

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

[www.justice-ni.gov.uk](http://www.justice-ni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: [REDACTED]  
[REDACTED]

Our ref: JCP\25\109

Kathy O'Hanlon  
Clerk to the Justice Committee  
Northern Ireland Assembly  
Parliament Buildings  
Stormont  
Belfast BT4 3XX

23 May 2025

Dear Kathy,

**Justice Bill Delegated Powers Article 63E(11)**

Thank you for your letter dated 30 April 2025 regarding the rule making power at Article 63E(11) of the Justice Bill.

The Department has considered the further detail the Committee has provided regarding the advice from the Examiner of Statutory Rules, which was also discussed during your meeting with officials and the Examiner to better understand the rationale.

The Department therefore confirms that it will bring forward an amendment at Consideration Stage to change the Assembly control process to draft affirmative procedure in respect of the rule-making power at Article 63E(11).

The Department is grateful to the Committee for its consideration of this matter, and to you and the Examiner for taking the time to meet Departmental officials to discuss.

Yours sincerely,

[REDACTED]

**DAVID GRAHAM  
DALO**



## Northern Ireland Assembly Committee for Justice

David Graham  
DALO  
Department of Justice  
Castle Buildings  
Stormont Estate  
Belfast  
BT4 3SQ

30 April 2025

### Justice Bill – Delegated Powers

Dear David

Thank you for your response of 27 March 2025, which was considered by the Committee for Justice at its meeting on 3 April.

As advised in the Committee's letter of 14 March, the Examiner of Statutory Rules' advice is that the rule-making power at new Article 63E(11) should be subject to the draft affirmative resolution procedure. However, the Department has advised that it considers that any amendment made under this power would be of a minor, administrative nature and it therefore considers the negative resolution procedure to be an appropriate and proportionate control.

It is noted that the power at new Article 63E(11) is a power to amend primary legislation (known as a Henry VIII power). The Committee notes that this was recognised in the Department's initial Delegated Powers Memorandum, which stated that "*Since this delegated power allows amendments to be made to the primary provision, the Department considers it appropriate that any exercise of the power should be subject of Assembly debate.*"

Room 345, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX  
Telephone: (028) 905 21033

E-mail: [committee.justice@niassembly.gov.uk](mailto:committee.justice@niassembly.gov.uk)

The use of the negative resolution procedure in relation to a Henry VIII power, save in limited circumstances, would mark a departure from established practice. While narrow in focus, the power at new Article 63E(11) relates to the regulation of biometric material, which is a matter of significance and sensitivity. As such, the Committee agrees with the Examiner's advice that the rule-making power should be subject to the draft affirmative resolution procedure. The Committee would therefore ask the Department to reconsider and amend the power at new Article 63E(11) from negative resolution to the draft affirmative procedure.

I should appreciate a response by 15 May 2025.

Yours sincerely

*Kathy O'Hanlon*

**Kathy O'Hanlon**  
**Clerk to the Committee for Justice**