots language, heritage and culture. The Programme for Government is currently out for consultation, which will end on 22 February. Following the Executive's consideration of the responses to the consultation, I intend to set out a timetable for consultations on both strategies. I am committed to taking that forward in line with the 1998 Act, which places duties on the Executive to adopt a strategy setting out how they propose to enhance and protect the development of the Irish language and Ulster-Scots heritage and culture.

**Mr F McCann:** Will the Minister ensure that both strategies meet the needs of the Irish language and Ulster Scots? Can she outline how they will be funded?

**Ms Ní Chuilín:** I assure the Member that consultations on the strategies will be robust and that, unlike previous consultations, Members' views will certainly be incorporated into them. It is likely that individual Departments will have to decide what level of funding they wish to allocate to the strategies' implementation. Given that the strategies are included as Executive building blocks in the draft Programme for Government, I expect ministerial colleagues to ensure that funds are in place to allow proper implementation.

**Mr Campbell:** When the Minister goes down the route of providing strategies for the Irish language and Ulster-Scots language and heritage, will she ensure that Ulster Scots

gets proportionate funding so that we see the strategy fully developed with manifest outcomes for people in the Ulster-Scots community?

The issue of disproportionate funding arose throughout direct rule, because Ulster Scots received significantly less than the Irish language for many years. It is only in recent years that that has begun to be redressed.

**Ms Ní Chuilín:** I thank the Member for his question. I am sure that, if he speaks to people from the Ulster-Scots community, he will find that I have been nothing but fair in the way that I have dealt with everyone, particularly on the issue of language, culture and heritage.

I am not going to have one section of the community receiving funding above and beyond what is proportionate and what it is entitled to, regardless of what was there in the recent or distant past. As I said in my previous answer, I anticipate that money for those strategies will come not only from my Department but from my ministerial colleagues. The money will be given out proportionally; it will be done fairly and to meet the needs of the community. That is what is important. It is about meeting people's needs rather than those of politicians.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a cuid freagraí. An dtig liom a fhiafraí den Aire cén uair a thig linn bheith ag súil le comhairliúchán a fheiceáil ar Bhille na Gaeilge?

When can we expect to see consultation on an Irish Language Bill?

**Ms Ní Chuilín:** I will give the Member the same answer that I have given him each time he has raised that question. Scoping for the Irish Language Bill will take some time. I want to make sure that it is done properly and that it is done right. I am not rushing it through for political expediency. After the scoping exercise is finished, given that the Member is on the CAL Committee, he will know when I anticipate a Bill being brought forward. I look forward to his continued support.

### **Angling**

5. **Mr G Robinson** asked the Minister of Culture, Arts and Leisure to outline the support she is providing to local angling clubs to help them to keep rivers stocked with indigenous salmon and trout. (AQO 1170/11-15)

**Ms Ní Chuilín:** Through the provisions of section 14 of the Fisheries Act (NI) 1966, the Department may permit authorised persons, subject to conditions, to carry out the artificial propagation of salmon or freshwater fish for the improvement of freshwater fisheries. The Department has produced detailed guidance to enable angling clubs to plan and develop salmon and trout stock rebuilding programmes, to carry out a habitat survey and to improve habitat, which will boost the survival of indigenous wild populations in fresh water. The guidance is informed by recent developments in the sustainable management of native wild fish, which recognises that holistic management of the habitat where the fish have evolved is often the best approach. It recognises the risk of reduced survival of wild, indigenous fish through undesirable introductions of genetically different or domesticated fish and/or more aggressive fish that compete with our indigenous habitat.

The Department has routinely made fish culture facilities at the Bushmills salmon station available to angling clubs that have developed sound salmon stock rebuilding programmes. Clubs are assisted to capture brood stock and to reintroduce fry into suitable habitat. The Department has developed a scientifically informed strategy for the development of the Erne trout fishery and reinstatement of a self-sustaining salmon population in the Erne catchment. This has involved working with angling clubs that fish on lower Lough Erne and the feeder streams. Fisheries officers seek to sustain native fish stocks through habitat improvement projects, the provision of advice to regulators of activities that can cause harm to their habitats and enforcement of fishery protection law.

**Mr G Robinson:** Will the Minister guarantee continuing support to all local angling clubs that partake in the sport?

**Ms Ní Chuilín:** Absolutely. I repeat that my officials are happy to work with angling clubs, particularly when they are involved in bringing back or restocking rivers, so that it is done with the supervision and support of officials. They are happy to go out to angling clubs and to introduce them to the Bushmills salmon farm. They are also happy to talk to them about indigenous fish and, indeed, the waterways for those rivers because it is important that the indigenous fish survive and that any introduction of stock that is not familiar to those waters

will not compromise the indigenous stock. Therefore, they are happy to work with and support angling clubs, which, for the best part, have been working with the Department for a long time.

**Mr Swann:** I am encouraged that the Minister said that she intends to support angling clubs. What support does she intend to give to encourage clubs to adopt voluntary catch and release, as her Department has requested, given that she does not have the legislation to enforce it or to enforce the removal of the nets off our coast? Will she ensure that DCAL waters operate catch and release?

**Ms Ní Chuilín:** If DCAL waters are involved in activity that does not involve catch and release, I am sure that the Member will bring it to my attention. To be honest, the Department has been overwhelmed by responses to the issue around salmon conservation and working with angling clubs. The Member has made it known through many outlets and the media that legislation is needed. I support that, but staff receive between 400 and 500 requests to answer questions and to respond to letters, and those same staff should be getting on with legislation and policy development.

I encourage angling clubs to work with the Department in a constructive, positive way so that we can bring forward the best legislation to protect the clubs that have been fishing in a very positive way throughout the years and will continue to do that and ensure that that is assisted with a strong policy position so that we can go forward with even stronger legislation. However, I make an appeal today that the staff who are tied up answering those letters and questions need to be able to get on with the business of legislation and protecting salmon conservation targets, which, as the Member pointed out, we need to meet.

**Mr Allister:** If the Minister is interested in seeing a restoration of salmon stocks to our rivers, the best and most effective contribution she could make would be to decline to issue licences for nets off the Antrim coast, which her Department recognises are interrupting the return of salmon to rivers to such a grave degree. She has that discretion; why is she not exercising it?

**Ms Ní Chuilín:** The Member is wrong: I do not have that discretion. If I had that discretion, I would not be seeking counsel on the issue.

The Member knows well what the position is. I ask that commercial fishermen in particular do not apply for the licence. If they refuse to do anything, I will seek legal advice on my position. The Member knows that I do not have the legislation that would allow me to remove the nets. Given the interest that he has in that area, I am surprised that he is not particularly well informed.

### **Football: Safety Legislation**

**6. Mr Douglas** asked the Minister of Culture, Arts and Leisure for her assessment of whether the existing safety of sports grounds legislation is having a negative impact on the financial position of Irish league football clubs due to unnecessary capacity restrictions and all-ticket games. (AQO 1171/11-15)

**Ms Ní Chuilín:** I am aware that many clubs have been in financial difficulty for some time. Previous investigations suggest that poor safety standards at some venues, poor public image, management weaknesses and other issues have been the main contributory factors to the financial problems that clubs face. Those problems predate the safe sports grounds legislation. The safety of sports grounds legislation was introduced partly in response to those issues. It is designed to help local football clubs improve their public image by encouraging them to address basic and essential health and safety concerns at their grounds. Furthermore, available evidence indicates that the safe capacity limits set by district councils under the safe sports grounds legislation are generally well in excess of clubs' average attendance demands. In my view, increasing average attendances at Irish league games in line with safe capacity limits would help to improve the financial position of Irish league clubs.

