

HOSPITAL PARKING CHARGES BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial memorandum has been prepared by the Department of Health in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So, where a clause or part of a clause does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The Hospital Parking Charges Act (Northern Ireland) 2022, which bans charging money for parking vehicles in hospital car parks in Northern Ireland, was originally due to come into operation in May 2024.
4. The Hospital Parking Charges Act (Northern Ireland) 2024 modified the operation of the Hospital Parking Charges Act (Northern Ireland) 2022 so as to postpone the ban until 12 May 2026.
5. The Bill has the single policy objective of further postponing the ban until a date, to be specified in due course by regulations to be made by the Department of Health, that must be no later than 12 May 2029.

CONSULTATION

6. No consultation has taken place as the main objectives of the Hospital Parking Charges Act (Northern Ireland) 2022 have not been amended.

OPTIONS CONSIDERED

7. Option 1: Do nothing and let the ban on charging for parking come into effect.
8. Option 2: Proceed with the Bill and postpone the ban on charging for parking.

OVERVIEW

9. The Bill postpones the ban on charging money for parking vehicles in hospital car parks.
10. Regulations specifying the date on which the ban is to come into effect are to be subject to the draft affirmative procedure.

COMMENTARY ON CLAUSES

Clause 1: New date for ban on charges

Clause 1 provides for the postponement of the ban, and for regulations to specify the date for the ban to come into effect. This date must be no later than 12 May 2029, but there is nothing to prevent it being sooner, subject to the financial circumstances. Such regulations are to be subject to the stated procedure, requiring them to be laid and approved in draft. The issue of uncertainty of the date likely for Royal Assent to the Bill, as relevant in relation to the end of the current postponement until 12 May 2026, is addressed too. That is, with this date in mind (a) if the Bill comes into operation in time, the postponement simply occurs as stated, and (b) if the Bill comes into operation later, the postponement instead applies after the ban on charging has had effect for the limited period arising. However, it should be noted as a technicality under the latter that the ceasing of effect provided for is instantaneous if commencement of the Bill happens to be simultaneous with when the ban is due at present to take effect.

Clause 2: Reporting on cost implications

Clause 2 provides for the Department of Health, within 6 months of the Act coming into operation, to prepare a report setting out the total costs arising from the delayed implementation of the Hospital Parking Charges Act (Northern Ireland) 2022 to date.

For each subsequent complete financial year, the Department must prepare a report setting out the costs associated with the 2022 Act during that year. The main operating costs associated with hospital car parks are in respect of the rates levied by the Department of Finance and District Councils, as well as staffing and maintenance costs.

The Department of Health must lay each report before the Assembly and publish it in such manner as it considers appropriate.

Clause 3: Commencement and short title

Clause 3 provides for (a) commencement of the Bill by reference to Royal Assent, and (b) the Bill's short title.

FINANCIAL EFFECTS OF THE BILL

11. In 2024/25, HSC Trust car parks in Northern Ireland generated circa £6.8m from charges, and the cost of operating the car parks was circa £10.3m. A delay in implementing free parking will ensure that HSC Trusts will continue to receive income from charges to offset against car park operational costs.
12. The requirement to prepare and publish annual reports on costs will result in minor administrative expenditure for the Department, primarily relating to staff time in compiling, analysing and presenting the required information. These costs are expected to be absorbed within existing Departmental resources but may have an impact on the delivery of other Departmental priorities that these resources would otherwise have contributed to.

HUMAN RIGHTS ISSUES

13. The provisions of the Bill are considered to be human rights compliant.

EQUALITY IMPACT ASSESSMENT

14. No Equality Impact Assessment has taken place as the main objectives of the Hospital Parking Charges Act (Northern Ireland) 2022 have not been amended. Previous screenings determined that a full Equality Impact Assessment was not required.

SUMMARY OF THE REGULATORY IMPACT ASSESSMENT

15. A Regulatory Impact Assessment has not taken place as the main objectives of the Hospital Parking Charges Act (Northern Ireland) 2022 have not been amended.

DATA PROTECTION IMPACT ASSESSMENT/DATA PROTECTION BY DESIGN

16. A Data Protection Impact Assessment has not taken place as the main objectives of the Hospital Parking Charges Act (Northern Ireland) 2022 have not been amended.

RURAL NEEDS IMPACT ASSESSMENT

17. A Rural Needs Impact Assessment has not taken place as the main objectives of the Hospital Parking Charges Act (Northern Ireland) 2022 have not been amended.

LEGISLATIVE COMPETENCE

At Introduction the Minister of Health had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Hospital Parking Charges Bill would be within the legislative competence of the Northern Ireland Assembly.”

