



## Political Developments in Northern Ireland January 2012- December 2012

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## **Contents**

<b>1</b>	<b>Reform of the Assembly and Executive</b>	<b>3</b>
<b>2</b>	<b>NIO consultation paper on the Executive August 2012</b>	<b>3</b>
<b>3</b>	<b>Department of Justice and Policing</b>	<b>4</b>
	3.1 Special advisers appointments	5
	3.2 National Audit Office criticism of Executive departments	5
	3.3 G8 to be held in Northern Ireland 2013	5
<b>4</b>	<b>Legislative programme 2012-13</b>	<b>5</b>
<b>5</b>	<b>Members of the Assembly</b>	<b>8</b>
	5.1 MLA pay and the Independent Financial Review Panel	8
	5.2 New Assembly Standards Commissioner	9
	5.3 Dual Mandates	9
<b>6</b>	<b>North South Parliamentary Body</b>	<b>9</b>
<b>7</b>	<b>New Secretary of State for Northern Ireland</b>	<b>10</b>
<b>8</b>	<b>Murder of Prison Officer 1 November 2012</b>	<b>10</b>
<b>9</b>	<b>Pat Finucane review publication December 2012</b>	<b>11</b>
<b>10</b>	<b>Party funding- exemption from disclosure in Northern Ireland</b>	<b>12</b>

## 1 Reform of the Assembly and Executive

The [Assembly and Executive Review Committee](#) is undertaking a review of the size of the Assembly and the number of Departments. It has not yet produced its report, but has received [written evidence](#). The Committee was established as a requirement of the St Andrew's Agreement in 2006 and is required to review and report on the operation of Parts III and IV of the *Northern Ireland Act 1998*. Part III deals with Executive Authorities and Part IV deals with a range of areas including Assembly Elections and Assembly Proceedings. The Research and Information Service of the Northern Ireland Assembly produced a briefing for the Committee in October 2012 [Estimating the Cost of Machinery of Government Changes](#).

In March 2011 the Parliamentary Boundary Commission for Northern Ireland recommended 16 seats instead of 18 for Northern Ireland. This would reduce the number of Assembly seats from 108 to 96, if the boundary changes took effect and there was no legislation to break the link with Westminster constituencies.<sup>1</sup> Revised recommendations were published on 16 October 2012, but the number of constituencies remains unchanged at 16.

The announcement by the Deputy Prime Minister, Nick Clegg, that he would instruct Liberal Democrats to vote against the parliamentary boundary changes orders, when they come before both Houses in October 2013, has thrown into uncertainty the question of the size of the Commons. It was due to be reduced to 600 from its present figure of 650. Because the constituencies for the Northern Ireland Assembly are coterminous with the Westminster constituencies<sup>2</sup>, this has consequences for Northern Ireland as well, and introduces an extra note of uncertainty, given that the Assembly and Executive had not decided whether there should be a reduction in the number of Assembly seats before the Clegg announcement.

In addition, there has been uncertainty as to the likely date of the next Northern Ireland Assembly. The *Fixed-Term Parliaments Act 2011* changed the dates of elections in Wales and Scotland, so that they did not coincide with the expected date of the next general election in May 2015. The Government position during the debate was that the electoral cycle for the Assembly had not been fully established, given extended suspension of the Assembly before 2007, and Northern Ireland ministers are conducting negotiations with the parties.<sup>3</sup>

## 2 NIO consultation paper on the Executive August 2012

In August 2012 the then Secretary of State, Owen Patterson, published a consultation paper focusing on four issues:

- Reducing the number and distribution of constituencies in Northern Ireland to 96;
- Extending the term of the Northern Ireland Assembly to five years, beginning with the current term;
- Phasing out dual mandates;
- Moving to a more traditional model, with a Government and Opposition<sup>4</sup>

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<sup>1</sup> [Standard Note 6225](#) *Constituency boundaries: the sixth general review of parliamentary constituencies in Northern Ireland*

<sup>2</sup> Section 33 of the *Northern Ireland Act 1998*

<sup>3</sup> HL Deb 15 March 2011 c202

<sup>4</sup> [Consultation on measures to improve the Northern Ireland Assembly](#) August 2012 Northern Ireland Office

The consultation closed in November 2012. Preparations are underway for a draft bill which will examine some or all of these issues, along with the outstanding question of the appointment of a Minister in charge of the Department of Justice and Policing.<sup>5</sup>

### 3 Department of Justice and Policing

The Review Committee published a report on the 'Review of the Initial Ministerial Provision in relation to the Department of Justice and the arrangements from 1 May 2012' in November 2011. The Department of Justice, is currently headed by David Ford of the Alliance Party and was established following negotiations in the [Northern Ireland \(St Andrews Agreement\) Act 2006](#).

