

**FROM: ROBIN SWANN**  
**Minister of Health**

**DATE: MARCH 2020**

**TO: ARLENE FOSTER & MICHELLE O'NEILL**  
**First Minister & Deputy First Minister**

**ADDITIONAL NI CLAUSES FOR SUBMISSION TO THE UK-WIDE DRAFT  
CORONAVIRUS BILL– URGENT DECISION REQUEST**

**Introduction**

The purpose of this paper is to seek the agreement of the Executive:

- a. to the extension to Northern Ireland of powers to make provision (including provision modifying legislation) in connection with an outbreak of pandemic Coronavirus (COVID-19) as set out at **Appendix 1**;and
  - b. that the necessary legislative provision will be provided for in the UK-wide Coronavirus Bill
1. On 18 March 2020, I sought Executive agreement by an urgent decision request for approval of some additional NI clauses to be included in the UK-wide Coronavirus Bill which was introduced at Westminster on 19 March 2020.
2. Subsequent to obtaining agreement, we have been advised that the Government intends to table a number of amendments to the Bill which deal with devolved matters. These amendments will be debated at Westminster on 23 March 2020. Officials across relevant NICS departments have reviewed these areas and drafted additional clauses for inclusion in the Coronavirus Bill.
3. The powers being sought are proportionate to the challenges we will face in responding to a severe pandemic and will only be enacted for the duration of the pandemic after which the powers would be withdrawn through a 'Sun-Setting' process.

4. While this is a cross-cutting matter, I as Health Minister, am taking the lead on this issue. However, other Departments have contributed to the drafting of additional clauses for inclusion in the Coronavirus Bill.

## COVID-19

6. The Department of Health, as Lead Government Department, in collaboration with other Executive Departments, is responding to the rapidly evolving situation regarding the novel COVID-19. My Department continue to work closely with the relevant authorities and public health organisations across the UK as the outbreak develops, to ensure we are ready to deal with the health and social care consequences of any outbreak in NI.
7. On 30 January 2020, the World Health Organisation declared the COVID-19 as a global public health emergency of international concern. The four UK Chief Medical Officers agreed that, given the potential health and social consequences of a major epidemic, it was appropriate to plan and prepare for the **reasonable worst case scenario (RWCS) of COVID-19 pandemic moderate severity, without a vaccine**. Existing pandemic flu guidance was therefore used to plan for the potential impact on health and society while the Cabinet Office collated information in order to devise a RWCS for the 2019-nCoV outbreak.
8. The UK-wide response is being led by COBR. The directive from COBR was for Devolved Administrations to prepare their contingency arrangements based around reasonable worst case scenario planning for pandemic influenza.

## Timing

9. Under normal circumstances where the UK Government proposes new primary legislation that will legislate for NI on devolved matters, the Minister responsible, after consultation with the relevant Assembly Statutory Committee and agreement by the Executive, brings forward a Legislative Consent Motion (LCM) which seeks the agreement of the Assembly to the UK Parliament considering that Bill (or, the relevant provisions contained therein). However, given the necessity of immediate legislation to deal with the evolving situation there is insufficient time for the full customary process to be followed.
10. The urgent decision is required to be made in order to allow the required amendments to be included for Northern Ireland.

## Consultation

11. Officials have been engaging with the relevant Assembly Committees in regards to provisions relating to their respective Departments.

## Equality and Human Rights

12. The provisions of the Bill are compatible with the European Convention of Human Rights.

## Financial Implications

13. The financial consequences are difficult to quantify at this early stage. Nevertheless, we would need to manage any indemnity commitments and subsequent budgetary calls carefully as they arise.

#### **Regulatory Impact**

14. Impact in Northern Ireland on employment charities, social economy enterprises and the voluntary sector will be monitored.

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

15. The Bill is considered to be compatible with section 24 of the Northern Ireland Act 1998. It is necessary to ensure compliance with EU law.

#### **Equality Impact**

16. It is not anticipated that the NI provisions will have an adverse impact on any of the section 75 groups.

#### **Recommendation/decision required**

17. First Minister and deputy First Minister are asked to agree, in accordance with paragraph 2.14 of the Ministerial Code;
  - a. to the extension to Northern Ireland of powers to make provision (including provision modifying legislation) in connection with an outbreak of pandemic COVID-19 (as set out at **Appendix 1**, attached separately); and
  - b. that the necessary legislative provision is made via the Westminster Coronavirus Bill.

**Robin Swann MLA**  
**Minister of Health**

