

(Mr Deputy Speaker [Mr Blair] in the Chair)

Committee Business

Deaths, Still-Births and Baby Loss Bill: Extension of Committee Stage

Mr O'Toole (The Chairperson of the Committee for Finance): I beg to move

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 1 October 2025 in relation to the Committee Stage of the Deaths, Still-Births and Baby Loss Bill.

Mr Deputy Speaker (Mr Blair): The Business Committee has agreed that there will be no time limit on the debate. I call the Chairperson of the Committee for Finance, Matthew O'Toole, to open the debate on the motion.

Mr O'Toole: Thank you, Mr Deputy Speaker. The Committee very much welcomes the Bill. That is a unanimous view of the Committee. Often, when we are debating, including today, there is dissent, but the publication of the Bill has been unanimously welcomed. It is the culmination of significant engagement between the Committee and the Department. I also highlight that, in bringing the motion for extension to the House, the Committee sees the 1 October date as a limit rather than a target. That is a very important point, internally for the Committee's deliberations but also for Members who will participate in today's debate. That date represents a compromise that was arrived at in deliberations by members, who tried to balance the need to provide credible scrutiny of a piece of primary legislation — to retain public confidence in the scrutiny functions of the Committee and the House at large — with getting that vital legislation, hopefully, into law. It remains the case that the Committee aims to complete its report on the Bill without any undue delay prior to that date.

I do not propose to set out the provisions of the Bill, but I will quote the description of the Bill's aim in the accompanying explanatory and financial memorandum. It states:

"The aim of the Bill is to amend the law relating to the manner of notification of deaths and still-births and the manner of giving particulars relating to them. It will also provide a legislative basis for the introduction of a baby loss scheme and will address differences in registration processes for births and still-births between

some same-sex female couples and opposite-sex couples."

The Bill was introduced into the Assembly on Tuesday 25 March 2025. It subsequently completed Second Stage on Monday 7 April, with Committee Stage starting on Tuesday 8 April immediately prior to the Easter recess, because, as Members are aware, Standing Order 33(2) states:

"A statutory committee to which a Bill stands referred under this order, may, within the period of 30 working days from the date of referral, consider and take evidence on the provisions of the Bill, and report its opinion thereon to the Assembly."

Without an extension to the Committee Stage for the Deaths, Still-Births and Baby Loss Bill, the last day of Committee Stage would be Wednesday 4 June, when the Committee would be required to lay its report on the Bill. The Committee discussed whether that would be achievable, understanding that, in order to meet that deadline, the Committee would have to forego any call for evidence as well as make time for any evidence to be taken on the Bill. That could have resulted in the Committee receiving some criticism for not sufficiently scrutinising the Bill, recognising the sensitive issues that it deals with.

It is important to state that there were Committee members who advocated that there should be no extension to the Committee Stage. Others suggested that the extension should go beyond the original extension date that the Committee considered, which was 7 November. To make the House aware, the original plan was that the Committee Stage would finish on 7 November. Others wanted it to finish on its original date in June, so, after a fairly constructive and well-mannered discussion, we settled on what is effectively a compromise date of 1 October.

The calculation of a Bill's scrutiny timetable generally includes a call for evidence of six to 12 weeks, with written submissions and survey responses being received and considered; a number of in-person evidence sessions being held during Committee meetings, with sufficient time for those being built into the Committee's work programme; and other Committee business being progressed in a timely and thorough manner in tandem with consideration of the Bill. In agreeing a compromise date of 1 October, the Committee will, in order to provide flexibility, shorten its call for evidence to four weeks and eliminate other periods that are normally included. That call has already been

published on Citizen Space with a closing date of 9 June. In order to speed things up, the Committee has agreed a list of key stakeholders, who have been contacted directly for their views on the Bill. I use the platform of this debate to encourage any Members who know anybody who might be interested, either private citizens or organisations, in the provisions of the Bill to make their views known to the Committee.

The shortened timescale also reflects the hope that the Bill, as it is well supported and non-controversial, will not throw up unanticipated issues that require additional time to be considered. The Committee is balancing its scrutiny of the Bill against the expectation — perhaps hope rather than expectation; it is certainly hope on my part — of receiving two further Bills before the summer recess. Members also anticipate that additional Committee meetings may be necessary.