The *Department of Justice Act (Northern Ireland) 2010* (an Assembly Act) provided for the establishment of the Department and for the appointment of a Northern Ireland Minister to be in charge. Schedule 1, Part 3, paragraph 8 of the *Northern Ireland Act 2009* makes provision for the dissolution of the Department of Justice by 1 May 2012 unless either:

- The Assembly resolved, through cross community support, that the Department is to continue operating from 1 May 2012, or
- A 'second Act' of the Assembly provided that the Department is to continue operating from 1 May 2012.

The Department was due to be automatically be dissolved on 1 May 2012. The Committee could not come to a conclusion on the way forward. The Executive Summary of the report set out the various options:

6. On the latter, the Alliance Party favour Option A, that is the Assembly resolves that the Department of Justice is to continue operating from May 2012, while the DUP described Option A as 'worthy of further consideration'. Option B3, that is, a second Act under the Northern Ireland Act 2009 (before 1 May 2012), which repeals the 'Initial Ministerial Provision', with all Northern Ireland Ministers losing their offices (including the Minister for Justice) and these offices being filled by the D'Hondt process, was favored by the Green Party, the SDLP and Sinn Féin – with the DUP stating that this option was 'worthy of further consideration ...subject to a reduction of the number and reorganisation of departments'. No stakeholder selected Option C - to resolve that the Department is to continue operating from 1 May 2012 with a subsequent Act, or Option D – an Act dissolving the Department of Justice pre 1 May 2012, or Option E – 'do nothing'.

7. A number of stakeholder responses (DUP, Green Party, SDLP and UUP) raised the issue that the Review of arrangements in relation to the Department of Justice provides an opportunity to simultaneously review and reduce the number of Government departments in Northern Ireland.

A cross community vote was carried on 28 February 2012 in the Assembly. Sinn Fein attempted an amendment which would have required an Assembly Act making the appointment through d'Hondt, but this failed to achieve a majority.<sup>6</sup>

On 14 August, Northern Ireland Secretary Owen Paterson said that he would bring forward legislation that would include providing the same security of tenure for Northern Ireland

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<sup>5</sup> See [oral evidence of Secretary of State for Northern Ireland, Theresa Villiers, to Northern Ireland Affairs Committee 31 October 2012 HC 616-i 2012-13](#)

<sup>6</sup> [Northern Ireland Assembly 28 February 2012 Minutes of Proceedings](#)

Justice Ministers as all other Executive Ministers enjoy. In response the DUP Deputy Leader Nigel Dodds commented that “the Westminster government should work with local parties rather than launch criticisms at a distance.”<sup>7</sup> The SF was quoted as saying “Sinn Féin will not tolerate any attempts by Mr Paterson or anyone else to undermine the power-sharing and equality provisions which lie at the heart of the successful operation of the political institutions.”

### 3.1 Special advisers appointments

In June, the *Belfast Telegraph* reported on the refusal by the office of the Finance Minister, Sammy Wilson, to agree funding for a Sinn Fein special adviser, because the necessary security clearance had not been given.<sup>8</sup> The Traditional Unionist Voice MLA Jim Allister has been pursuing a private members bill in an attempt to ensure that no one with a serious criminal conviction of five years or more can hold the office of adviser. The SDLP were reported as supporting the bill. The dispute led to the first serious tension within the Executive in 2012. Mr Robinson appeared to distance himself from the disagreement, arguing that the guidelines on vetting would need to be agreed by the Executive.<sup>9</sup> The appointment by SF of a special adviser, Mary McArdle, in 2011 has sparked tensions, given her previous convictions for terrorist activity.

In February 2012, press sources indicated that Sinn Fein had raised almost £1m through fundraising in the United States between 2009 and 2011.<sup>10</sup>

The *Irish News* alleged in June 2012 that many SF special advisers and MLAs appeared to come from an IRA background and instanced the replacement of Paul Maskey when he stepped down as an MLA in June 2012. with Rosie MacCorley.<sup>11</sup>

### 3.2 National Audit Office criticism of Executive departments

The National Audit Office for Northern Ireland issued a report on 7 November 2012 *Financing Auditing and Reporting* which drew attentions to deficiencies in auditing arrangements in five Government departments. The *Belfast Telegraph* commented on the report as suggesting some major problems within the Executive.<sup>12</sup>

### 3.3 G8 to be held in Northern Ireland 2013

On 20 December the Prime Minister visited Northern Ireland and announced that the next G8 conference would be held in Fermanagh in June 2013.<sup>13</sup>

## 4 Legislative programme 2012-13

On 3 July 2012 the Executive unveiled its legislative programme for the coming year, on the last day of plenary before the summer break.<sup>14</sup> The junior minister Jonathan Bell defended the Executive record since the 2011 election:

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<sup>7</sup> “Paterson launches Assembly consultation” 14 August 2012 *UTV news*

