



Committee for Finance

OFFICIAL REPORT (Hansard)

Public Office (Accountability) Bill: Committee Report

21 January 2026

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Matthew O'Toole (Chairperson)
Ms Diane Forsythe (Deputy Chairperson)
Mr Gerry Carroll
Miss Jemma Dolan
Miss Deirdre Hargey
Mr Harry Harvey
Mr Brian Kingston
Mr Eóin Tennyson

The Chairperson (Mr O'Toole): The Committee previously asked the Department of Finance to consider the responses to the departmental engagement with stakeholders, and the level of risk for the legislative consent motion (LCM), as referenced in the paper to the Executive. That reflects the comments that were received from each Department on their own stakeholder engagement as well the Executive paper in general.

Members, I open it up for discussion. It is probably worth saying, first, that, clearly, this is the subject of very live political debate in London for very obvious and important reasons. Does any member wish to comment on this? You will see that there are a range of individual issues. Some Departments, including DAERA, did not raise any particular issues. DOJ, for example, raised the potential of some additional workloads being created. DOH confirmed that stakeholder feedback did not highlight any issues that would dissuade the Department from supporting the extension of the Bill to Northern Ireland, although there is a separate issue around medical candour that is the subject of very live political debate in that world. You will have seen the various bits of feedback.

At last week's meeting, the Committee discussed the LCM, and members indicated that there were gaps in the information that was needed by the Committee to reach a decision to support the Minister in seeking consent for the Bill, excluding Part 4, to legislate on behalf of the Executive/Department in what are devolved areas. Members also agreed to seek detail from the Department of Finance on how Part 4 of the Bill would be managed in Northern Ireland. That included further detail on what exactly is being excluded from the LCM that was laid by the Department on 19 December 2025, and, on the issue of public offices, whether MI5 and the National Crime Agency should be specifically included in the duty of candour.

Members will also be aware of developments in respect of the Bill this week, including the fact that the next stage of the Bill, which was due to happen either this week or next, is now not going to happen; it has been pulled. I suggest that we go into closed session for a quick discussion on our final report because, clearly, there are concerns in London and elsewhere about this. If members are content, we will go into closed session to discuss our report.

The Committee went into closed session from 4.37 pm until 4.50 pm.

The Chairperson (Mr O'Toole): Members, as per our discussion, there are a couple of things to say. We previously agreed that we cannot come to a conclusion about the LCM or, indeed, the broader Bill, albeit broad support was expressed for the principle of the Bill. The position at Westminster on the status of the Bill is pretty chaotic and confused. Given that and the late notice of the Executive's response, we have not been able provide any real serious and detailed scrutiny of the LCM. Our draft report, which we discussed in closed session, therefore reflects that, describing the chronology and the process of scrutiny that we have gone through and stating the fact that we cannot arrive at a final position.

We will insert a paragraph at the end of the report that reflects on the latest confusion about the position on the Westminster Bill. As previously mentioned, we will not settle on a Committee position. Should the LCM ever reach the Floor of the Northern Ireland Assembly, members and parties will take their positions individually. I presume that the Executive will have a position at that stage; they have a position now, but we will find out whether that remains the case when they actually move the LCM.

For the purpose of the record, this situation draws attention once again to the problems in the LCM process. The Executive have agreed the LCM and, despite our not being able to provide any particularly detailed scrutiny, because an LCM has been laid, we are obliged under Standing Orders, which are precise, to provide a Committee report within a set time frame. We will have to provide a Committee report even if it is partial and does not contain anywhere near the requisite scrutiny.

Having said all that, I will seek your agreement to publish any additional information that we have received as addenda to the Committee report, and we will reserve our position on supporting the Minister of Finance in seeking the Assembly's endorsement of the following legislative consent motion:

"That this Assembly endorses the principle of the extension of the provisions of the Public Office (Accountability) Bill to Northern Ireland."

We will have to agree our draft report, which, as I said, will possibly be of limited use in scrutiny terms but is our obligation under Standing Orders. An earlier version was updated to reflect the Department's most recent response. We will update it again to insert what will become paragraph 30. Any typographical or formatting errors will, as always, be amended, so do not worry about those.

Does any member wish to propose amendments other than those that we discussed in closed session? No. OK. If there are no further amendments, I will proceed through the draft report, seeking the Committee's formal agreement.

Here we go. First up are the title page, Committee membership and powers page, the table of contents and the list of abbreviations. Are members content that the title page and Committee membership and powers page stand part of the report?

Members indicated assent.

The Chairperson (Mr O'Toole): Are members content that the background section at paragraphs 1 to 12 stand part of the report?

Members indicated assent.

The Chairperson (Mr O'Toole): Are members content that the section on the purpose of the legislative consent motion at paragraph 13 stand part of the report?

Members indicated assent.

The Chairperson (Mr O'Toole): Are members content that the section on the Committee's consideration of the legislative consent motion at paragraphs 14 to 29 stand part of the report?

Members indicated assent.

The Chairperson (Mr O'Toole): Are members content that the conclusion stand part of the report?

Members indicated assent.

The Chairperson (Mr O'Toole): The appendices will be updated in due course, with the Hansard report of today's deliberations and the minutes of proceedings. Are members content that the appendices stand part of the report?

Members indicated assent.

The Chairperson (Mr O'Toole): OK. Are members content for the report to be published on the Committee's web page and the link to it to be issued to all MLAs in advance of the debate on the LCM, should it ever happen? The indicative date for the debate is mid-February, but that may change. Are we all content with that?

Members indicated assent.

The Chairperson (Mr O'Toole): Members, that was a slightly strange, academic exercise, but we have done it. Parties and individuals will further investigate that issue.