

Jim McManus
Clerk to the Committee for Finance
Northern Ireland Assembly
Room 373
Parliament Buildings
Ballymiscaw
Stormont
BELFAST BT4 3XX

7 April 2020

Dear Jim

FUNCTIONING OF GOVERNMENT (MISCELLANEOUS PROVISIONS) BILL

Thank-you for your letter of 27 March 2020 in respect of the above. I am responding on behalf of Commissioners.

Commissioners are grateful to the Committee for the opportunity to provide a written response to the provisions contained within each clause of the Bill and the accompanying Explanatory and Financial Memorandum (EFM).

As the Committee will be aware, the statutory functions of Commissioners are set out in the Civil Service Commissioners (NI) Order 1999, as amended. The Order provides that Commissioners discharge their regulatory functions in relation to appointments to the NICS with a view to ensuring that such appointments are made on merit on the basis of fair and open competition.

Accordingly, you will understand that the functions of Commissioners are limited by statute and only extend to any other activities reasonably necessary to support these statutory functions. In those circumstances, Commissioners consider that it would not be appropriate to offer comment in relation to draft legislation other than where such legislation has the capacity to impact on the discharge of their statutory functions. Commissioners take this view because they consider that it would not be appropriate to comment in relation to issues which are essentially matters for political decision.

However, Commissioners note the content of Clause 3 of the proposed legislation, the effect of which, if enacted, would be to repeal the Civil Service Commissioners (Amendment) Order (Northern Ireland) 2016 and prevent further amendment to the Civil Service Commissioners (Northern Ireland) Order 1999, other than by the deployment of the affirmative resolution process in the Assembly.

As stated above, Commissioners acknowledge that any amendment to existing legislation is properly a matter for the Assembly to consider. In those circumstances, Commissioners would propose to confine themselves to noting that the effect of this clause would be to reduce the number of positions set out in the Civil Service Commissioners (Northern Ireland) Order 1999 to which the requirement that an appointment to such a situation should be on the basis of fair and open competition does not apply. Commissioners consider that the effect of the enactment of such a provision would be in accordance with the merit principle that they are obliged by statute to maintain.

I hope what I have written is helpful.

Yours sincerely



Deirdre Toner
Chairperson

cc: Jim Scholes
Sinéad Burns
Sarah Teer
Amanda Martin
Heather Caulfield