

EXPLANATORY MEMORANDUM TO

The Rural Needs Act (Public Authorities) (Amendment) Order (Northern Ireland) 2026

SR 2026 No.

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule (SR) which is laid before the Northern Ireland Assembly.
- 1.2. The SR is made under the powers conferred by section 1(3) of the Rural Needs Act (Northern Ireland) 2016 (the Act) and is subject to the draft affirmative resolution procedure.
- 1.3. Section 1(3) of the Act requires the Department to review the list of bodies and persons set out in the Schedule to the Act (the Schedule) at least once every three years. This SR gives effect to the outcome of the Department's statutory review undertaken in accordance with that provision.

2. Purpose

- 2.1. The purpose of this SR is to amend the Schedule by the inclusion of 54 additional public authorities.
- 2.2. This will extend the application of the statutory duty to have due regard to rural needs when carrying out certain activities, ensuring it is applied more consistently across those public authorities whose functions may impact on rural communities.
- 2.3. Evidence from the statutory review, consultation responses, and engagement with stakeholders indicated that a number of public authorities exercising functions that may have the potential to impact on rural communities are not currently within scope of the Act. Amending the Schedule will address this gap to support more consistent application of the statutory duty across those additional public authorities.

3. Background

- 3.1. The Act came into operation for Northern Ireland departments and district councils on 1 June 2017 and for the other public authorities listed in the Schedule on 1 June 2018.

3.2. A review of the Schedule was undertaken in 2020-2021. Following that review, the Executive agreed that four additional public authorities should be added to the Schedule. However, the necessary legislative steps could not be completed due to the dissolution of the Northern Ireland Assembly at that time.

3.3. In light of the statutory duty to undertake a further review, a subsequent review was initiated in 2024.

4. Consultation

4.1. On 10 July 2024, Minister Muir commissioned a review of the Schedule in accordance with section 1(3) of the Act.

4.2. The Department undertook an eight-week public consultation between 22 July 2024 and 13 September 2024 as part of the statutory review of the Schedule. The consultation generated 100 proposals for consideration.

4.3. The Department considered consultation responses alongside views from Executive Ministers, permanent secretaries, the AERA Committee and other relevant information. A total of 108 bodies and persons were assessed against the agreed criteria (public authority functions analysis).

4.4. Following detailed assessment against the agreed criteria, the Department concluded that 54 additional public authorities should be added to the Schedule.

5. Equality Impact

5.1. In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the SR have been assessed.

5.2. No direct or differential impact on equality of opportunity has been identified for any Section 75 category.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has been completed to assess the potential options in how this statutory review is implemented.

6.2. Further details can be obtained in the Regulatory Impact Assessment attached at **Appendix 4**.

7. Financial Implications

7.1. The inclusion of the additional public authorities in the Schedule will give rise to additional resource requirements within the Department to support the effective implementation of the Act.

7.2. This includes preparatory activity from 1 April 2027, including the development of updated guidance, the provision of advice and information, the delivery of training and stakeholder engagement, together with monitoring and reporting functions following commencement of the substantive duties on 1 April 2028.

7.3. The additional public authorities will also incur administrative costs associated with implementation. These costs are expected to be limited and will primarily relate to familiarisation with the Act, staff training and the establishment of proportionate processes to support compliance.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department considers that the SR does not give rise to any incompatibility with Convention rights or with EU law.

9. EU Implications

9.1. The SR does not have any EU implications.

10. Parity or Replicatory Measure

10.1. This instrument does not represent a parity or replicatory measure.

11. Additional Information

11.1. For further information contact Rural Affairs Division at the Department of Agriculture, Environment and Rural Affairs.