



Northern Ireland
Assembly

**COMMITTEE FOR
FINANCE AND PERSONNEL**

**OFFICIAL REPORT
(Hansard)**

**Construction Contracts
(Amendment) Bill**

15 September 2010

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Jennifer McCann (Chairperson)
Mr David McNarry (Deputy Chairperson)
Mr Paul Frew
Mr Paul Girvan
Mr Simon Hamilton
Mr Daithí McKay
Mr Mitchel McLaughlin
Mr Declan O’Loan
Ms Dawn Purvis

Witnesses:

Mr Stewart Heaney) Department of Finance and Personnel
Mr Robin McKelvey)

The Chairperson (Ms J McCann):

I welcome DFP officials Stewart Heaney, divisional director of the construction and advisory division in the central procurement directorate, and Robin McKelvey, construction initiatives manager in the central procurement directorate. The DFP briefing paper is included in members’ folders. I remind members that the purpose of the session is to conclude the evidence gathering on the Bill ahead of the clause-by-clause consideration. I invite the officials to make a brief introduction, and members may then ask questions.

Mr Robin McKelvey (Department of Finance and Personnel):

The position is, essentially, as the research officer has just described in his briefing. We have had public consultation, and the reaction to that was fairly muted but generally supportive. There was some disagreement on a number of minor issues, particularly in reaction to how the House of Lords' decision on *Melville Dundas v George Wimpey* should be handled. Our aim was to provide something that was a simplification and which could be readily understood by the building industry. The *Melville Dundas v George Wimpey* decision produced a 3:2 majority in the House of Lords, and the case raised very difficult and complex issues. The intention was to try to find something that would provide clarity and ease of understanding so that the industry would know where it stands in dealing with the decision. We think that the proposed measures do that and that they try to provide a balanced view that is going to suit most of the industry rather than one particular bit of it.

I am happy to answer any questions.

Mr Stewart Heaney (Department of Finance and Personnel):

What we have set out in our paper to the Committee simplifies as best we can, from a non-legal perspective, the implications of the case and how those are dealt with in the Bill.

The Chairperson:

As members have no questions, the session will be short and sweet. Thank you very much.