

LEGISLATIVE CONSENT MEMORANDUM

PUBLIC OFFICE (ACCOUNTABILITY) BILL

Draft legislative Consent Motion

1. The draft motion, which will be tabled by the Minister of Finance, is:

“That this Assembly endorses the principle of the extension to Northern Ireland of the provisions, other than Part 4, of the Public Office (Accountability) Bill, as introduced in the House of Commons on 16 September 2025, the purpose of which is to ensure that public authorities and officials perform their functions in the public interest and with candour, transparency and frankness at all times.”

Background

2. This memorandum has been laid before the Assembly by the Minister of Finance under Standing Order 42A(4)(a).
3. The Public Office (Accountability) Bill (the ‘Bill’) was introduced in the House of Commons on 16 September 2025. The latest version of the Bill can be found at: <https://bills.parliament.uk/bills/4019>
4. The Bill responds to institutional failings highlighted by the Inquiries into Hillsborough, Grenfell, Infected Blood and Windrush. Public officials will be bound by duties of candour with criminal and professional consequences and action will be taken to help empower bereaved families to effectively participate in inquests where the state is involved — helping to address any imbalance of power and promote transparency and fairness.

Summary of the Bill and its policy objectives

5. **Part 1** of the Bill contains a purpose clause which summarises the policy objective of the Bill: to ensure that public authorities and officials perform their functions in the public interest and with candour, transparency and frankness at all times.
6. **Part 2** and Schedules 1-3 of the Bill place public authorities and public officials under duties of candour.

7. Chapter 1 (Clauses 2 to 8) creates a legal duty of candour and assistance on public authorities and officials at inquiries, inquests and other investigations. Under this duty, public bodies and officials will be required to assist inquiries, inquests and other investigations to achieve their objectives: with candour; promptly and proactively; with full disclosure of evidence - and without favour to their own position. There would be criminal sanctions in cases of non-compliance.
8. The duty is “always on” and has a two-stage process. Firstly, authorities and individuals should notify an inquiry or investigation if they think their acts or information they hold might be relevant for the inquiry or investigation. The inquiry or investigation itself can disapply or qualify the duty to notify if necessary. Secondly, authorities and individuals must provide whatever information and assistance is required by the inquiry or investigation, according to their direction. This is triggered when the investigating authority or proceeding authority writes to a body or person to give them direction.
9. The duty applies to statutory inquiries established under the Inquiries Act 2005, non-statutory inquiries established by ministers, and coroners’ investigations. The Bill provides for powers to make regulations extending the duty to other types of investigation (see Delegated Powers, below). The duty will be subject to exemptions for sensitive or privileged information mirroring those in the Inquiries Act 2005 and other relevant legislation.
10. Chapter 2 (Clauses 9 and 10) establish a duty on public authorities to promote and maintain ethical conduct. They must produce a code of ethics that will include duties relating to candour. They will need to make those working for the authority aware of the code and set out the consequences or noncompliance.
11. Chapter 3 (clause 11) sets out a new offence of misleading the public.
12. Schedule 1 sets out how the duty is applied in specific types of inquiries and investigations.
13. Schedule 2 sets out the meaning of ‘public authority’ and ‘public official’ for the purposes of this legislation.
14. Schedule 3 makes provisions in relation to the offences in this Part, including extra-territorial jurisdiction, consent, time limits, liability of individual officers of bodies, and proceedings against unincorporated bodies.