**Mr Douglas:** I thank the Minister for her comprehensive response. I know that the Minister has been at some football matches. I am a lifelong football supporter, and, having spoken to clubs and fans, I know that there is a feeling among them that there is a sense of overkill in the legislation. Would the Minister consider carrying out a review? There is no doubt that the legislation is killing football clubs, and all that we ask for is a review to ensure the future of Irish league football.

**Ms Ní Chuilín:** I thank the Member for setting that out. I asked for and received the published average attendance figures for 2009-2010, and I will write to the Member and provide him with those. I do not have the figures for the years after that, but I anticipate receiving those. The gaps between the average attendance figures and the safety capacity limits are quite big. There is a problem with the Irish league clubs, as the figures for average attendances are well below the safety capacity levels. I know that there is a perception that the legislation is to blame, but, on the basis of the evidence that I have in front of me, it looks like some of the clubs in the Irish league are hiding behind the legislation. I will share those figures with Members.

Local clubs and some of the matches that are attended are at the heart of the community, and it is important that they are supported. However, given what I have in front of me, I could not support your request for a review. I do not see a justification for that. However, I am happy to meet the Member, share the figures and discuss how we should proceed and find a way forward.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra. The Speaker has been very patient today, and I not will stretch his indulgence further by asking the Minister any questions about the Brandywell. In light of her response to the Member for East Belfast, when the Minister is appraising the issue, will she examine whether the legislation is an improvement or has made matters worse? Will she also provide that detail to the House?

**Ms Ní Chuilín:** I will share the figures that I alluded to with Sammy and other Members. It is only fair that I do that. When Members receive that data, they can make up their own mind about where the gaps are. If those figures are disputed or there are other circumstances, I am more than happy to listen to the issues. However, what I have in front of me does not support some of the recent media speculation and coverage.

**Mr McDevitt:** I am sure that the Minister will join me, the Speaker and Mr McCartney in acknowledging Derry City's qualification for European football next season. Does the Minister feel that there may be a requirement for financial assistance for clubs if they were to

be victims of the legislation or subject to some sort of negative reaction as a result of it?

**Ms Ní Chuilín:** Everyone is nodding yes, but I am not. I was supportive of Derry City. I wrote to you on its behalf, because I did not understand why it was in the position that it was in. On the issue of what funds are available to the Department and what we can do, it would be a bit silly of me to speculate about funding something that may or may not happen.

It would be silly for me to speculate about funding for something that may or may not happen. However, I am sympathetic to Derry City and the Brandywell and to the many other soccer clubs that do a brilliant job for everyone with whom they are involved.

**3.30 pm**

## Private Members' Business

### Marian Price

*Debate resumed on motion:*

*That this Assembly notes with concern the continuing detention of Marian Price in Maghaberry prison, by reason of the Secretary of State's decision to revoke her licence; further notes her ongoing medical and social needs; believes that reliable evidence and the necessary process should govern judicial and quasi-judicial actions; and calls on the Minister of Justice to engage with the Secretary of State on the reasons for the revocation of her licence, and for her detention, by reason of the Secretary of State's decision, to be reviewed urgently. — [Mr P Ramsey.]*

**Mr Ford (The Minister of Justice):** I recognise the concerns of the SDLP about the detention of Marian McGlinchey in Glen House at Maghaberry prison. As I understand that it is her wish, I shall refer to Marian McGlinchey by her married name.

Maghaberry prison is a male establishment, and there are drawbacks to accommodating a woman prisoner in such an environment. Therefore, I need to explain why she is there and answer some of the concerns that have been raised. Mrs McGlinchey has been classified as a category-A prisoner, as she meets the requirements set out in the Prison Service's initial security categorisation assessment.

There is currently no dedicated accommodation in the Prison Service estate for category-A, high-risk or separated women prisoners, and, for a number of reasons, Ash House, or the wider Hydebank Wood site, was not considered an appropriate environment to accommodate such a prisoner when she was returned to custody. As a result of those considerations, the decision was taken to transfer Mrs McGlinchey to Glen House at Maghaberry prison. I also understand that, at about that time, she requested separated status, although that currently does not exist for women prisoners.

Glen House is a small, self-contained block within Maghaberry prison, which has been set aside to provide a dedicated facility for female prisoners for whom Hydebank Wood is deemed unsuitable. Mrs McGlinchey is largely following

the gender-specific regime for integrated female prisoners that would apply in Ash House. Staff in Maghaberry prison have gone to considerable lengths to create an appropriate environment for her, and I will give you some examples of that.

While in Glen House, Mrs McGlinchey has access to an outdoor exercise area and dining and living areas. She is not locked up during staff meal times, and she has access to all areas of Glen House except the laundry between morning unlock at 8.00 am and evening lock-up at 7.30 pm. Therefore, it is simply not correct to state that she is locked up for 24 hours a day. She can avail herself of two visits a week, one of which is at the weekend, and those visits are taken in Glen House in an environment that is separate from male prisoners. Mrs McGlinchey has been assigned a key worker to monitor her health and general well-being. She is seen regularly by healthcare staff, including a mental health nurse. She has been given the opportunity to participate in a craft class and an art class and to enrol in an Open University course. She has access to a PC, but not to the internet.

As I have said previously to MLAs, and as was highlighted earlier by Gregory Campbell, the Prison Service has spent a modest sum of money to make Glen House more suitable for women prisoners. For that, I make no apology whatsoever. As Minister of Justice, it is my responsibility to ensure that the needs of offenders in custody are met. However, Members will appreciate that there is a limit to what I can say about any individual's health or medical needs. In fact, to provide any level of detail would be to infringe Mrs McGlinchey's rights under article 8 of the European Convention on Human Rights.

Responsibility for prisoner healthcare transferred to the Department of Health, Social Services and Public Safety (DHSSPS), which is required to provide healthcare arrangements comparable with those that are available to people in the community. The South Eastern Health and Social Care Trust, in partnership with the Prison Service, is committed to ensuring that the health and social care needs of prisoners in custody are met, and Mrs McGlinchey is no exception to that responsibility. She is subject to a specific care plan, which is designed to militate against the potential impact of being held in isolation; that plan is reviewed regularly.

Concerns about Mrs McGlinchey's health have been raised in recent days, and staff and management in Maghaberry prison are liaising with the trust to ensure that she receives the appropriate treatment and care. However, she has had a care plan in place since she was admitted. Medication is reviewed by the prison GP, and I understand that on only one occasion was there a delay in providing medication that she required. She also has access to other specialist staff. I was disappointed, therefore, to hear Mr Ramsey say on 'Good Morning Ulster' this morning that it was only because of pressure from me and others that she was now getting some level of medical care. I refute that suggestion. I believe that, from the day that she was admitted to Maghaberry prison, she has been provided with the care that she required and with which I would wish any prisoner to be provided.

The motion calls on me to take certain actions. As Members will be aware, under our devolution settlement, it falls to the Secretary of State to recall to custody persons who have been released on a life licence, under the terms of either the Prison Act (Northern Ireland) 1953 or the Life Sentences (Northern Ireland) Order 2001, when the evidence on which the rationale for recall is based is determined to be of a national security nature. Therefore, the revocation of Mrs McGlinchey's licence and the case against her were led by the Secretary of State. Responsibility now lies with the Parole Commissioners.

During the debate, I was asked what the Department of Justice was doing about representations, and the answer is that it is not our role to make representations. The Department will supply reports to the commissioners if they are requested from those who provide the care and treatment, just as is the case for any other prisoner. However, the Department is not party to the quasi-judicial process that is now under way and on which the Parole Commissioners have a duty to take action. As Minister of Justice, I have absolutely no role in determining when a licence should be revoked or otherwise. My opinion on the matter would carry no more weight than that of any other Member of the Assembly, whether here today or in the media.

