



AD HOC COMMITTEE ON A BILL OF RIGHTS

MINUTES OF PROCEEDINGS

Thursday 10 December 2020

Room 30, Parliament Buildings

Present, Room 29: Emma Sheerin MLA (Chairperson)
Mike Nesbitt MLA (Deputy Chairperson)
Michelle McIlveen MLA
Christopher Stalford MLA

Present, via StarLeaf: Paula Bradshaw MLA
Mark Durkan MLA
John O'Dowd MLA (deputising for Carál Ní Chuilín MLA)

In Attendance: Caroline Perry (Assembly Clerk)
Gareth Cross (Clerical Officer)

In Attendance, via StarLeaf: Claire Milliken (Assistant Assembly Clerk)

The meeting commenced in open session at 2.03 p.m.

1. Apologies

No apologies.

2. Briefing by Peter Coll QC on behalf of the Bar of Northern Ireland

Peter Coll QC, appointed Vice Chair of the Bar Council, joined the meeting at 2.04 p.m.

His briefing addressed justiciability and enforcement of rights issues relating to a Bill of Rights. It is the view of the Bar that the Committee must develop a clear and coherent approach towards what it ultimately hopes to achieve through such a Bill before it can reach any conclusions on the justiciability of socio-economic rights or potential models of enforcement.

The briefing considered the role of the courts, referring to case law, demonstrating the clear boundaries that exist between the Courts and the Executive. The case law also shows that it is not the function of the Court to take decisions on questions relating to the Executive's budgetary arrangements and competing priorities; these matters often involve complex decisions taken in the context of a challenging economic backdrop. In the court setting, in terms of enforceability, much will depend on the granular detail of the statutory right.

3. Briefing by Maria McCloskey on behalf of the Law Society of Northern Ireland

Maria McCloskey, Chair of the Human Rights and Equality Group of the Law Society of Northern Ireland, joined the meeting at 2.04 p.m.

Her briefing covered three main points: that a rights-based approach was a core tenet of the Belfast Agreement; the loss of the Charter of Fundamental Rights, the gaps that it is likely to leave and how these could potentially be addressed through a Bill of Rights for Northern Ireland; and, the importance of the enforceability of rights.

Peter and Maria's oral evidence was followed by a question and answer session.

The Chairperson thanked Peter and Maria for their evidence.

The briefing session was reported by Hansard.

4. Chairperson's Business

There was no Chairperson's business.

5. Draft Minutes

Agreed: The Ad Hoc Committee agreed the minutes of the meeting held on Thursday 3 December 2020.

6. Matters Arising

There were no matters arising.

7. Correspondence

The Chairperson referred Members to the Correspondence memo.

Members noted correspondence from Professor Brice Dickson and the Office of the Attorney General for Northern Ireland.

8. Forward Work Programme

The Chairperson referred Members to the draft Forward Work Programme.

Members noted the Forward Work Programme.

9. Any other business

No other business.

10. Date, Time and Place of the next meeting

The next meeting will be on Thursday 17 December 2020 at 2.00 p.m. in Room 29, Parliament Buildings.

The meeting adjourned at 3.39 p.m.

Ms Emma Sheerin MLA

Chairperson, Ad Hoc Committee on a Bill of Rights