15. **Part 3** and Schedules 4 and 5 of the Bill abolish the common-law criminal offence of misconduct in public office and replace it with two statutory offences. This follows the Law Commission's recommendations in their 2020 report, *Misconduct in Public Office* (LC 397). Including this measure is aimed at supporting the UK Government's fight against corruption and serious wrongdoing in public office. Schedule 4 lists the Holders of Public Office subject to the new statutory offences in Part 3. Schedule 5 makes consequential amendments to other legislation.
16. **Part 4** and Schedule 6 of the Bill fulfil the UK Government's commitment to provide legal aid for victims of disasters or state-related deaths by expanding non-means-tested legal aid to bereaved families for inquests in England and Wales where a public authority is an Interested Person. It also includes further measures aimed at addressing issues around the conduct of legal representatives at inquests, enabling a cultural change in the way in which the state approaches inquests.
17. **Part 5** of the Bill makes the necessary provision for Crown application, consequential repeal, interpretation, commencement, extent, and delegated powers.

Provisions which deal with a Devolution Matter

18. The provisions of the Bill, as introduced, deal with matters that are devolved and that impact on all Executive Departments here. The Executive considered the policy contained in the Bill and have agreed, at its meeting on 20 November 2025, subject to a motion for legislative consent, that its provisions, other than Part 4, should extend here.
19. The relevant provisions are:
 - (i) Part 2, Chapters 1, 2 and 3:
 - Chapter 1 creates a legal duty of candour and assistance on public authorities and officials at inquiries, inquests and other investigations;
 - Chapter 2 establishes a duty on public authorities to promote and maintain ethical conduct. They must produce a code of ethics that will include duties relating to candour; and
 - Chapter 3 sets out a new offence of misleading the public

[the extension of Chapters 1 and 2 is reflected on the face of the Bill as

introduced – extending Chapter 3 will be added to the Bill by amendment during its Parliamentary passage]

- (ii) Part 3, which replaces the common-law criminal offence of misconduct in public office with two statutory offences.

[this extension will be added to the Bill by amendment during its Parliamentary passage]

- 20. The Executive also considered the extension of Part 4 of the Bill, which, as above at paragraph 16, provides for amendments to legal aid availability and further related measures. The Executive does not consider this provision is required here at this stage, however, this decision will be reviewed once the provision has been in place in GB for some time.

Reasons for making the Provisions

- 21. The Bill responds to institutional failings highlighted by the Inquiries into Hillsborough, Grenfell, Infected Blood and Windrush. Its provisions are designed to ensure these types of events do not happen again.

Reasons for utilising the Bill rather than an Act of the Assembly

- 22. The focus of the legislation is on ensuring public authorities and public officials are bound by duties of candour, with criminal and professional consequences, on addressing any imbalance of power between the state and its citizens and promoting transparency and fairness. This focus needs to be consistent across the UK, for all its public authorities and its public officials, and it is therefore appropriate for a Westminster Bill to introduce the provisions rather than an Assembly Bill; public authorities and public officials here should be held to the same standards as those in GB.

Consultation

- 23. Each of the NI Departments has undertaken, and will continue as required, consultation with relevant sponsored bodies on the Bill's provisions and their implementation here.

Human Rights and Equality

24. An equality screening, the first of two methods by which the necessary level of “regard” is demonstrated as being paid to the statutory equality goal, as set out in Section 75 of the Northern Ireland Act 1998, has shown no equality or human rights impact arising from the Bill. The screening is available on the Department of Finance website at: <https://www.finance-ni.gov.uk/articles/dof-departmental-equality-scheme>

Financial Implications

25. The Department of Finance has assessed the public sector financial costs to be low on the basis that there will no significant costs to the public sector above business as usual.

Summary of Regulatory Impact

26. The Department of Finance has assessed the overall regulatory impact to be neutral.

Engagement to date with the Committee for Finance

27. The Committee for Finance was notified about this Bill on 16 September 2025. Officials provided a verbal briefing to the Committee on 5 November, subsequently providing an expected timetable for legislative consent being sought. The Committee’s views at the verbal briefing helped inform the Executive’s consideration of extending the Bill’s provisions here.

Conclusion

28. The Executive has agreed the need for the Minister of Finance to bring forward a motion for debate of this legislative consent memorandum to extend the provisions, other than Part 4, of the Public Office (Accountability) Bill here.

Department of Finance

17 December 2025