Let me outline something of the background of the case and the position in which Mrs McGlinchey now finds herself. Members will

be well aware that the then Marian Price was sentenced to life imprisonment in 1973 for her involvement in the bombing of the Old Bailey and Great Scotland Yard. Mrs McGlinchey was transferred to the custody of the Northern Ireland Prison Service on permanent transfer in 1975. In 1980, she received a royal prerogative of mercy and was released from prison on humanitarian grounds. She was the first life sentence prisoner convicted of an offence relating to the Troubles to be released on licence.

Marian McGlinchey was committed to Prison Service custody again on 13 May 2011, following the revocation of her life licence by the Secretary of State. The Secretary of State's decision was taken on foot of a recommendation by the Parole Commissioners, and I am satisfied that due process was followed in this case. Members will be aware that Mrs McGlinchey's legal team, however, contend that she was awarded the royal prerogative in respect of all of her sentences, was not on licence at all and, therefore, should not have been recalled to prison.

The Northern Ireland Office, however, maintains that Mrs McGlinchey was awarded the royal prerogative in respect of her determinate sentence only and that she was on licence in respect of her two life licences. Subsequently, the Parole Commissioners are considering the preliminary issue of whether they have the jurisdiction to hear the case and are expected to give their verdict later today. Members may, understandably, be confused about the respective roles of the Secretary of State and the Parole Commissioners, but this is not an issue for which the devolved Department has any responsibility whatsoever. As I mentioned, it falls to the Secretary of State to recall to custody persons released on a life licence under the terms of either the 1953 Act or the 2001 Order. I have no role to play in the issue, and it would be very unhelpful if I were to be involved.

Basil McCrea said that speeding up justice is an issue. That is a perfectly valid point, but, on this occasion, it is the Parole Commissioners who set the timetable, certainly not the Minister of Justice.

**Mr P Ramsey:** In light of the fact that the Minister's knowledge of the process is that the Secretary of State revoked the licence on a recommendation by the Parole Commissioners, is it the case that the Secretary of State can

make a decision to revoke one's licence without any reference to the Parole Commissioners?

**Mr Ford:** The procedure is similar to that which would be the case if someone were being recalled on grounds other than those of national security and where responsibility lay with the Minister of Justice. A recommendation is made, generally by a single parole commissioner, as a matter of urgency, on which basis the Minister would make a recall, and I am sure that the same applies to the Secretary of State. After that, there is a full hearing by a panel of commissioners at which all of the evidence can be considered in some detail. That normally happens some weeks to a few months after the recall and is the basis of the substantive decision. However, given the issue over whether the royal prerogative is applicable in respect of all of the sentences, the Parole Commissioners have to decide whether they have any role at all, and that is the basis of their initial decision.

The key issue with the latter part of the motion is that I have no responsibility as Minister of Justice. I have responsibilities for parole in those cases in which there is not a national security consideration. I have no responsibility whatsoever in this case, and I believe that there would be a serious danger if the House were to instruct me to do something outside my responsibilities.

I put this to Members from the SDLP and Sinn Féin who support the motion: suppose that, in the near future, a motion were to be tabled in the House of Commons by a group of Back-Bench Conservative MPs instructing the Secretary of State to engage with me on a function for which my role makes me responsible to this House but that is no part of the Secretary of State's role. I suspect that all Members of this House would probably be fairly unhappy about that, and nationalist Members would be particularly unhappy. Therefore, Members need to be extremely careful about such a call.

My duty is to provide humane conditions for all prisoners and to see that they are treated with respect for their human rights. That includes those convicted of serious and heinous crimes and those on remand suspected of serious and heinous crimes. Doing that is the mark of a civilised society.

**Mr G Kelly:** The Minister spoke about what is and is not his duty. As the Minister of Justice,

do you accept that there is a huge difference between evidence freely given in open court, where it is tried and tested, and some secret organisation giving intelligence that puts people behind bars, particularly when that happens 32 years after that person was released from jail?

**Mr Ford:** I think that the Member is contrasting what happens at a trial and the role of the Parole Commissioners in dealing with a subsequent hearing of suspicion that somebody is breaching the terms of licence. There are different tests and a different procedure for that. That is the law under which we must all operate.

However, my role, as I have just said, is to provide suitable, humane conditions for all those in custody, whatever their crime or suspected crime may be. That is a mark of a civilised society, as was emphasised by Conall McDevitt when he quoted Winston Churchill, and something that we should definitely take account of. In respect of Mrs McGlinchey, I will do all that I can to ensure that, while in custody, she is treated in a way that meets her needs, while recognising that she is in a specific position as the sole category-A woman prisoner in Northern Ireland. What I will not do is interfere in due process in areas in which it lies to the Parole Commissioners and the Secretary of State to exercise their responsibilities. On that basis, I must reject the motion.

**Mr A Maginness:** I thank everybody who has contributed to the debate. In particular, I thank Mr Ramsey, who proposed this important motion.

It is important to identify two crucial areas with which the motion is concerned. The first is the humanitarian aspect of the detention of Marian Price. The second is the human rights implications of the revocation of her licence. Mr Ramsey outlined in great detail the impact of being imprisoned on that lady. He outlined her health or lack of it. She is suffering from residual TB, arthritis, anorexia nervosa and mental health problems. Each of those conditions is very serious in its own right. Collectively, they represent a highly complex series of health issues.

All of us in the House, no matter whether we agree or disagree with the lady or whether we have some distaste for what she did in the past, must have compassion. Therefore, it is a little disappointing and distasteful when people use rather vindictive language and a rather vengeful tone in relation to Marian Price.

### 3.45 pm

I do not believe in or share her political opinions. I am opposed to them, as is the SDLP. However, throughout its political tenure, the SDLP has exercised a responsibility for maintaining values and standards in law and due process. We will continue to do that, whether it is popular or unpopular.

**Lord Morrow:** Will the Member give way?

**Mr A Maginness:** No, I will not take an intervention. Whether it is popular or unpopular, we will pursue that. This place was brought to its knees by the imposition of internment without trial. The violence that preceded the introduction of internment in 1971 was nothing in comparison to the violence that happened after it. Internment without trial tore this country apart, and we should remember that. This is a form of internment without trial.

**A Member:** Rubbish.

**Mr A Maginness:** The Member said "rubbish".

**Mr Speaker:** Order. Allow the Member to continue.

**Mr A Maginness:** Let me say to the Member: just go through the process of bringing a person back to prison. You do not see due process within those procedures; that is the problem here. She has been recalled to prison, and her licence has been revoked on the basis of information to which the Secretary of State is privy. That information is based on intelligence reports by MI5, and it is being withheld from her and her legal representatives. That, surely, is not due process. It is surely an aberration in the legal processes. If you were in that position, you would certainly not find that to be a proper way of dealing with your position. *[Interruption.]*

**Mr Speaker:** Order. Make your remarks through the Chair. *[Interruption.]* Order. Allow the Member to continue.

**Mr A Maginness:** Thank you, Mr Speaker.

**Mr Allister:** Will the Member give way?

**Mr A Maginness:** No; I want to go through the issues.

**Lord Morrow:** He is insecure, so he cannot give way.

**Mr Speaker:** Order.

**Mr A Maginness:** Mr Givan said that the SDLP is being irresponsible. The SDLP is being very responsible on this issue. *[Interruption.]*

**Mr Speaker:** Order. Let us not have a debate across the Chamber.

**Mr A Maginness:** It is important that we maintain certain values in our society *[Interruption.]*

**Mr Speaker:** Order.

**Mr A Maginness:** If we depart from those values, we diminish the law. The law is more important than anything else in this society. That means maintaining the law, and, as a result, maintaining good governance. That is what is wrong here. The law is being bent and twisted, and, as a result, we have the present circumstances that Marian Price is undergoing.

