

EXPLANATORY MEMORANDUM TO

The Inquiry into Historical Institutional Abuse (Amendment of Terms of Reference) Order (Northern Ireland) 2015

2015 No. 55

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Office of the First Minister and deputy First Minister to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013 and is subject to the draft affirmative resolution procedure.

2. Purpose

- 2.1. The purpose of this Order is to amend the terms of reference for the Historical Institutional Abuse Inquiry in order to extend the timeframe of the Inquiry by one year.

3. Background

- 3.1. On 29 September 2011 the Executive announced there would be an investigation and inquiry into historical institutional abuse. The inquiry's terms of reference were set out by the First Minister and deputy First Minister in a written statement to the Assembly on 18 October 2012.
- 3.2. On 18 January 2013, the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013 came into force.
- 3.3. The terms of reference, the Inquiry into Historical Abuse Act (Northern Ireland) 2013 and the Inquiry into Historical Institutional Abuse Rules (Northern Ireland) 2013 set out the framework for the inquiry into historical institutional abuse. The timeframe for the inquiry is set out in its terms of reference and these can only be amended by order.
- 3.4. Following the first module of the inquiry's public hearings, the inquiry chairperson made a persuasive and compelling case to the First Minister and deputy First Minister for a one year extension to the inquiry timeframe. The Ministers agreed that the inquiry should provide every opportunity for those impacted by the allegations of institutional abuse to be heard in an open forum.
- 3.5. The inquiry's terms of reference stipulate that: "The Inquiry and Investigation will conclude within a 2 year 6 month period following the commencement of the legislation establishing its statutory powers." In order to extend the timeframe of the inquiry by one year the terms of reference must be amended to stipulate that the inquiry will "....conclude within a 3 year 6 month period".
- 3.6. Section 1(3) of the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013 states: "The First Minister and deputy First Minister acting jointly may at any time amend the terms of reference of the

inquiry by order after consulting the chairperson if a draft of the order has been laid before, and approved by resolution of, the Assembly."

4. Consultation

- 4.1. A targeted consultation on the draft order, which focused on historical institutional abuse victims and survivors groups, was carried out over an eight week period from 8 August 2014 to 3 October 2014; late responses were accepted. Meetings were also held with victims and survivors groups to allow for discussion about the proposed one year extension. All respondents were broadly supportive of the draft order and the extension.

5. Equality Impact

- 5.1. A screening exercise on the proposals given effect in both the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013 and the subordinate Rules concluded that there would be no adverse impact on equality of opportunity; that remains the position for this draft statutory rule.

6. Regulatory Impact

- 6.1. A full regulatory impact assessment has been completed and has confirmed that there is no impact on business, the voluntary sector or the environment.

7. Financial Implications

- 7.1. The Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013 obliges OFMDFM to meet the costs of the inquiry acting within its terms of reference. This includes meeting or reimbursing reasonable witness expenses, including the reasonable legal expenses of certain witnesses. The Act also requires the chairperson in making any decision as to the procedure or conduct of the inquiry to have regard to the need to avoid any unnecessary costs to public funds, to witnesses or to others.
- 7.2. An initial estimate of the cost of a one year extension to the inquiry is in the region of £4 million.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The draft order is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. The draft order does not have any human rights implications, nor is it incompatible with EU Law.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. Not applicable.