



Committee for Finance

Report on the Legislative Consent Memorandum on the Public Office (Accountability) Bill

Ordered by the Committee for Finance to be published on 21 January 2026

Report: NIA 137/22-27 Committee for Finance

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Powers and Membership

Powers

The Committee for Finance is a statutory departmental committee established in accordance with paragraphs 8 and 9 of Strand One of the Belfast Agreement and under Assembly Standing Order No 48. The Committee has a scrutiny, policy development and consultation role with respect to the Department of Finance and has a role in the initiation of legislation

The Committee has power to:

- consider and advise on Departmental budgets and annual plans in the context of the overall budget allocation;
- consider relevant subordinate legislation and take the Committee Stage of primary legislation;
- call for persons and papers;
- initiate inquiries and make reports; and
- consider and advise on matters brought to the Committee by the Minister of Finance.

Membership

The Committee has nine members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

Mr Matthew O'Toole Chairperson)

Ms Diane Forsythe (Deputy Chairperson)

Dr Steve Aiken OBE

Mr Gerry Carroll

Miss Jemma Dolan*

Miss Deirdre Hargey

Mr Harry Harvey**

Mr Brian Kingston***

Mr Eóin Tennyson

*Miss Jemma Dolan replaced Miss Nicola Brogan with effect from 11 February 2025.

**Mr Harry Harvey replaced Mr Paul Frew with effect from 23 September 2025.

***Mr Brian Kingston replaced Mr Phillip Brett with effect from 23 September 2025.

Background

1. The Public Office (Accountability) Bill delivers the Labour Party's 2024 manifesto pledge to introduce a "Hillsborough Law," creating a legal duty of candour for public servants and providing legal aid for victims of disasters or state-related deaths. Aimed at preventing a repeat of the injustices following the Hillsborough disaster, the Bill imposes criminal and professional sanctions for breaches of candour and strengthens support for bereaved families in inquests involving the state.
2. The Bill is a comprehensive, multi-part piece of legislation consisting of 26 clauses and 6 schedules, divided into five main Parts.
3. Part 1 sets out the Bill's purpose: to ensure public authorities act in the public interest with candour, transparency, and frankness at all times.
4. Part 2 and Schedules 1–3 impose duties of candour on public authorities and officials. Chapter 1 (clauses 2–8) establishes a legal duty to act with candour, promptly, proactively, and with full disclosure during inquiries, inquests, and investigations, without favouring one's own position. Non-compliance would attract criminal sanctions.
5. The duty would be continuous and follow a two-stage process. First, authorities and individuals must notify an inquiry or investigation if their actions or information may be relevant, unless the inquiry disappplies or modifies this requirement. Second, once directed in writing, they must provide any information or assistance the inquiry or investigation requires.
6. The duty applies to statutory inquiries under the Inquiries Act 2005, non-statutory ministerial inquiries, and coroners' investigations. The Bill allows regulations to extend this duty to other investigations and includes exemptions for sensitive or privileged information consistent with the Inquiries Act 2005 and related laws.

7. Chapter 2 (clauses 9 and 10) requires public authorities to promote ethical conduct by adopting a code of ethics that includes duties of candour, ensuring staff awareness, and outlining consequences for noncompliance.
8. Chapter 3 (clause 11) sets out a new offence of misleading the public. Schedule 1 sets out how the duty is applied in specific types of inquiries and investigations. Schedule 2 sets out the meaning of 'public authority' and 'public official' for the purposes of the legislation. 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.
9. Part 3 (clauses 12-17) abolishes the common-law offence of misconduct in public office, replacing it with two statutory offences, as recommended by the Law Commission's 2020 report Misconduct in Public Office. Schedule 4 defines the public office holders subject to the new offences, while Schedule 5 makes related legislative amendments.
10. Part 4 and Schedule 6 of the Bill provides for 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. They also introduce measures to addressing issues around the conduct of legal representatives at inquests, enabling a cultural change in the state's approach to inquests. Part 4 does not extend here (at the present time).
11. Part 5 of the Bill makes the necessary provision for Crown application, consequential repeal, interpretation, commencement, extent, and delegated powers.
12. The Ministry of Justice introduced the Public Office (Accountability) Bill in the House of Commons on 16 September 2025.

Purpose of the Legislative Consent Motion

13. This section provides an overview of the provisions within the Bill and highlights those that would apply to Northern Ireland.

Part 2

- 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

Part 3

- 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.

Part 4

- provides for amendments to legal aid availability and further related measures.

