

An Ceann Comhairle

Seomra 39
Foirgnimh na Parlaiminte
Baile Lios na Scáth
Cnoc an Anfa
Béal Feirste, BT4 3XX

Guthán: +44 (0) 28 9052 1130
r-phost: speakersoffice@niassembly.gov.uk



The Speaker

Room 39
Parliament Buildings
Ballymiscaw
Stormont
Belfast, BT4 3XX

Tel: +44 (0) 28 9052 1130
email: speakersoffice@niassembly.gov.uk

**Mr Robin Swann MLA
Minister of Health
Castle Buildings
Stoney Road
Belfast
BT4 3SX**

29 June 2021

Dear Robin,

ADOPTION AND CHILDREN (NI) BILL

Thank you for submitting the Adoption and Children (NI) Bill on 28 June for the necessary legal scrutiny to be conducted to advise me on whether the Bill is within the legislative competence of the Assembly. You will be aware that your request for introduction of the Adoption and Children (NI) Bill falls outside the minimum period allowed for in Standing Orders, as well as the normal two-week period which departments are asked to observe.

Since the end of last week, prior to receipt of this Bill, a number of Executive-sponsored Bills have already been submitted for introduction within a short time. Given these pressures, I do not expect that it will be possible for my formal scrutiny of this Bill begin until next week when some of those earlier Bills are processed (including the Organ & Tissue Donation (Deemed Consent) Bill which you have also submitted). As this is a complex area of law, you will also understand that the rigorous scrutiny of the Bill cannot be a quick process. I therefore do not expect to be able to give you any decision before the week beginning 19 July 2021.

I appreciate that you would have preferred to introduce the Bill before the Assembly goes into recess, particularly in the context of indications given to you that the Committee would proceed to issue a call for evidence. However, in these circumstances, I am happy to make clear that that process would not necessarily have to await the Bill being introduced when the Assembly resumes in September. Assuming that I do respond to confirm that the Bill is within the legislative competence of the Assembly and can be introduced, I would be content for that to be confirmed to the Committee, or indeed Members as a whole, and for you to share a copy of the Bill with the Committee and others on that basis. There would be nothing disorderly with that from a procedural perspective.

The Committee would then be in a position at that point to proceed with a call for evidence if it so wishes. Once I have completed my scrutiny of the Bill and confirmed a

positive outcome to you, the Bill will have already begun that first step of the legislative process and be ready for the further formality of introduction at a future sitting.

You will be aware of the ruling I issued to all Members in May in relation to recalls. The process above would be preferable to having to undertake all of the arrangements involved with having a recalled sitting of the Assembly for an item of business which would take no more than a minute.

I will formally write to you again with my decision as soon as I am able to complete my scrutiny of the Bill and you therefore have some time to consider how you wish to proceed. If it is helpful, I am of course happy for my officials to engage further with yours on the options.

I fully recognise your desire to take forward this important and long awaited legislation and it is unfortunate that the amount of legislation coming through from the Executive in this short period has inevitably impacted upon the normal timeframe. However, I also know that you will appreciate the point that the scrutiny process is one that this Assembly has to take seriously and that I have particular responsibilities in that regard.

Yours sincerely,

A handwritten signature in cursive script that reads "Alex Maskey". The signature is written in a light grey or blue ink and includes a long horizontal flourish extending to the right.

ALEX MASKEY MLA

An Ceann Comhairle

Seomra 39
Foirgnimh na Parlaiminte
Baile Lios na Scáth
Cnoc an Anfa
Béal Feirste, BT4 3XX

Guthán: +44 (0) 28 9052 1130
r-phost: speakersoffice@niassembly.gov.uk



The Speaker

Room 39
Parliament Buildings
Ballymiscaw
Stormont
Belfast, BT4 3XX

Tel: +44 (0) 28 9052 1130
email: speakersoffice@niassembly.gov.uk

Mr Colm Gildernew MLA
Chairperson of the Committee for Health
C/O Room 385C
Parliament Buildings

7 July 2021

Colm a chara,

You will be aware that the Minister of Health, Robin Swann MLA, has submitted the Adoption and Children (NI) Bill for the legal scrutiny which I am obliged to conduct before it can be introduced. I know that the Minister has been in contact with the Committee in relation to what progress can be made on the bill over the summer. I have also been engaging with the Minister and I want to update the Committee.

The Committee will be aware of the work to achieve agreement at the Executive on this Bill which meant that the Minister was not in a position to submit the Bill to me until 28 June 2021. Standing Orders require that a Bill is submitted to me a minimum of seven working days before the Bill can be introduced. Therefore, it was not possible for this Bill to be introduced at the last plenary sittings before the summer recess. Additionally, it was inevitable that the number of Bills which were submitted to me at the end of June had an impact on how quickly I could conduct effective scrutiny of all of this complex legislation. I therefore will be unable to give my decision on whether the Bill can be introduced until later in July.

Given the importance of the Bill, the interest in it and the pressures that will exist in the months remaining to the end of the mandate, the Minister of Health is understandably keen to make the maximum use of time. I have been happy to clarify for the Minister that there is nothing procedurally out of order or discourteous to the Assembly if he was to share a draft copy of the Bill with the Committee or make it available publicly.

Assuming that I reach the view that the Bill is within the legislative competence of the Assembly and can be introduced, I have advised the Minister that I would be content for my decision to be confirmed to the Committee, or indeed Members as a whole. Therefore, while the Minister would have the opportunity to formally introduce the Bill in September, it is possible for some activity to occur in the interim. For instance, the Committee could proceed with a call for evidence if it chose to do so.

I trust the Committee will find this clarification helpful in making its own decisions. I attach a copy of the letter I originally provided to the Minister and I am copying the Minister into this correspondence.

Is mise le meas,

A handwritten signature in cursive script that reads "Alex Maskey". The signature is written in dark ink and includes a long horizontal flourish extending to the right.

ALEX MASKEY MLA