The Minister said, quite rightly, that he is not concerned with that process. He is not. The Parole Commissioners have a central part to play. I do not diminish them in any way. I believe them to be good people, trying their best in the circumstances. However, the use of the Parole Commissioners to deal with the situation is not the right way of going about it. If this woman is guilty of crimes, let her be put on trial for those crimes. That is the way you deal with it in a civilised society. She has not been put on trial. In the two charges that she faced, she was released on bail on both of those charges. The courts released her on bail, but, by executive action, the Secretary of State put her back into prison. *[Interruption.]*

**Mr Speaker:** Order.

**Mr A Maginness:** We want the law and due process to prevail.

**Lord Morrow:** Hear, hear.

**Mr A Maginness:** You say “hear, hear”, but you do not; you do not support due process if you support this way of dealing with this woman. I say to you seriously: please reflect on this —

**Lord Morrow:** It is you that is trying to circumvent —

**Mr Speaker:** Order. Order.

**Mr A Maginness:** If you start to diminish the law any further, you will undermine democracy here in Northern Ireland. Democracy is a very precious thing, and I ask you, indeed beg you, to reflect on what you are saying.

This is a serious situation, and it is important for us as a political party to ventilate it. It is important for us to bring the issue of humanity in front of this Assembly. This lady —

**Mr T Clarke:** Lady?

**Mr Speaker:** Order.

**Mr A Maginness:** She is imprisoned in difficult circumstances, where she is, in fact, isolated because she is a category-A prisoner in a male prison. That is a form of solitary confinement, and I reject the argument put forward by Mr Dickson that this does not represent solitary confinement; it certainly does. A re-categorisation of her status would help, because then at least she would have some association.

**Lord Morrow:** She signed a compact.

**Mr Speaker:** Order.

**Mr A Maginness:** I understand that there are heated views in relation to Marian Price, and I understand the sort of attitude struck by some Members, but I cannot accept the tone and language used by people such as Mr Nesbitt, who was a victims' commissioner. It was deeply offensive, and I think he should reflect on that.

**Lord Morrow:** That was factual.

**Mr Speaker:** Order. Order.

**Mr A Maginness:** Mr Allister argued that this is a hybrid situation. He argued that Ms Price should produce the pardon document. The onus is surely on the Government to produce that. I do not believe that Mr Allister would go into court and meekly accept the judge's ruling that his client should prove the point. Mr Allister would be rightly professionally outraged by that.

**Mr Speaker:** The Member's time is almost up.

**Mr A Maginness:** Therefore, it is up to the Government to produce that proof and to disprove or prove the fact that she was released conditionally on licence.

**Mr Speaker:** Order. The question is that the motion standing in the Order Paper be agreed. All those in favour, say “Aye”.

**Some Members:** Aye.

**Mr Speaker:** Contrary, if any, “No”.

**Some Members:** No.

**Mr Speaker:** I think the Noes have it; the Noes have it — *[Interruption.]*

I am waiting for a challenge. I am going to have to move on. I think the Noes have it — *[Interruption.]*

Order. I have called the vote. Now, I do not hear any objection to me calling the Noes. Do we have an objection?

**Some Members:** Yes.

**Mr Speaker:** Clear the Lobbies; the Question will be put in three minutes.

*Question put.*

*The Assembly divided: Ayes 37; Noes 54.*

## AYES

*Ms M Anderson, Mr Boylan, Ms Boyle, Mr D Bradley, Mr Byrne, Mr W Clarke, Mr Dallat, Mr Doherty, Mr Durkan, Mr Eastwood, Mr Flanagan, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr F McCann, Ms J McCann, Mr McCartney, Mr McDevitt, Dr McDonnell, Mr McGlone, Mr M McGuinness, Mrs McKevitt, Mr McLaughlin, Mr McMullan, Mr A Maginness, Mr A Maskey, Mr P Maskey, Mr Molloy, Ms Ní Chuilín, Mr Ó hOisín, Mr O'Dowd, Mrs O'Neill, Mr P Ramsey, Ms S Ramsey, Ms Ritchie, Ms Ruane, Mr Sheehan.*

*Tellers for the Ayes: Mr Durkan and Mr McDevitt.*

## NOES

*Mr Allister, Mr S Anderson, Mr Beggs, Mr Bell, Ms P Bradley, Mr Buchanan, Mr Campbell, Mr T Clarke, Mr Copeland, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Elliott, Dr Farry, Mr Ford, Mrs Foster, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Kennedy, Mr Kinahan, Ms Lewis, Ms Lo, Mr Lunn, Mr McCarthy, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McGimpsey, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Poots, Mr G Robinson, Mr P Robinson, Mr Ross, Mr Spratt, Mr Swann, Mr Weir, Mr Wells, Mr Wilson.*

*Tellers for the Noes: Mr T Clarke and Mr Nesbitt.*

*Motion accordingly negatived.*

**Mr Speaker:** I ask the House to take its ease as we move to the Adjournment debate.

*Motion made:*

*That the Assembly do now adjourn. — [Mr Speaker.]*

*(Mr Principal Deputy Speaker [Mr Molloy] in the Chair)*

## Adjournment

### Tourism: South Down

**Mr Principal Deputy Speaker:** The proposer of the topic will have 15 minutes in which to speak, the Minister will have 10 minutes to respond and other Members who wish to speak will have approximately six minutes.

**Ms Ritchie:** It is with great pleasure that I bring the important matter of tourism in south Down to the Floor. I would like to express my gratitude to those who are here to participate in the discussion and, in particular, to Minister Foster for making herself available to respond to what is said.

It is my contention that south Down is the most beautiful among all the beautiful places we are blessed with in the North of Ireland. It is my view also that south Down, with its wealth of natural and built heritage, is the most interesting and engaging of all the many interesting and engaging places we have here. Its tourism potential is, therefore, unlimited.

Although some Members might be inclined to debate some aspects of this with me, there can be little doubt that the outstanding character and assets of south Down's tourism offering are unsurpassed. Indeed, there is official recognition of that claim in the fact that of the five signature projects officially designated by the Northern Ireland Tourist Board, two, effectively, are in south Down. There is one in Derry, one in Belfast, one on the north coast and two in south Down. South Down must, therefore, be absolutely central to our tourism strategy in the North.

First, we have as a signature project the magnificent Mountains of Mourne, which run from Castlewellan in the north to Rostrevor in the south and, famously, sweep down to the sea in Newcastle. Secondly, we have the St Patrick/Christian heritage signature project with, at its heart, the home of Patrick in Downpatrick's Lecale district.

I could set out to build a case in the debate around a simple crude question: why is it that with 40% of the North's signature projects to its name, south Down gets nowhere near 40% of the North's public investment in tourism? However, I do not want to ask that question or go down that road.

There are very good reasons for the asymmetry in spending on the different signature projects. Put simply, we had the choice of making or not making a major investment in the Titanic project as its anniversary neared, and we rightly decided to go for it. Hopefully, the Titanic celebrations will crown a brilliant year for tourism in the North in 2012.

Complaining about money or trying to get a bigger share of the money is not what this debate is about for me. I could rhyme off the statistics that show how the money was shared out, and no doubt the Minister could rhyme off all the projects supported in south Down, but I do not see any benefit in that exchange of data. What I want to achieve is more about hearts and minds. I want to secure the commitment of more people to the overall cause of tourism in south Down. I want to persuade people that south Down tourism will yield an excellent return on investment.

