



The
Executive Office

www.executiveoffice-ni.gov.uk

Stormont Castle
BELFAST
BT4 3TT
Tel: 028 9037 8228

**Mrs Ciara Ferguson MLA, Chairperson
Windsor Framework Democratic Scrutiny Committee (DSC)**

By Email: windsorframework.committee@niassembly.gov.uk

**Date: 10 March 2026
Our Ref: COR-0028-2026**

Dear Ciara,

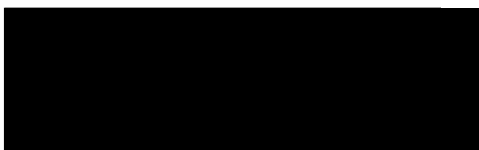
**DSC 22/26 PROVISION OF EVIDENCE TO THE DEMOCRATIC SCRUTINY COMMITTEE
ON RESERVED MATTERS**

Thank you for your letter of 19 January reiterating the Committee's position in relation to the provision of evidence on reserved matters.

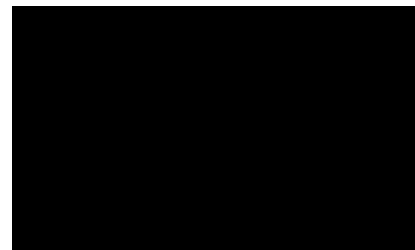
As a result of ongoing engagement, Departments have agreed to ensure adequate and timely engagement with the Committee and to provide accurate and relevant information on devolved issues. With respect to *reserved / excepted* matters, departments have agreed to assess each piece of legislation on a case by case basis to determine if any additional information can be provided in addition to that supplied by the Explanatory Memorandum or by the relevant UK Government department.

We take this opportunity to reiterate the information provided by our officials to the Committee on the 19 January, that in addition to the usual and frequent engagement across the NICS in servicing the Committee, additional cross-departmental measures have been agreed to both assess and allocate identified unallocated legislation to the most appropriate NI Department(s), based on its subject matter. As has been the case with 2009/48/EC, decisions on the allocation of unallocated legislation will be cognisant of the autonomy of Departments and take into account restrictions on Departmental vires and ambit.

Furthermore, we continue to engage with the UK Government in respect of its response to Lord Murphy's Review of the Implementation of the Windsor Framework, whereby it will empower NICS officials to brief the Committee on reserved matters.



**Michelle O'Neill MLA
First Minister**



**Emma Little-Pengelly MLA
deputy First Minister**



Mrs Ciara Ferguson MLA, Chairperson
Windsor Framework Democratic Scrutiny
Committee (DSC)
Ref: DSC 22/26
19 January 2026

Ms Michelle O'Neill MLA, First Minister
Ms Emma Little-Pengelly MLA, deputy First Minister
The Executive Office

Issued via email to: [REDACTED]

Michelle agus Emma, a chairde,

Provision of evidence to the Democratic Scrutiny Committee on reserved matters

At its meeting on 15 January 2026, the Windsor Framework Democratic Scrutiny Committee (DSC) heard evidence from your officials on matters relating to the provision of a departmental impact assessment(s) on [Regulation \(EU\) 2025/2509 on the safety of toys](#).¹

During the evidence session, the DSC was told that this reserved policy area (product safety) is one of four so-called 'orphan files' where no local department has a statutory remit. However, under [Schedule 6B to the 1998 Act](#), the DSC must have regard to whether it appears likely that a replacement EU act would have a significant impact specific to everyday life of communities *here* in a way that is liable to persist.

The DSC is of the view that any reserved matter *may* have an impact on local Ministers' responsibilities. In this case, for example, the Regulation may have an impact on the economy and consumer safety. The DSC's position is that it is departments here which hold the expertise to be able to assess the impact (if any) of an EU act.

The DSC expects to be told that a replacement EU act will either not have an impact as far as a Minister's official responsibilities are concerned, or may/will have an impact and, if so, the likelihood that the impact will be significant. The DSC acknowledges that officials may not be able to provide complete information on reserved matters such as this.

¹ The DSC Chairperson and deputy Chairperson also met informally with TEO officials on 13 January 2026 to discuss the provision of evidence to the Committee on this EU Regulation, and related matters.

The Committee agreed that I should write to you to raise this issue again, and ask you to explore possible solutions to ensure that the DSC gets the information it needs to assist it in reaching its conclusion on whether an act which concerns a reserved matter will have a significant impact specific to everyday life of communities here in a way that is liable to persist, regardless of whether the act concerned is one of the 'orphan files'.

I would appreciate a response at the earliest opportunity.

Le meas,



Ciara Ferguson MLA
Chairperson

Windsor Framework Democratic Scrutiny Committee