In requesting that the Assembly support the extension, the Committee asks that Members give us the flexibility that we need to discharge our statutory scrutiny role with respect to this Bill. At its meeting on 7 May, the Committee agreed to the motion to extend Committee Stage along with a revised Committee timetable, and I thank members for the way that they approached that discussion. There were legitimately held differing views, and I welcome the fact that we had that constructive discussion.

In drawing up a timetable for the Committee's scrutiny of the Bill, we were also cognisant of the advice that was provided by the Bill Clerk and the Committee Clerk, as well as the fact that, although it is not controversial, the Bill deals with very emotive issues that touch on the extraordinarily sensitive subject of baby loss. The timetable reflects the job of scrutiny at hand and the well-established best practice steps for applying it. Members also reflected on the desire that they share with the Minister to deliver the benefits that the Bill provides in as timely a fashion as possible. To be fair, the Minister has been consistent on that point. Although we were pressing his Department to bring forward the Bill quickly, he has clearly said that he wants to implement a scheme as soon as his Department can.

At the conclusion of the Second Stage of the Bill, the Committee was charged by the Assembly with a duty to scrutinise the Bill on its behalf. The Committee will do this by drawing out and considering all its provisions and their implications, some of which may not be initially apparent. The timetable for completion is by 1

October, which is fairly tight for undertaking the processes that are expected in a Committee Stage. As I said and to repeat: 1 October is not a target; it is a limit. Little time has been allocated for additional activity beyond that which is expected, and the call for evidence period is relatively short. It is also important to say that the Bill is unusual in that its provisions have not yet been consulted upon. Most Bills are developed and discussed with stakeholders over a period of months, if not years. Having said that, there is widespread support for the provisions of the Bill, and, indeed, the bulk of the Bill is extending the provisions of the Coronavirus Act that relate to the registration of deaths.

The nature of the Bill is such that it has not been through that conventional consultation process, so, potentially, there are issues that could arise that we need to be alive to, which have not already been thrashed out through a consultation process. Most Bills are inspected by stakeholders, who have already thought through their views on the Bill, and, certainly on the stillbirths matter, they may not have had the opportunity to think in detail about the legislative provision. We hope that they will have the opportunity to do that through our consultation process. Obviously, that is part of the point of having a consultation process. Key stakeholders will be approached to give evidence on the Bill, which will have to be developed in real-time. The timetable only allows for a few weeks between contacting the stakeholders to give evidence and them appearing in front of the Committee. That represents a degree of risk, as the Committee must have the scope to consider the responses to its call for evidence. Additionally, if the evidence highlights the need to seek further witnesses, the Committee will have limited time to contact those additional witnesses to ask them to prepare their evidence.

One of the most important issues that the Committee has considered concerning the Bill is the immensely sensitive topics that are dealt with — death, and particularly stillbirth and miscarriage. While the Bill provides an enabling power to introduce a scheme for baby loss certificates, without including detailed information on the operation of the scheme, the Committee's call for evidence is likely to bring forward responses that will produce highly emotive, personal testimony. Therefore, the Committee wants to make time to consider that evidence respectfully and appropriately. It will also be ready to act on any additional issues that those stakeholders raise, should members feel it appropriate. The extension date has the Committee completing its work before Baby

Loss Awareness Week in October. That week will be an important part of raising the profile of the Bill and what it intends to do. The Committee is keen to work with the Minister during Baby Loss Awareness Week to raise public awareness of the issue of baby loss and the Bill's provisions.

It is a relatively short extension; it is shorter than Committee Stage extensions normally are. The Committee considers 1 October, to repeat, to be a limit, rather than a target. The Committee also recognises that, should the Assembly agree to the extension today, it will mean another extension to the provisions that we have been using for deaths and stillbirths registration under the Coronavirus Act 2020. I am sure that Mr Frew, if he is speaking on this, might have one or two comments to make, but the initial purpose of the Bill was to put the emergency registration provisions of the Coronavirus Act into permanent law. Subsequently, through our conversations with the Minister and representations from others, the provision around baby loss certificates has been added as an enabling power to allow the Minister to create a scheme. Every member of the Committee thinks that it is a good idea, but the key point is that it needs to do some level of scrutiny to be robust in its role as a Committee. The Committee commends the motion to the House and seeks Members' approval. Thank you.