If we get all-round commitment to the tourism development of the Mourne, we will succeed in putting in place all the visitor facilities and amenities that we need to allow more people to visit, stay and spend money, and that will create the jobs that we all want. I know that the Department of Enterprise, Trade and Investment (DETI) is one of the partners to the Mourne destination development plan that is under way and that, if we work collaboratively on its implementation, we can achieve a great deal. Naturally, we want to develop tourism in the Mourne in a way that is sustainable and does not place unreasonable demands on the people who already live there. That is entirely achievable. In fact, the question of a national park arises in that context, and I know that the Minister of the Environment will make decisions on that matter. Of course, we must not neglect the lowland communities around that scenic area. I believe that we must all do more, and, again, see joined-up government in the development of tourism and job creation in the coastal towns at the foot of the Mourne.

The towns of Annalong, Kilkeel and Warrenpoint have a proud marine and industrial heritage. Although their traditional industries have been in decline in recent years, there is scope to build the tourism offering into something special. The Department for Social Development (DSD) is assisting in mapping out a view of the future in those coastal towns, as well as Newcastle, through a number of master-planning exercises. I hope that DETI will participate fully in the process and ensure that tourism development is given the highest priority, and I hope that the Minister will stamp her personal authority on accelerating and intensifying tourism-related work in the Mourne.

Let me turn now to the other signature project in the south Down area. This man was once described as a sinner, unlearned, and the least of the faithful, and he was hated by many. No, Mr Deputy Speaker, that was not a reference to David McNarry or, indeed, a description to be applied to any wayward Member; the words are, in fact, the humble words of St Patrick. They are the words that he used to introduce himself at the start of his 'Confessio', the oldest surviving Christian document originating in Ireland. It is the story of Patrick's life written by Patrick himself.

I recommend that every Member and, indeed, the wider community read that short document, because, in a few short pages, it portrays vividly the personality of Patrick — a compelling mixture of humility and fearlessness in a driven individual who was dedicated to his mission and certain of his righteousness. Although there is tremendous awareness of the existence of Patrick all over the world, when you think about it, you realise that very few of those who wear the green or celebrate his unique national and international story know much about him. The 70 million people worldwide who claim an affinity with Ireland's saint actually know very little about him. Despite that, 17 March is a major day of celebration throughout the developed world. Nearly a million people take to the streets of Dublin on that day, and even more in New York.

Every July on Reek Sunday, some 30,000 Irish people climb a steep mountain in Mayo in his name. Centuries before, pilgrims from all over Europe as well as Ireland travelled in their thousands to Saul and Struell Wells in south Down in his honour. What is brilliant about Patrick is that although he travelled widely in

Ireland, he belongs to the North, and within the North, to south Down, which was his home. Because he brought Christianity here, he predates all the arguments that we had 1,000 years later and, therefore, still belongs to all of us. He is a unifying figure who transcends our divisions.

#### 4.15 pm

The global epicentre of St Patrick tourism should not be New York or Dublin but the North, and especially south Down. Nowhere else can claim authenticity and, at the same time, a multiplicity of beautiful, atmospheric Patrician sites, each worthy of a visit in its own right.

Patrick landed at the River Slaney and began his work in Ireland in 432 AD and set up his first missionary base camp in Ireland at Saul; he established his first church there and converted his followers. He developed his first training monastery in Ireland and had his main home in Saul during his mission to Ireland. He wrote his famous 'Confessio' and 'Epistle to Coroticus'. He bathed, rested and prayed at Struell Wells; he died in 461 AD and is buried on Cathedral Hill, alongside St Brigid and St Colmcille in Downpatrick.

Mr Deputy Speaker and Minister, we have a plan to develop the Patrick tourism product in the Downpatrick/Lecale district that will be driven by the council. We also need to advance Patrick tourism on a Northern Ireland level with special reference to Armagh, and on an all-island level to bring in important sites such as Lough Derg, Croagh Patrick and the hills of Slane and Tara. Over time, we will need money for signage, car parking and interpretation and the occasional restroom and coffee bar; it is not big money, and I am confident that we will find it in any case. What I really want is for the tourism Minister, her senior team in DETI, Invest NI and the Northern Ireland Tourist Board to buy into the vision and the potential. You simply cannot do that unless you come to look at the raw product for yourself.

I know that, in the past, St Patrick has been designated a low priority in DETI. Indeed, he was specifically identified as such in an exercise carried out by the Department of Finance a year or so ago. I want that to change. I want to convince you, Minister, and your colleagues that Patrick should be a top priority.

I invite the Minister to visit the Downpatrick/Lecale district before the middle of March, and I

will personally give you a guided tour of the key sites, from the landing site at the River Slaney to the burial site at Down Cathedral. In the words of the Tourist Board, I invite the Minister to "uncover our story".

Of course, St Patrick's Day should be a public holiday.

I have referred to the social and cultural benefits that can be derived from our shared cross-community ownership of Patrick. A great deal of good can come from that, but it is the unvarnished, hard-headed tourism and commercial development potential of our Patrician heritage that I focus on because it can transform the economic fortunes of south Down. In purely tourism terms, Patrick is a sleeping giant, and Downpatrick is where he rests.

**Mr Wells:** I apologise to the Member for South Down, Ms Ritchie, and to the Minister; although I can speak in this debate, I will not be able to stay too long because I must meet an important delegation of pharmacists.

I congratulate Margaret Ritchie for getting this topic to the Floor of the Assembly for debate; it is self-evident that this is an important issue that should be aired. A lot of myths are going around that St Patrick had some connections with other parts of Northern Ireland and the Irish Republic, but we all know that, in fact, nearly all his time on the island of Ireland was spent in County Down. There may be imposters in places such as Armagh who claim some relationship with Patrick, but, as the Member said, there is absolutely no doubt that St Patrick was County Down through and through. Therefore, I congratulate the Tourist Board and the Department for supporting the concept of St Patrick's country as a signature project. It is an indication that the Department is committed to the venture.

We are going into a very exciting and unusual period in Northern Ireland's history in terms of tourism. We have the wonderful news of the UK City of Culture going to Londonderry, as well as all the Titanic commemorations. I suppose that it would be churlish not to say that we are also delighted that what I think is called the All-Ireland Fleadh — I hope that that is right — will be brought to Londonderry in 2013. That is tremendous news for all concerned. Those are exciting projects that will bring much-needed tourism revenue into Northern Ireland. It is great news, and the Department is absolutely right

to push the boat out, as it were, in supporting those initiatives.

My question is: what then? There will be only one centenary of the Titanic, and Londonderry will have only one year as UK City of Culture. However, the traditional history of St Patrick will be there for centuries to come. Therefore, it offers an opportunity for sustainable, long-term tourism growth in Northern Ireland. Significant investment has been made in that already. We have the Saint Patrick's Centre in Downpatrick. I declare an interest in that I served on the board of the Saint Patrick's Centre for two years, so I know a fair bit about what goes into running that tourist attraction, including the pains and sorrows, as well as the delights. I urge the Department and the Tourist Board to see whether they can use the Saint Patrick's Centre and St Patrick's country as a model to try to expand the tourism season in Northern Ireland.

I worked for the National Trust for 10 very happy years. In those days, we found that, for some of our properties, it would have been cheaper to stand at the door, hand every visitor £5 and tell them to go somewhere else than it was to open up. That was the economics of tourism in Northern Ireland outside the main peak seasons of July, August and Easter. As a society, we have to try to make the tourism season in Northern Ireland much, much longer. When some of our visitor centres are putting half their visitors through in 15 days of the year, we worry about what will happen for the rest of the year. If you go to any of our attractions today, at the end of January, you will find next to nobody at them. That is a fundamental problem facing the development of tourism in St Patrick's country and throughout Northern Ireland. How do you stimulate visitors to come outside the main peak months so that you can spread not only your costs but your income throughout 12 months?