Committee Consideration of the Legislative Consent Motion

14. The Minister for Finance wrote to the Committee on 16 September 2025, advising of the introduction of the Public Office (Accountability) Bill. In this correspondence, the Minister explained that in December 2024, the Executive agreed to explore applying the UK Government's proposed Duty of Candour legislation across the UK in response to recommendations from the Infected Blood Inquiry. A cross-departmental working group, led by the Department of Finance, was formed to coordinate efforts and liaise with Whitehall. Due to tight timelines, urgent approval was granted in March 2025 to extend the Bill to this jurisdiction, pending a risk assessment. Introduction of the Bill was delayed, which provided more time for officials to liaise with Whitehall counterparts and contribute to the drafting of the Bill. Officials were also able to use this time to engage and consider policy impacts.
15. The Minister also explained that engagement with the Cabinet Office and Ministry of Justice had been positive, but wider departmental engagement had been limited, this was necessary to fully understand the Bill's implications. As a result, a Legislative Consent Memorandum had not yet been presented but would be brought forward once the Bill's impact has been properly assessed and the Executive has considered it.
16. The Minister outlined his intention that Departments, through the cross-departmental working group, would engage with the wider public sector on the Bill's provisions, alongside similar efforts elsewhere in the UK. Officials would continue discussions with criminal justice organisations regarding reforms to misconduct in public office and each Department would assess how the Bill's provisions would affect its own responsibilities. This analysis, together with input from the Committee for Finance, would guide the Minister's advice to the Executive on whether to support a future Legislative Consent Motion.

17. The Committee considered this correspondence at its meeting on 17 September 2025 and noted engagement between the Committee Clerk and Departmental officials in relation to LCM scrutiny. The Committee also agreed to forward the Minister's correspondence to other Statutory Committees, given the cross-cutting nature.
18. At its meeting on 24 September 2025, the Committee considered a Written Ministerial Statement from the Health Minister on a Duty of Candour Bill for Northern Ireland as well as correspondence from the Health Committee to the Minister of Finance seeking clarification on potential consideration of a Legislative Consent Memorandum (LCM) in respect of the Public Office (Accountability) Bill. The Committee considered how these developments could link with a potential LCM led by the Department of Finance. Members agreed to maintain a watching brief on developments and return to this matter when Department of Finance officials could brief Members further.
19. The Committee continued to maintain a watching brief on the progress of the Bill in Westminster and urged the Department to provide an oral briefing at an opportune time. This oral briefing took place at the Committee meeting on 5 November 2025. By that stage, the Committee was also in receipt of an memorandum from the Department which was laid in the Assembly Business Office on 4 November 2025, under Standing Order 42A(4)(b).
20. During the oral briefing on 5 November 2025, Departmental officials outlined the latest position in respect of the Bill and associated LCM. Members noted developments since the Executive's early agreement for legislative consent being granted in principle. The Committee also noted that the Finance Minister had informed UK Ministers that agreement to the Bill's provisions extending to NI would be conditional upon an assessment of risk prior to the introduction of a LCM. Officials emphasised to the Committee that given the cross-cutting nature of the LCM; the public sector in its entirety would be engaged with the Bill. Any decision by the Executive in relation to the LCM would be informed by inputs across Departments. Accordingly, Departments had been gathering relevant

stakeholders' views. Departments were invited to go to their public-sector employers (authorities, public office holders and officials which will be captured by the Bill) to get insight from the employing sectors. Officials stressed that it would be for each Department to determine how they would engage with stakeholders.

21. Officials also took the opportunity to give Members more information on the Parts and Clauses of the Bill which had been drafted to extend the provisions to Northern Ireland as well as indicating whether these had Ministerial support. Officials highlighted that the next steps would be for the Executive to consider a further paper seeking a decision on a Legislative Consent Motion. That paper would address provisions which were not in scope at the time of the Executive's conditional agreement in March 2025. It would also cover the assessment of risk informed by departmental engagement. Members probed officials further on the extent of the departmental engagement, asking officials about work being progressed by the Department of Health on an organisational Duty of Candour which would ensure that the health sector in Northern Ireland has the same organisational duty as England, Wales and Scotland. Officials emphasised to the Committee that the consultation between Departments and employing sectors focused on the Bill in its entirety and would flag any issues or risks that people feel Ministers ought to be aware of when taking the decisions on whether or not the Bill should apply here. Officials provided the Committee with an assurance that they would keep Members abreast of any developments in this regard.
22. At the conclusion of the briefing, the Committee agreed to seek a definitive timeline for the LCM decision and wrote to the Department of Finance requesting this information.
23. The Department replied to the Committee on 21 November 2025, indicating that it intended to seek the Executive's support at its scheduled meeting on 20 November 2025, for a Legislative Consent Memorandum to be laid under Standing Order 42A(4)(a). However, the Committee was subsequently informed

that this did not feature at that particular Executive meeting. Noting this timescale at the Committee meeting on 26 November 2025, Members agreed to ask the Department why this did not happen as indicated and for confirmation of when the Executive will consider this issue. The Committee emphasised to the Department that this urgent update should include detail of the outputs of departmental engagement on the Bill's provisions, and the assessment of risk to extend the Bill's provisions to NI.