7.30 pm

Miss Dolan: As the Chair has outlined, this is a compromise date. I do not feel that the proposed extension to the Committee Stage for the Bill is necessary, and my colleague Deirdre Hargey and I outlined that view at the Finance Committee. Repeatedly, in recent months, there has been a strong desire from Members across the Chamber to see the legislation brought forward, as it will see measures introduced during the pandemic in temporary legislation put on a permanent basis. The changes have become the normal registration process and have been viewed as positive by stakeholders, the public and funeral directors. Agreeing to additional Committee time means delaying the implementation of those positive changes, which we do not think is necessary. However, as I said at the Committee, I believe that the extension will pass today. We are putting our view on the record.

Mr Frew: I support the motion and the extension date of 1 October 2025. It is important that we have a consultation period and a period of scrutiny, not least because the

Bill has not had a normal lead-in consultation period. That is simply because it is establishing what is already a norm in the registration of deaths and stillbirths, as it has been ongoing since the Coronavirus Act 2020.

That brings me on to the point that the Chair raised about the Coronavirus Act. That was a period when not only the Executive but the zombie Assembly caused massive harm to our people. However, this is probably the one provision out of that dastardly Act that actually helped people. It removed the rigmarole of registering a death or stillbirth. Therefore, it is only right and proper that it be supported. It is, in fact, legislation catching up with technology, and it should have been brought in well in advance of any pandemic. I certainly support that provision.

My party has pushed and campaigned for a baby loss certificate for many years now, and we were delighted to see it in the Bill. However, it is a sensitive issue and one that, we feel, we need time to consult on. Notwithstanding that, it should be put on record that, in England, Wales and Scotland, there is no statutory Act to implement baby loss certificates. Therefore, there is no real need for it to be on the statute book here. This is the route that the Department of Finance is going down — it will have its reasons for that — but there is absolutely no reason why the Department of Finance cannot continue with its processes and even have a consultation on a baby loss certificate in the interim, parallel to our scrutiny of the Bill. There would be absolutely no delay to the implementation of baby loss certificates, and the measure should be able to come in in a timely fashion.

The Bill will give an enabling power to the Department, but, as I said, in England, Wales and Scotland, that power is not statutory. I hope that the Department will proceed at pace with this whilst we get down to the work of scrutinising the Bill. I have outstanding questions on the Bill, so it is good that we will be given time to scrutinise it and make sure that we fill in any blanks in understanding that we have.

Mr Deputy Speaker (Mr Blair): I now invite the Committee Chair, Matthew O'Toole, to respond to the debate.

Mr O'Toole: I will not detain the Assembly too long. People have probably heard enough of me today speaking about various things, but, on this important subject, I hope that Members will have seen that the Committee very much wants to process, scrutinise and, I anticipate, do our

work as a Committee and refer the Bill back to the full Assembly for it, hopefully, to be passed into law and then for the Department promptly to design a baby loss scheme. The key thing is that we do a credible piece of consultation and scrutiny that we can stand over, with 1 October as a limit for that rather than a target. We will then come back and do our jobs promptly.

It has been said and is worth clarifying again that the vast bulk of what is in the Bill is transferring to primary legislation what was already in the emergency provisions of the Coronavirus Act. That is sensible and should not detain us for too long. As Jemma Dolan mentioned, people in, for example, the funeral director sector are very supportive of the Bill and are concerned about any suggestion that it will be delayed. They very much want the provisions passed into law permanently.

In relation to baby loss, there are clear sensitivities that we want to tease out and understand. I think that there will be widespread support for that. Making sure that we have the scheme designed carefully is going to be very important. I look forward to doing that work speedily but effectively, and then, hopefully, referring the Bill back, via the Committee, to the Assembly.

I commend the motion and thank Members.

Question put and agreed to.

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 1 October 2025 in relation to the Committee Stage of the Deaths, Still-Births and Baby Loss Bill.

Adjourned at 7.35 pm.