



# COMMISSION FOR VICTIMS AND SURVIVORS BILL

## EXPLANATORY AND FINANCIAL MEMORANDUM

### INTRODUCTION

1. This Explanatory and Financial Memorandum has been prepared by the Office of First and Deputy First Minister in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause or schedule does not seem to require an explanation or comment, none is given.

### BACKGROUND AND POLICY OBJECTIVES

3. The Victims and Survivors ( Northern Ireland) Order 2006 made provision for a Commissioner for Victims and Survivors for Northern Ireland, to be appointed by the First Minister and deputy First Minister, acting jointly.
4. Following a public appointments process, the First Minister and deputy First Minister on 28 January 2008, announced to the Assembly the appointment of four Commissioners Designate for Victims and Survivors, in effect a Commission. The establishment of the Commission requires amendment of the Victims and Survivors ( Northern Ireland) Order 2006.
5. The Commission for Victims and Survivors Bill will replace the Commissioner for Victims and Survivors with a Commission.

### CONSULTATION

6. The Bill will simply replace the Commissioner for Victims and Survivors with a Commission following the announcement by the First and deputy First Minister of the appointment of four Commissioners Designate. It is not considered necessary, therefore, to carry out further consultation.

### OPTIONS CONSIDERED

7. There was no other option but to introduce a Bill amending the Victims and Survivors ( Northern Ireland) Order 2006 to establish a Commission on foot of the decision of the

First Minister and deputy First Minister to appoint four Commissioners Designate.

## **OVERVIEW**

8. The Bill contains two clauses, the first of which amends Article 4(1) to (3) of the Victims and Survivors ( Northern Ireland) Order 2006 and replaces the Schedule to that Order

## **COMMENTARY ON CLAUSES**

Clause 1 contains a number of amendments to the Victims and Survivors ( Northern Ireland) Order 2006. The effect is that references in the Order to a Commissioner are replaced with references to a Commission. Paragraph 3(1) of Schedule 1 to the Bill provides that the Commission shall consist of such members as are appointed by the First Minister and deputy First Minister. Para 5(2) provides that if it appears to the Commission that a person it proposes to appoint as an employee has at any time been convicted of a criminal offence, the Commission can only make the appointment with the approval of the First Minister and deputy First Minister. Paragraph 9 (6) of Schedule 1 to the Bill provides that the First Minister and deputy First Minister shall keep the working arrangements of the Commission under review and may designate a member as Chief Commissioner should that be deemed necessary for the efficient and effective working of the Commission in the future.

Clause 2 sets out the short title of the Bill.

## **FINANCIAL EFFECTS OF THE BILL**

9. The precise resources required to support the Commission on foot of the Bill will be substantially influenced by the detailed work programme to be agreed by the First Minister and deputy First Minister. However, it has been estimated that the resources required to support the Commission will be in the region of £750,000 per year.

## **HUMAN RIGHTS ISSUES**

10. The provisions of the Bill are compatible with the Convention on Human Rights.

## **EQUALITY IMPACT ASSESSMENT**

11. The Bill is concerned purely with the replacement of the Commissioner with a Commission consisting of a number of people and it is considered, therefore, that no Equality Impact Assessment is required.

## **SUMMARY OF THE REGULATORY IMPACT ASSESSMENT**

12. The effects of the Bill have been assessed from the standpoint of Regulatory Impact, and the conclusion is that the proposed legislation will not result in savings or costs for businesses, charities, social economy exercises or voluntary bodies. It is not considered necessary, therefore, to prepare a Regulatory Impact Assessment.

## **LEGISLATIVE COMPETENCE**

13. The First Minister and deputy First Minister had made the following statement under section 9 of the Northern Ireland Act 1998:

“In our view the Commission for Victims and Survivors Bill would be within the legislative competence of the Northern Ireland Assembly.”

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