24. At the Committee meeting on 10 December 2025, Members considered a response from the Department which outlined that the Finance Minister had circulated a draft Executive paper for consideration on 17 November 2025, the content of which reflected the responses to Departmental engagement and level of risk. The Department also indicated that the agenda for Executive meetings was a matter for The Executive Office. Members voiced their concern about the slippage in timescale for the LCM to be brought to the Assembly for agreement and requested a further urgent update on timescales as well as detail of the responses to Departmental engagement and level of risk for the LCM as referenced in the paper to the Executive.
25. A response to this urgent request, sent to the Committee Office on 5 January 2026, indicated that the Executive agreed to support a Legislative Consent Memorandum at its meeting on 17 December 2025, noting the positive responses to departmental engagement and level of risk. The response also highlighted that a Legislative Consent Memorandum was subsequently laid in the Assembly on 19 December 2025.
26. Members considered this update at the Committee meeting on 14 January 2026, along with a copy of the Legislative Consent Memorandum (laid under SO42A(4)(a)) with a draft motion seeking the Assembly's consent for the Public Office Accountability) Bill – excluding part 4 – to legislate on behalf of the Executive/Department in what are devolved areas. Members noted that the Committee has 15 working days under SO42A(7) to report on the relevant provisions in the Bill, should it choose to do so.

27. During that meeting, Members discussed the position in respect of agreeing to support the Minister's motion. Members expressed the view that there remained an absence of a full range of information on which to base their view. Following a discussion on how to proceed, bearing in mind the limited length of time open to Members to produce their report under SO42A, the Committee agreed to seek more detail from the Department of Finance on how part 4 of the Bill would be managed in Northern Ireland. This would include further detail on what exactly would be excluded from the LCM laid by the Department on 19 December 2025, for example, in terms of public offices, specifically whether MI5 and the NCA would be included in the 'duty of candour'. Members also noted that a draft report on the LCM would need to be considered at the following week's meeting to meet the deadline of 23 January 2026 as set out by the timescales in SO42A.
28. At its meeting on [21 January 2026], the Committee considered a supplementary reply from the Department of Finance, received on 19th January 2026. This reflected responses to the Department of Finance from other Departments and their consideration of the Bill as well as engagement with the individual Departments' stakeholder groups. Members considered issues raised by Departments as well as reflections on the Executive paper. Members noted that, the Executive paper set out that, in general, no objections were raised about the Bill's policy objective and its extension. Members also noted the expectation that resourcing implications would be business-as-usual activity, such as the review and potential refreshing of existing codes of ethics or standards.
29. However, at this meeting, Members agreed, given the level of detail still to be received from the Department of Finance, that it would reserve its position on the Minister's proposal to extend provisions in Public Office (Accountability) Bill to Northern Ireland by way of a Legislative Consent Motion. Members agreed to continue publishing information received as addenda to this report to provide the Assembly with as much detail as possible on which to base their decision.

30. The Committee wishes to highlight its disappointment that Members have been unable to perform the adequate scrutiny required on this Bill through the Legislative Consent process. The Bill's current difficulties in Westminster, and the limited time provided in Standing Order 42A for the Committee to report on the Minister's Legislative Consent Motion have made it extremely difficult for the Members to give the time required to provide a full, detailed report to the Assembly. The Committee has asked the Department for clarification and information on a number of additional points and did not receive responses in time for consideration within this report. However, the Committee has agreed to publish any further information received as addenda to this report. Members have also agreed to write to the Speaker and Committee of Procedures highlighting this deeply unsatisfactory situation and the issues caused by the timescale for the Committee to report on a Legislative Consent Memorandum, as laid out in Standing Order 42A.

Conclusion

31. Following consideration of the Legislative Consent Memorandum laid on 19 December 2025, the Committee for Finance agreed that it would reserve its position in relation to the Minister for Finance motion to seek the Assembly's endorsement of the Legislative Consent Motion:

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

Links to Appendices

Appendix 1: Memoranda and Papers from the Department of Finance

View the Memoranda and Papers supplied to the Committee by the Department of Finance

Appendix 2: Minutes of Proceedings

View Minutes of Proceedings of Committee meetings related to the report

Appendix 3: Minutes of Evidence

View Minutes of Evidence from evidence sessions related to the report

This Report can be made available in a range of formats including large print, Braille etc. For more information please contact:

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