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NORTHERN IRELAND: LEGISLATION

As the new Parliamentary term begins I am writing to let you know our plans for the legislative programme in respect of Orders in Council for Northern Ireland.

The attached annex lists those Orders which have been made at Privy Council this year, those we plan to bring before Parliament before the Summer Recess, the Proposals which we hope to publish before the Summer, those provisions we hope to bring forward during the rest of the Parliamentary year, and Bills with a clause to permit corresponding provisions to be introduced in Northern Ireland by way of an Order in Council subject to negative resolution procedure.

As always, my Ministerial colleagues and I will be happy to discuss any concerns you may have about the proposed programme.

CHILDREN
1995 No: 755 (NI 2)

Made at Privy Council
15 March 1995

To reform, consolidate and harmonise most of the public and private law relating to the care, upbringing and protection of children and the provision of personal social services for children in need (including disabled children) and their families.

WILDLIFE (AMENDMENT)
1995 No: 760 (NI 6)

Made at Privy Council
15 March 1995

To amend the Wildlife (NI) Order 1985 to comply with EC Directive 97/409/EEC and facilitate the introduction of a system of Annual General Licensing to Regulate Pest Bird Control.

B. ORDERS IN COUNCIL LAID PRE-EASTER 1995

HISTORIC MONUMENTS AND ARCHAEOLOGICAL OBJECTS

Laid 3 April 1995

To modernise historic monuments legislation to introduce scheduled monuments consent and restrictions on treasure hunting. NI would retain existing restrictions on archaeological excavation and finds reporting (not in GB).

**C. ORDERS IN COUNCIL EXPECTED TO BE LAID IN PRE-SUMMER 1995 TERM
APPROPRIATION (NO 2)**

To seek Parliamentary approval to Main Estimates for 1995-96.

COMMISSIONER FOR COMPLAINTS

Proposal Published 16 March 1995

To repeal and re-enact with amendments the Commissioner for Complaints Act (Northern Ireland) 1969. The principal amendments make provisions for the removal from office of a Commissioner who is incapable for medical reasons of carrying out his duties and the appointment of a person to act as Commissioner for a temporary period when the office is vacant and the extension of the list of bodies subject to investigation.

OMBUDSMAN

Proposal Published 16 March 1995

To repeal and re-enact with amendments the Parliamentary Commissioner Act (Northern Ireland) 1969. The principal amendments made provisions for - the renaming of the Northern Ireland Parliamentary Commissioner for Administration as the Assembly Ombudsman for Northern Ireland who, during the interim period, may also be referred to as the Parliamentary Ombudsman for Northern Ireland, the removal from office of an Ombudsman who is incapable for medical reasons of carrying out his duties and the appointment of a person to act as Ombudsman for a temporary period when the office is vacant and the extension of the Ombudsman's jurisdiction to include actions taken in the exercise of administrative functions by the administration staff of certain tribunals.

EDUCATION

Proposal Published 28 March 1995

To replicate for Northern Ireland some of the provisions of the Education Act 1993, the most significant of which relate to special education, access rights for Lay Inspectors, and the incorporation of Governing Bodies.

ROAD TRAFFIC

Proposal Published 20 January 1995

To restate Northern Ireland road safety and construction, use and lighting provisions of motor vehicles to bring these up to date with comparable provisions already in place in Great Britain.

TRADE UNION AND LABOUR RELATIONS

Proposal Published 16 December 1994

To replicate for Northern Ireland the trade union reforms contained in the Employment Act 1990 and the further reforms contained in the Trade Union Reform and Employment Rights Act 1993.

ARTS COUNCIL

Proposal Published 16 March 1994

To provide for the establishment of the Arts Council for Northern Ireland, its constitution and other matters, and set out its functions. To require the Arts Council to consult with district councils on a regular basis and make provision for regular consultation with members of district councils on the development of the arts; and to make provisions for the Department to pay grants to the Arts Council, and for the Council to prepare an annual report and accounts.

ARMAGH OBSERVATORY AND PLANETARIUM

Proposal Published
15 July 1994

To repeal and re-enact with modern provisions the Armagh Observatory and Museum Act 1791 (a public Act of the former Irish Parliament), and provide for the constitution and functions of the Governors of the Armagh Observatory and Planetarium while preserving the historicity of the Observatory's origins and its mainly ecclesiastical corporation.