I see wonderful opportunities. The Saint Patrick's Centre is up and running. It is a fine building that acts as a focus for tourism. A local farmer has some very interesting ideas on how a project could be developed on the Slaney river. We have the landing and staging point where St Patrick came on to the island of Ireland, but at the moment, there is very little there to tell anyone that that happened. We have the church at Saul, where there is an interesting development in the planning of a new church hall. We also have Struell Wells, of course.

There are plenty of tangible assets to show the real link between Down district and St Patrick and, of course, his burial place up at the Mound of Down and Down Cathedral.

There are wonderful opportunities, but it will require a bit of thought and co-ordination. I must say that I found it very worrying that, even with the Saint Patrick's Centre in Downpatrick, which is a wonderful building that cost almost £6 million, it was extremely difficult to attract visitors. Indeed, apart from 17 March and the peak periods, the centre was effectively empty. I think that the Department and the Tourist Board need to address the issue. There is plenty of money available to build the attractions and put signage and interpretation panels at them, but there seems to be a lack of funding available to enable us to continue to provide revenue funding to keep them open.

Up to now, all the funding has been aimed at capital investment rather than at running costs. We had exactly the same problem with the arboretum at Castlewellan, which is an issue that Mr Clarke raised. I am confident that the money can be found to bring that up to an acceptable standard, but I do not have a clue where we will get the money to keep it running. Castle Ward in Strangford, just down the road from St Patrick's country, is another unique property with a fantastic range of facilities that could be incorporated in any overall plan. However, it, too, is desperately expensive to keep going, particularly in the winter months.

I hope that Ms Ritchie will not use this against me in the 'Down Recorder' but I congratulate her on having the initiative to launch her tourist plan. That was quite poignant for me because, on the way to that launch, I met, for the last time, the late Peter Craig, who was one of Down District Council's most wonderful councillors ever.

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Mr Wells:** I congratulate her on having the initiative to launch her plan. I wish her all the best and hope that the Department can facilitate it.

**Ms Ruane:** Go raibh maith agat, a LeasCheann Comhairle, Cuirim fáilte roimh an díospóireacht. I welcome the opportunity to speak on this issue.

Unlike Jim Wells, I do not believe that St Patrick belongs to any one county in Ireland. I would

say that, coming from Mayo, whose people may have something to say about that. He definitely spent 40 days and 40 nights on the beautiful mountain of Croagh Patrick on the west coast. I take the view that St Patrick belongs to all of us in Ireland, regardless of what tradition or county we come from or live in.

Is áiméar iontach é an tionscadal aitheantais Tír Naomh Pádraig agus an Luath-Oidhreacht leis an turasóireacht a fhás i ndeisceart an Dúin — ach iarraim ar an Aire straitéis margaíochta turasóireachta aonair a fhorbairt le deisceart an Dúin a chur chun tosaigh. Is réigiún álainn d'Éirinn é deisceart an Dúin le stair shaibhir agus cúlchríoch nádúrtha a chuimsíonn na Beanna Boirche; mar sin de, is féidir leis a chumas turasóireachta a bhaint amach má chuirtear an straitéis margaíocht cheart i bhfeidhm.

The St Patrick/Christian heritage signature project is an opportunity to increase tourism in south Down, and I ask the Minister to develop a single tourism marketing strategy for the promotion of the area. As we know, south Down is one of the beautiful regions of Ireland. It has a rich history, a natural hinterland and the Mournes, as mentioned by Margaret Ritchie. So we are in a prime position to maximise the tourist potential if the correct marketing strategy and tourism infrastructure are put in place.

To date, I have been disappointed with the level of investment in tourism in south Down. If the Minister audited its accommodation infrastructure, she would find that it lags behind many other counties in the North of Ireland. We all know that the biggest spend of any tourist is on accommodation, so she and her Department need to address that.

We should not be looking just at south Down. We know that the vast majority of visitors to this island do not come in through the North. They come in through Dublin and go to Kerry, Mayo, Galway and Donegal. We have to make sure that we get them to County Down. There are lots of different ways to do that, one of which is to construct a bridge at Narrow Water. That would make the trip from Newgrange to the Mournes easier. Newgrange attracts a huge amount of visitors, and we have to keep them moving up until they reach us. So we need a joint strategy with Down, Armagh and Louth. We need a single marketing strategy to piggyback on packages throughout the rest of Ireland, and we must work with people from the Mournes, Slieve

Gullion and Cooley peninsula. That is common sense, because marketing and promoting those three counties in one region would enable us to develop a quality package for customers, which would include hillwalking, fishing, golfing, sailing, cultural heritage and language heritage.

One good example of co-operation between counties is the St Patrick signature project, which partners Armagh and Down. We should expand that project to include Croagh Patrick in County Mayo. That is already a major, all-year-round attraction, and St Patrick's connection with those counties should be packaged as part of a historical tour. We would not mind if a couple of other counties were added in as appropriate.

I agree with Jim Wells about the importance of creating off-peak and throughout-the-year tourism. That is how to create income and revenue, grow our tourism product and build consistency, all of which help restaurants, shops and hotels.

I am a former chair of the St Patrick's Day carnival in Belfast. We worked hard to ensure that we brought visitors to the city. At the first festival, 90,000 people turned up for the cultural celebrations. That was just for one event, and the same happened the next year. We need to build on that. Anyone who has been to the St Patrick's Day parades in New York or Washington or any of the other ones in the United States will have seen the economic potential. We need to build on that in Ireland. I welcome the fact that there has been a growth in the number of parades and celebrations throughout the North and South of Ireland. The Dublin St Patrick's Day festival is very popular and brings hundreds and hundreds of visitors into Dublin. Again, we need to piggyback on some of the acts and events that they are doing. They do a four-day event that we can link in with and build on.

The Mourne area is the jewel in the south Down crown, with its natural beauty and unspoilt landscapes. It has enormous potential, so it is important that we work to bring the area back to life. There are also enormous opportunities to be gained from developing political and cultural tourism and indeed, Irish language tourism.

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Ms Ruane:** I welcome the fact that Comhaltas Ceoltóirí Éireann is coming to Derry. You can see the economic potential from that.

#### 4.30 pm

**Mr Nesbitt:** I am pleased to be able to say a few short words on this subject. I congratulate Ms Ritchie on bringing this topic forward. I have an interest as a Member for Strangford, but in truth I am only speaking because my colleague John McCallister, the Ulster Unionist Member for South Down, is en route to Washington for a prayer breakfast.

I contest Mr Wells's assertion that St Patrick belongs to County Down only. St Patrick is not the property of any county or constituency and should not be seen as the property of any political party or tradition. He belongs to all of us. I was pleased to note that, if you follow the tourism trail to its conclusion, you will leave south Down by ferry, make your way across from Strangford to Portaferry and up through the Strangford constituency to visit Greyabbey before moving on to the Movilla Abbey site in Newtownards. I also acknowledge another colleague, Danny Kennedy, the Regional Development Minister, for the work that he is doing to relay sewerage pipes in Greyabbey, which will lead to resurfacing and will make the village that much more attractive to tourists in the future.

Ms Ritchie talked about the 70 million people worldwide who show some allegiance and interest in St Patrick, and I hope that we are looking at imaginative ways to attract them and make them come and visit and find out more. It seems to me that a tourism strategy should be a three-legged stool: the first leg should be our natural resources, of which we have plenty in south Down; the second should be our people and their achievements; and the third should be what Harold Macmillan called "events" and exploiting the unexpected. We have signature projects that cover the first two points: our natural resources, such as the Giant's Causeway, our people, such as St Patrick with the trail, and our achievements, such as the Titanic, the maiden voyage of which we commemorate the centenary of later this year. However, have we covered what Harold Macmillan called "events"? Do we see and seize the opportunities in the unexpected?

