



Stormont Castle
BELFAST
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[REDACTED]

Nick Mitford
Clerk
Committee for the Executive Office
Parliament Buildings
Stormont
Belfast

5 November 2025

Dear Nick,

Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Bill

Following on from the Committee meeting on 24 September 2025 and the subsequent letter, the Department has provided responses as at **Annex 1**.

Yours sincerely

[REDACTED]
Departmental Assembly Liaison Officer

ANNEX 1

RESPONSE TO COMMITTEE QUESTIONS

Clause 27(2): An explanation as to why this is not included on the face of the Bill.

Clause 27(2) allows the Executive Office to make provision for witness anonymity orders similar to those in section 86 of the Coroners and Justice Act 2009.

Section 86 of the Coroners and Justice Act 2009 provides detailed provisions for the kinds of measures required to ensure that the identity of the witness is not disclosed in or in connection with the proceedings.

Hence, there is no need to replicate on the face of the Bill given it is contained within another piece of statute.

Furthermore, a provision similar to Clause 27(2) was included in the Historical Institutional Abuse (HIA) Act 2013 (Section 21(2)(b)) and it was not required. It is therefore not considered necessary to include further detailed provision in relation to clause 27(2) on the face of the Bill.

Clause 15(1)(c) of the Bill already allows the chairperson of the inquiry to impose restrictions on the disclosure or publication of the identity of any person by specifying a “restriction order”. Clause 15(1)(c) would be the most likely vehicle to grant anonymity for example to a victim and survivor or another person in the public inquiry, but Clause 27(2) could provide an alternative mechanism, only if required.

Clause 27 (3) - An explanation as to why this is not included on the face of the Bill, and to request that the Committee has sight of the draft regulations before proceeding; further, that these regulations should be subject to the draft affirmative procedure.

Placement

Clause 27(3) allows for the disclosure of evidence under subsection (1)(a) of the clause where this is required to avoid a breach of the Human Rights Act 1998.

A provision similar to Clause 27(3) was included in the HIA Act 2013 (Section 21(2)(a)(ii)) and in the HIA Rules (Section 19(1)(2)(b) but only in relation to the Acknowledgement Forum. It is not therefore considered necessary to include any further detailed provision in relation to clause 27(3) on the face of the Bill.

Draft regulations

The secondary legislation for the inquiry is under development, but it is anticipated it will follow Inquiry Rules 2006¹ and HIA Inquiry Rules².

The Department can provide a clear outline of what will be included before end of Committee stage.

The final rules will be produced once the Bill itself is close to being finalised and there is an agreement on the final form. This will also allow TEO to take into account the findings of the Independent Panel and, where appropriate, to consult the chairperson. The intention is to consult on the rules once final stage has taken place.

Resolution

These rules are also subject to negative resolution which aligns with Inquiry Rules 2006 and HIA Inquiry Rules. If the rules were subject to draft affirmative resolution this may introduce unnecessary delays by having to return to the Assembly to change details relating to administrative or routine adjustments in the value of expenses to be paid to a witness, the rates for legal expenses and the procedures for sending or receiving evidence, etc.

Clause 32 (2) - The Committee's view that these regulations should be subject to the draft affirmative procedure.

The Department understands that the extension of the redress scheme from three years to up to five years would inevitably incur additional costs and, as a result, this may merit a draft affirmative procedure.

¹ [The Inquiry Rules 2006](#)

² [The Inquiry into Historical Institutional Abuse Rules \(Northern Ireland\) 2013](#)

Clause 44 – Clarification as to whether TEO intends to take a Henry VIII power here, given the narrow scope of the Bill.

Clause 44 is not intended to be a Henry VIII power as it does not specifically empower an order to amend or repeal any statutory provision.

To provide a comparator example which does have Henry VIII powers, section 30 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 mirrors Clause 44 but contains an additional provision at paragraph (2).

(2) An order under subsection (1) may apply (with or without modifications), amend or repeal any statutory provision passed or made before the passing of this Act.

Clause 44 does not have this provision, and it is, therefore, the Department's view that this clause cannot be used to amend or repeal the primary legislation.

Delegated legislation: An indication of delegated legislation within the Bill, confirmation of whether this has been drafted, and, if so, that the Committee be given sight of it.

The secondary legislation for the inquiry is under development but it is anticipated it will follow Inquiry Rules 2006³ and HIA Inquiry Rules⁴. Similarly for redress, the regulations are under development and the contents will have similarities to HIA rules but be specifically tailored for the Standardised Payment

The Department can provide a clear outline of what will be included before the end of Committee stage.

The final inquiry rules and redress regulations will be produced once the Bill's legislative journey is near completion and its final form is settled.

This will also allow TEO to take into account the findings of the Independent Panel and, where appropriate, to consult the inquiry chairperson. The intention is to consult on the inquiry rules and redress regulations once the Bill's final stage has taken place.

³ [The Inquiry Rules 2006](#)

⁴ [The Inquiry into Historical Institutional Abuse Rules \(Northern Ireland\) 2013](#)



Committee for the Executive Office

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29 September 2025

Dear [REDACTED]

Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill – Delegated Powers Memorandum

At its meeting on the 24 September, the Committee received an oral briefing from the Examiner of Statutory Rules in relation to the Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill.

Following this oral evidence session, the Committee agreed to write to the Department to request further information in relation to the following clauses of the Inquiry (Mother and Baby Institutions, Magdalene Laundries and Workhouses) and Redress Scheme Bill:

- Clause 27(2): An explanation as to why this is not included on the face of the Bill.
- Clause 27 (3) - An explanation as to why this is not included on the face of the Bill, and to request that the Committee has sight of the draft regulations before proceeding; further, that these regulations should be subject to the draft affirmative procedure.

- Clause 32 (2) - The Committee's view that these regulations should be subject to the draft affirmative procedure.
- Clause 44 – Clarification as to whether TEO intends to take a Henry VIII power here, given the narrow scope of the Bill.
- Delegated legislation: An indication of delegated legislation within the Bill, confirmation of whether this has been drafted, and, if so, that the Committee be given sight of it.

I would appreciate a response by Monday 13 October 2025.

Yours sincerely

Nick Mitford
Clerk Committee for the Executive Office