

## **EXPLANATORY MEMORANDUM TO**

### **Departments (Transfer of Functions) Order (Northern Ireland) 2016**

**SR No. 76**

#### **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 Article 8 of the Departments (Northern Ireland) Order 1999 and is subject to the affirmative resolution procedure.

#### **2. Purpose**

- 2.1. The Order details the statutory functions to be transferred under the departmental restructuring process as finalised in the Stormont Agreement and Implementation Plan of 17 November 2015. It specifies each relevant statutory provision and details its transfer from one department to another. It also provides for the continuity of legislation, documents, contracts, legal proceedings and other activities, and for the transfer of assets and liabilities, as appropriate. Consequential amendments to legislation are listed in Schedule 6 to the Order.

#### **3. Background**

- 3.1. The Executive's Programme for Government 2011-15 included a commitment to agree changes to the structures of Government which would operate in the next Assembly mandate. The Stormont House Agreement of 23 December 2014 confirmed that the number of departments should be reduced from 12 to 9 in time for the 2016 Assembly election, with the allocation of departmental functions to be agreed by the parties.
- 3.2. In a statement to the Assembly on 2 March 2015, the First Minister announced the decisions which had been reached by the Executive on the new departmental structures. The Stormont Agreement and Implementation Plan published on 17 November 2015 made some further amendments which refined the Executive's earlier decisions. These changes were subsequently agreed by the Executive.
- 3.3. The 9 departments are to incorporate all the powers, functions and services of their 12 predecessor departments. No functions are done away with and no policies terminated as a consequence of the restructuring.
- 3.4. The Departments Act (Northern Ireland) 2016 provides the framework in primary legislation for the changes, by renaming 7 existing departments and dissolving 3 others.

#### **4. Consultation**

4.1. The Assembly and Executive Review Committee had conducted a review in 2012 of the reduction in the number of Executive departments, reporting to the Assembly in November 2012. This review received 21 consultation submissions from a range of party political, academic, economic and community stakeholders. The policy proposals underpinning the restructuring process were the subject of detailed consideration during the political process which led to the Stormont House Agreement. The matter was also discussed in January 2015 by an Implementation Group convened by the political party leaders to follow through on the Stormont House Agreement commitments. The Executive discussed departmental reorganisation on several occasions during January and February 2015. In light of the broad political support for the proposals and given that no functions are being done away with and no policies are terminated as a consequence of the restructuring, public consultation on the Departments Bill and the Transfer of Functions Order was not considered necessary. The Order was considered in draft by the Committee for OFMDFM and it consulted with the other statutory Committees of the Assembly before providing a report to the Department on 11 February 2016.

#### **5. Equality Impact**

5.1. As the Order effects machinery of government changes and does not introduce, revise or abolish any policies, functions or services, it is not anticipated to have any equality impacts on the nine categories under section 75 of the Northern Ireland Act 1998.

#### **6. Regulatory Impact**

6.1. Since the Order does not contain any provisions that will result in an increased or adverse impact on business, charities or the community or voluntary sectors, a Regulatory Impact Assessment was not conducted.

#### **7. Financial Implications**

7.1. No additional powers or functions are created by the departmental restructuring process, no existing functions are done away with and no policies are terminated. A more efficient and streamlined administration will result from the reduction in the number of departments from 12 to 9 with consequent financial savings from there being three fewer Ministerial offices and a rationalisation of departmental hierarchies and support services.

#### **8. Section 24 of the Northern Ireland Act 1998**

8.1. The Department considers that the Order complies with the requirements of section 24 of the Northern Ireland Act 1998.

#### **9. EU Implications**

9.1. Not applicable.

#### **10. Parity or Replicatory Measure**

10.1. Not applicable.

## **11. Additional Information**

11.1. Not applicable.