I refer to something that a lot of us will have seen on our television screens yesterday:

a golf leader board in Abu Dhabi on which three of the top 15 names had the words Northern Ireland beside them. Three times the flag and the red hand of Ulster were seen flying proudly at that golf tournament. People will wonder how Northern Ireland, which is the size of Connecticut, one of the smallest American states, and has a population similar to that of West Virginia, one of the least populated American states, can achieve so many successes. It must make people wonder, "How do they do it? What is it about Northern Ireland?". There is the opportunity to say, "Come and find out". In Rory McIlroy, Graeme McDowell, Darren Clarke, Gareth Maybin and Michael Hoey — five of our professional golfers on the European Tour — we have admirable ambassadors for Northern Ireland. They can attract tourists into the whole of the country and particularly to south Down, which hosts one of the finest golf courses on the planet: Royal County Down in Newcastle.

I close with a plea to the Minister that she consider commissioning a business case to see whether it would make sense to send a Northern Ireland advocate to the European Tour to follow around with promotional brochures to see whether she can maximise the interest in our golfers, how they do it and why people should come to Northern Ireland to find out what we have. I am sure that the five would be more than happy to support such an initiative, even if it were for only half an hour once a week on tour to sign autographs at a Tourism Ireland event at which we could maximise the potential for Northern Ireland, including south Down.

**Mr McCarthy:** I thank Margaret Ritchie for bringing this important subject to the House this evening. As a proud County Down man, I support the Adjournment topic on behalf of the Alliance Party. I fully support tourism development right across Northern Ireland and, indeed, across the whole of the island, because St Patrick is acknowledged as the patron saint of our entire island.

I pay tribute to the neighbouring Down District Council, under the fantastic leadership of its chief executive, Mr John Dumigan. He is a Portaferry man. Of course, you would expect nothing less from a man from Portaferry. I praise the council for its excellent provision and support of the Saint Patrick Centre in Downpatrick. It is a wonderful facility, and it depicts the life and times of our patron saint.

I also pay tribute to our Tourist Board for its provision of Saint Patrick's Trail. It takes people right across County Down, including what I consider to be the best part of County Down — namely, the Ards peninsula — where visitors can also visit Exploris in Portaferry, which I mention to the Minister on many occasions. They can spend some money in Portaferry and then cross Strangford lough on the ferry into the south of County Down.

Northern Ireland — indeed, the whole of Ireland — is a truly beautiful part of the world. Every effort should be made to develop, in a very sensitive way, what we have to offer, particularly in County Down. I pay tribute to our tourism Minister for her work so far in promoting Northern Ireland as a fantastic tourist destination. Last week, we all spoke of our passion for Strangford lough in the Chamber. There is much potential to further our economy through tourism in County Down. St Patrick can be the focal point in furthering what we all want to see and promote, which is all that is good in County Down.

I remind Members that, on two occasions, I had the privilege of proposing motions to previous Assemblies that St Patrick's Day ought to be a public holiday for everybody. We all agreed; it was unanimous. Unfortunately, however, it had to go across the water for sanction from Her Majesty or someone else in high authority, and that is where it sticks. If the Minister has any sway with people over there, perhaps we can eventually, through the Assembly, ensure that everyone has a day off to celebrate our patron saint.

**Mr W Clarke:** Go raibh maith agat, a LeasCheann Comhairle. I thank Margaret Ritchie for bringing the Adjournment topic to the House. It has been listed for a long time, and she has waited for it to be selected. However, she persevered and got it to the Chamber.

The main focus has been on the St Patrick story in south Down. It is based around Downpatrick. There are some fine examples of links to St Patrick, such as Inch Abbey, Struell Wells, St Patrick's grave and Saul church. As Members have outlined, a lot of work has been undertaken on the St Patrick signature project. However, the discussion and brand need to be widened. We need to look at other areas of interest throughout south Down. Down through the years, historians have called Dundrum Bay

the holy bay. Some maintain that St Patrick first landed in Ireland at Dundrum Bay in County Down. A number of churches were built around the bay during that period. A trail could be developed to the area's very old churches, such as St Mary's Church at the Ballagh outside Newcastle; Maghera church; churches at Clough, Ballykinler, Tyrella, Rathmullan and Rossglass; and St John's Church.

The new tourism planning policy offers people the opportunity to set up businesses in those small villages and to take them out of the main town centres. Everybody must have an economic opportunity. I see that as one way to provide it. It would also develop a unique brand. Talking of unique brands, I have not heard any mention of the opportunity to develop the St Donard story. Very few people talk about St Donard. However, the highest mountain in the North is named after the saint who lived there. He set up a chapel on top of the mountain. A number of people and followers of his are buried at the top of Slieve Donard. There is an opportunity to look at that story. St Donard was a disciple of St Patrick, and he carried on St Patrick's message. There is a good opportunity to link St Patrick to St Donard and to broaden that appeal. There should at least be interpretative signage to articulate that message. There is also a link to Maghera church, where St Donard's followers set up a church and there are remnants of a round tower. Work in that area would also be useful.

Another tourism product that could be expanded is the story of 1798 and the United Irishmen. That story includes other constituencies. It goes into Strangford and up into Antrim. It offers a great opportunity to build another signature project and develop that tourism product. There is great need for a tourism product in Ballynahinch. We just have to look at what happened in Wexford with regard to the 1798 rebellion. That is its main tourism product. There is nothing to stop linkages being developed to include the battle of Ballynahinch, Saintfield, Betsy Gray and Downpatrick, where Thomas Russell was hanged. We need to look at expanding another link with that story. The two communities can work together on that. It is a common story. It needs to be told from all sides. There is a good opportunity to do that.

Another subject that I studied as part of school projects is the American GIs who were based in south Down. A number of bases and remnants of bases still exist. There is an opportunity

to tell that story. GIs were there to train for Normandy and north Africa. Many of them never got home to their loved ones. When people look at their ancestors' involvement in the war, they could see clear linkages with where they trained and could visit buildings where they were stationed. Again, there is an opportunity to tell that story. It is a new product. It is something different in south Down. We should look at that.

There is great scope for food tourism. Members mentioned Strangford, the fine produce of the area and the development of food trails throughout the district. The arboretum in Castlewellan is a good example of how the Minister and the Minister of Agriculture and Rural Development have worked together to develop that product. It offers a good opportunity. We talked about all-year-round tourism. If there is an all-year-round tourism product, it does not matter if it rains. As regards activity tourism, if you go out mountain biking, for example, you do not care if it rains. I must have met 200 people outside Tollymore yesterday. It was lashing rain, but that did not make a difference to them; they still turned up to whatever event they were attending. So, there are great opportunities in that regard as well.

#### 4.45 pm

**Mr Principal Deputy Speaker:** Bring your remarks to a close.

**Mr W Clarke:** I thank the Member for bringing the issue to the Floor.

**Mrs McKeivitt:** I am delighted to add my voice to the call for further tourism development in my constituency of South Down. I also extend my thanks to my esteemed colleague Margaret Ritchie for calling for this Adjournment debate.

South Down has much to offer in the way of tourism. Whether visitors seek a holiday centred on relaxing on our beaches, climbing up mountains, fishing, surfing in the sea or cycling along our promenades etc, while enjoying a friendly atmosphere, fantastic restaurants and fabulous accommodation, south Down offers it all. However, one of the most promising tourism incentives that the area has to offer is its captivating history, which the St Patrick and early Christian heritage signature project explores.

