



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Charities Bill: Clause-by-clause Scrutiny

4 October 2012

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Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)
Mr Mickey Brady (Deputy Chairperson)
Ms Paula Bradley
Ms Pam Brown
Mrs Judith Cochrane
Mr Fra McCann

Witnesses:

Mr Kieran Doyle	Department for Social Development
Mr Roy McGivern	Department for Social Development

The Chairperson: We are going through the Bill clause by clause. It may not take as long as you might think. Members have the Bill folder before them. Bear in mind that we have a 1.00 pm welfare reform briefing. I remind members that we do have the Bill folder. It will be helpful also to bring out the explanatory memo, the delegated powers memorandum and report of the Examiner of Statutory Rules, and the clause-by-clause table.

From the Department, we have two officials, Roy McGivern and Kieran Doyle, to advise us and take us through the Bill. You are both very welcome. Obviously the proceedings are being recorded by Hansard. As we work through the clauses of the Bill, the officials will guide us. Is there anything that you want to address members on before we start, Roy or Kieran, or are you happy enough?

Mr Roy McGivern (Department for Social Development): Not particularly. We spoke to the Committee last week on the general principles of the Bill. We are happy to offer any advice that we can during the clause-by-clause scrutiny.

The Chairperson: There is an issue of delegated powers in the memorandum. It is about the position of the Examiner of Statutory Rules that orders under clause 9 do not amend. That is the advice from the Examiner of Statutory Rules, and we need to take that into consideration. Do you have a view on that?

Mr McGivern: Yes. We were made aware of that issue. You will see that, in clause 9, there are different delegated powers, and that is set out in the memorandum. Clauses 9(1) and 9(2) are not subject to Assembly control, as the Bill is set out, because they provide for the making of minor and technical provision only to allow for implementation of the Bill. That is consistent with current practice that allows the parent Department, the Department for Social Development, to commence various provisions of the Act. Clause 3 is different in that it enables the Department to amend, modify or repeal statutory provisions to give full effect to the Bill. That is subject to Assembly control through

draft affirmative resolution. We have looked at that and sought advice from the Office of the Legislative Counsel, and the Department is willing to consider an amendment to clause 9 to make clauses 9(1) and 9(2) subject to Assembly control through negative resolution, if the Committee agrees.

The Chairperson: That seemed to be the concern of the Examiner of Statutory Rules. Thanks for that, Roy.

Before we go through the clauses, I remind members that all the organisations that responded to the call for evidence were in favour of the Bill, and there were no other suggested amendments from any member or organisation. I am just making people aware of that. None of the stakeholders has said that the Bill needs to be changed. They all welcomed the Bill. That is helpful. We will go through this today, and if we have a consensus, that is good. If we do not, we will have to divide the Committee.

Clause 1 (The public benefit requirement)

The Chairperson: I want to gallop through this quickly, and, hopefully, we will not have any major issues. It is up to members. Clause 1 is about the new public benefit provision. Are members content that they have read the Bill and had the discussion? There are no suggested amendments.

Question, That the Committee is content with the clause, put and agreed to.

Clause 1 agreed to.

Clause 2 (Gifts for mixed purposes)

The Chairperson: This clause re-enacts section 24 of the Charities Act 1964. I do not want to go through any of this if it is not necessary.

Question, That the Committee is content with the clause, put and agreed to.

Clause 2 agreed to.

Clause 3 (Persons disqualified for being trustees of a charity)

The Chairperson: There are no suggested amendments.

Question, That the Committee is content with the clause, put and agreed to.

Clause 3 agreed to.

Clauses 4 to 8 agreed to.

Clause 9 (Power to make supplementary and transitional provision etc.)

The Chairperson: This is the one that we spoke about earlier. The Department has indicated that it is content to *[Inaudible.]* on this. Does anyone want to propose the amendment? We could propose the amendment as per the recommendation of the Examiner of Statutory Rules. Can that be written in? Are members content with that amendment?

Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.

Clause 9 agreed to.

Clauses 10 and 11 agreed to.

Schedules 1 to 2 agreed to.

Long title agreed to.

The Chairperson: Next week, we will go through this, just for the formalities, having taken account of the report of today's meeting. Can the Department bring forward that amendment next week?

Mr McGivern: We should be able to do that. We will get advice on the exact wording of the amendment, but I think that that will be possible.

The Chairperson: Thanks very much for that. That concludes the formal clause-by-clause scrutiny of the Bill for today. Next week, we will consider a draft Committee report based on what we have dealt with today. Roy and Kieran, thank you for your support this morning. See you next week.