D. PROPOSALS FOR DRAFT ORDERS EXPECTED TO BE PUBLISHED PRE-SUMMER 1995 TERM

POLICE

To amend the Police and Criminal Evidence (Northern Ireland) Order 1989 and the Police (Northern Ireland) Order 1987 in respect of the powers of the Independent Commissioner for Police Complaints.

ROAD TRAFFIC (REGULATION)

To amend the Road Traffic (NI) Order 1981 in order to overcome a number of operational deficiencies and to update certain road traffic provisions, taking account of such new road traffic legislation in GB as seems useful.

CRIMINAL JUSTICE

To introduce measure flowing from the 1993 discussion document "Crime and the Community" on 28 day non-consensual remands on non-scheduled cases, sentencing framework and suspended sentences, changes to community penalties and provision of information about the Criminal Justice system. To formally oblige magistrates to ascertain the means of an offender before imposing a fine.

ROAD TRAFFIC (OFFENDERS)

To provide for a penalty point and dual level fixed penalty system for road traffic offences and to consolidate provisions relating to the prosecution and punishment of road traffic offenders.

FOOD SAFETY (AMENDMENT)

To bring the Food Safety (NI) Order 1991 fully into line with the Food Safety Act 1990.

GAS

To provide an appropriate regulatory framework to facilitate development of a competitive gas industry.

DEREGULATION AND CONTRACTING OUT

To effect in NI the provisions of the Deregulation and Contracting Out Bill.

INDUSTRIAL POLLUTION, PREVENTION AND CONTROL

To introduce a new system to control air pollution from industrial processes in Northern Ireland. These will be two tiers of control to be administered by a Government inspectorate and district councils.

WASTE MANAGEMENT

To replicate in NI legislation provisions similar to those contained in Part II of the Environment Protection Act 1990 by providing for: a regional system for waste regulation and waste disposal planning; a stronger licensing system; a duty of care to take account of the "the polluter pays principle"; registration of carriers; and local authorities to have formal recycling plans and targets.

E. ORDERS TO BE MADE BY THE SECRETARY OF STATE PRE-SUMMER 1995 TERM

Northern Ireland (Emergency Provisions) Act 1991 (Continuance) Order 1995.

Northern Ireland Act 1974 (Interim Period Extension) Order 1995 (to be made by 16 July 1995).

F. OTHER ORDERS IN COUNCIL TO BE BROUGHT FORWARD IN THE AUTUMN

CRIMINAL JUSTICE

Proposal to be published

To introduce measure flowing from the 1993 discussion document "Crime and the Community" on 28 day non-consensual remands on non-scheduled cases, sentencing framework and suspended sentences, changes to community penalties and provision of information about the Criminal Justice system. To formally oblige magistrates to ascertain the means of an offender before imposing a fine.

ROAD TRAFFIC (REGULATION)

Proposal to be published

To amend the Road Traffic (NI) Order 1981 in order to overcome a number of operational deficiencies and to update certain road traffic provisions, taking account of such new road traffic legislation in GB as seems useful.

STREET WORKS

Proposal Published 10 March 1995

To introduce legislation corresponding to the 'Street Works' provisions of the New Roads and Street Works Act 1991 but amended to suit existing road traffic legislation in NI and amending also NI public utility legislation. The proposed Order will give Roads Service responsibility to co-ordinate and monitor road works throughout NI so as to keep traffic disruption to a minimum and to ensure proper reinstatement of the road surface.

FINANCIAL PROVISIONS

To implement miscellaneous financial provisions.

G. BILLS WITH A NEGATIVE RESOLUTION CLAUSE

The timing of the corresponding Orders in Council depends on progress with the relevant Bill.

JOBSEEKERS

To provide for a jobseeker's allowance and to make other provision to promote the employment of the unemployed and the assistance of persons without a settled way of life.

PENSIONS

To amend the law about pensions and for connected purposes.

CHILD SUPPORT

To make provision with respect to Child Support maintenance and other maintenance; and to provide for a child maintenance bonus.

PRIVATE INTERNATIONAL LAW (MISCELLANEOUS PROVISIONS) (PART II)

To make provision as to marriages entered into by unmarried persons under a law which permits polygamy.