St Patrick, the patron saint of Ireland, has long-established links to the county of Down. It is

known that he first landed in the Downpatrick area, his main home in Ireland was in Saul, he prayed at Struell Wells and he is buried on Cathedral Hill in Downpatrick, alongside St Brigid and St Colmcille. Tourists have the opportunity to visit those places and more by participating in the Saint Patrick's trail. They also have the opportunity to learn about his life and legacy by visiting the Saint Patrick Centre, the only place in the world with a permanent exhibit dedicated to St Patrick.

It is obvious that the life and legacy of St Patrick is celebrated not only by the people of Ireland but by millions of people across the world. For proof, you need only turn on the television on 17 March to see clips of thousands of people turning out on the streets of Dublin, New York, Washington and many other cities worldwide to watch the St Patrick's Day parades. I, therefore, view the St Patrick's country and early Christian heritage project as a tourism theme that has real potential to successfully grow tourism not only in south Down but in the whole of Ireland. That view appears to be shared by the Northern Ireland Tourist Board, given that it has recognised Saint Patrick's Trail in one of the five signature projects, as my colleague Margaret Ritchie said.

It is crucial that we make the most of the tourism opportunity and develop it carefully, especially during this time of economic deprivation. The benefits that can come from an increase in tourism would give a much-needed boost to the economy. Bringing more tourists into the area brings with it the opportunity to create new jobs and benefits for those who provide hotel or B&B accommodation, local retailers, restaurants, pubs and bars etc.

I am delighted that this discussion has taken place today, and I hope that it encourages further talks, plans and strategies to maximise the potential of this marvellous tourism theme. I, therefore, call on the Minister to meet Down District Council, Newry and Mourne District Council and local stakeholders in order to devise a strategy to maximise the number of tourists in the area. We should all do what we can to encourage more people to escape into St Patrick's country for their holidays.

**Mrs Foster (The Minister of Enterprise, Trade and Investment):** I also congratulate the Member, who we all know is passionate about the issue, on securing today's Adjournment

debate, particularly at such an important and exciting time for tourism in Northern Ireland. As we heard from all Members who spoke, the south Down area is home to some of Northern Ireland's most beautiful and diverse landscapes. It is unique in so far as it is home to two signature projects. I could make the remark, "Are you not very fortunate? Some of us do not have one", but, of course, that would be harping back to an old argument of mine, before I was tourism Minister, with the Northern Ireland Tourist Board.

Mr Clarke said that he feels that 1798 has the potential to be a signature project. I will say this to Mr Clarke: I have been there on many, many occasions, and I do not think that we will change the number of signature projects at this stage. However, we have moved on and are now looking at nine destinations across Northern Ireland in the new draft tourism plan, and I hope that we can take in many of the items that have been mentioned here today. The debate has been very informative, and I thank Members for all the points they made.

The Tourist Board and Tourism Ireland have made extensive use of the Mourne and St Patrick signature projects in their marketing campaigns. Therefore, all that south Down tourism has to offer is displayed on that global platform, and it is right that that should be the case. As the Member who tabled the Adjournment topic readily acknowledged, there has been capital investment in south Down in support of the Mourne and St Patrick signature projects. I will not go through all the letters of offer and all the things that have happened. Suffice it to say that there has been significant capital expenditure. However, I take Mr Wells's point that it is not just about capital expenditure but about sustainability in the longer term. That is the issue that needs to be looked at in all our signature projects right across the tourism agenda from 2012 into 2013.

Work is under way to implement the white-on-brown tourist signage for the Mourne coastal route, and work continues in parallel to develop and improve various amenity sites and viewpoints along the route. The Mourne have been the subject of a number of investments, but it is not just for my Department to encourage more tourists to visit the Mourne in particular. When I was in the Department of the Environment, we launched a scheme to work with local highland farmers there to improve

paths and gates, and the current Minister of the Environment is very pleased at the progress that has been made. Therefore, we are working across government. I as tourism Minister, DARD with the arboretum and DOE with the Mourne must work together to get the maximum out of our tourism potential.

Work continues on developing and upgrading the various St Patrick and Christian heritage sites along the Saint Patrick's Trail, which Mr Nesbitt rightly pointed out runs from Bangor to Armagh. Therefore, it is quite a long trail. I am delighted to report that the white-on-brown tourist signage for the trail is complete and in place, and that will assist people who are motoring around the area to follow the trail in its totality. Saint Patrick's Trail offers visitors a tremendous opportunity to see what south Down and neighbouring areas have to offer. To encourage visitors to get out and explore more, the Tourist Board is funding the installation of a bespoke interpretation panel at 15 key sites along Saint Patrick's Trail. It will provide that local information, as well as encouraging visitors to explore further along the trail. I found it interesting that Mr Clarke referred to St Donard, because that links the two signature projects very nicely in the south Down area, the Mourne and Saint Patrick's Trail.

With each project coming to fruition — not just the Mourne and St Patrick signature projects but the Titanic, Giant's Causeway and Walled City signature projects — I want to see all destinations across Northern Ireland achieve their potential, especially as we commence 2012, which is a year of commemorations and celebrations. In another place, the Minister of State, Hugo Swire, got it right last week when he said:

*"if you are not in Northern Ireland this year, frankly, you are no one."*

I thought that that was very well put by the Minister of State. Therefore, we are hoping that all the tourists who come to Northern Ireland will be greeted by the co-operative approach that Ms Ritchie referred to, in so far as we work together to promote the different areas, whether that be done at MP level, council level, government level, Tourist Board level or Tourism Ireland level. Everybody has to work in partnership to get the most out of each area.

As I said, from the point of view of the Executive, I do not act alone. There have been many

important contributions by other Departments and their agencies, whether that be opening forest parks to visitors through DARD, providing our workforce with suitable tourism skills through DEL or renewing our towns and villages through DSD. Ms Ritchie also mentioned that.

Mr Wells, who, I understand, had to leave, made the point that, when he worked for it, the National Trust found it difficult to keep its properties sustainable during the winter months. I declare an interest as a member of the National Trust, and I think that it has worked well to try to keep its houses and properties sustainable throughout the year. I have seen the way in which it has done that with its Halloween celebrations at Castle Ward and its Christmas celebrations at many of its properties. The key is that we have revenue-raising ideas throughout the year. We will work with each of the providers to assist them in providing a tourism offering throughout the year and not just in the peak seasons.

As we heard, Down District Council has been proactive in south Down and has worked with Newry and Mourne District Council and Ards Borough Council to develop destination area plans for the Mournes and Strangford respectively. All the councils have in place a draft destination management action plan to support the delivery of the area plans. Each council has also established a destination forum, comprising a mix of public and private sector tourism bodies and businesses. I want to commend them for the work that they are doing in their areas. I hope that we will be able to continue to work with them through the Tourist Board.

While we have invested significant capital and time in the development of south Down through the St Patrick's and Mournes projects, there is much more that we can all do. We can all be advocates for tourism in our own area. The Members who have contributed to the debate have provided many good reasons why people would want to visit the south Down area.

Ms Ruane made a point about accommodation in the south Down area. An accommodation needs study is ongoing and will hopefully be finalised next month. That will help to identify accommodation needs not only in south Down but across Northern Ireland. I am sure that we all look forward to seeing what that brings forward.

I think that the tenuous-link-of-the-day prize should go to Mr Nesbitt for mentioning sewerage pipes and tourism in the same breath. Well done, Mike. We listened with interest to his proposal about having a Northern Ireland advocate. All the golfers are the most tremendous advocates and ambassadors for the Northern Ireland tourism offering, and we will continue to work with and support them in doing that for us. We will, of course, look at any ideas that Mr Nesbitt brings forward.

I say again that this has been a good and positive debate. I continue to urge everyone with an interest in tourism in south Down to help us, along with the private sector, to improve the visitor experience and to develop the unique stories that we have heard so much about this afternoon. Thank you very much.

*Adjourned at 4.57 pm.*





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