<sup>8</sup> “Salary row over Sinn Fein aide” 7 May 2012 *Belfast Telegraph*

<sup>9</sup> “Robinson in move to keep Stormont advisers row out of courts” 15 May 2012 *Belfast Telegraph*

<sup>10</sup> “Sinn Fein US fundraising nets \$1.5m” 17 February 2012 *Belfast Telegraph*

<sup>11</sup> “Turning a PoW into an MLA is not always best” 20 June 2012 *Irish Times*

<sup>12</sup> “How accounting is just not adding up for five NI departments” 7 November 2012 *Belfast Telegraph*

<sup>13</sup> “Lough Erne resort in Fermanagh to host G8 summit” 20 November 2012 *BBC News*

<sup>14</sup> *Assembly Official Report* 3 July 2012 Executive-legislative programme  
<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Reports-11-12/03-July-2012/#a2>

Nevertheless, since May 2011, they have introduced 11 Bills, four of which are now law. In the remainder of this statement, I hope to demonstrate clearly the significant range of legislative activity that the Executive intend to initiate in the next session.

He then set out expected bills:

I will now set out the legislative intentions of each Minister in 2012-13. I will also provide a brief description of the purpose of each Bill which, after consultation with the relevant Committees and with the agreement of the Executive and the Speaker, they propose to introduce in the Assembly. Executive Ministers have identified 26 Bills for potential introduction in the 2012-13 Assembly session.

The Minister of Agriculture and Rural Development is considering responses to a consultation on a regulatory framework for the management and inspection of reservoirs that will require primary legislation. The purpose of a reservoirs Bill will be to minimise the risk of flooding after an uncontrolled release of water as a result of total dam failure, thereby protecting human life, the environment, cultural heritage and economic activity.

The Minister of Education intends to bring forward an education Bill to reform education administrative structures. He also proposes a General Teaching Council Bill to provide for the extension of the council's existing remit to cover further education lecturers, additional disciplinary functions and the establishment of the council as a body that is wholly independent of government. The Minister is also currently reviewing the special educational needs and inclusion policy and the requirements for primary legislation to implement any changes.

The Minister of Enterprise, Trade and Investment wishes to introduce two Bills to reform energy distribution and tariffs. A gas (common arrangements) Bill will harmonise arrangements for gas North and South, as set in the context of the development of the EU internal market in gas. There will also be an energy Bill, which will provide for key energy initiatives, including powers for a feed-in tariff, offshore decommissioning of renewable energy installations and gas storage. The Bill will also amend the duties of the Department and regulator in relation to sustainability, meter certification and supplier obligation. The Minister also proposes bringing forward an insolvency Bill to enable insolvency practitioners to communicate information about cases by electronic means.

As you are aware, the Programme for Government includes a key commitment to establish an 11-council model for local government by 2015. The Minister of the Environment therefore intends to introduce a Local Government (Reorganisation) Bill, which will provide for new governance arrangements for councils, a new ethical standards regime, the introduction of community planning powers for local government and an updated service delivery and performance improvement regime.

Again in line with commitments in the Programme for Government, the Minister of the Environment has announced plans to introduce a levy on single-use carrier bags in April 2013. A carrier bag levy Bill will enable an extension of the levy to certain reusable bags in April 2014. The Minister also intends to introduce a road traffic amendment Bill, which will contain a package of measures to tackle drink-driving and reform the learner and restricted driver schemes. The Bill will also introduce graduated driver licensing.

The Minister intends to provide for the identification, designation and management of national parks through the introduction of a national parks Bill. Finally, he proposes to introduce a planning Bill to bring forward a number of the planning reforms contained in

the Planning Act (Northern Ireland) 2011 and apply them to the Department of the Environment in advance of the transfer of powers to local councils.

In addition to the normal two Budget Bills that the Minister of Finance and Personnel introduces in each session, he will bring forward a financial provisions Bill to handle other routine financial matters. Members recently agreed in the House to the devolution of powers to adjust the rate of air passenger duty (APD), which, in turn, will allow for the elimination of APD on direct long-haul flights. That was also a commitment in the Programme for Government. Through a legal complaints and regulation Bill, the Finance Minister intends to provide powers for a legal services oversight commissioner to create new complaint-handling committees for barristers and solicitors.

In keeping with a key commitment in the Programme for Government to reform and modernise the delivery of health and social care, the Minister of Health, Social Services and Public Safety will bring forward three Bills to reconfigure, reform and modernise health and social services. A health and personal social services Bill will introduce a more flexible range of sanctions to support the move to a “fitness to practice” model for the management of conduct processes in the Northern Ireland Social Care Council (NISCC). The proposed health and social care reform Bill will ensure that the range of services that the Business Services Organisation (BSO) is charged with providing has a proper regulatory base, as well as allowing for some expansion of its client bodies. The proposed health (miscellaneous provisions) Bill will provide the Department with the necessary powers to create dental, ophthalmic and pharmaceutical performers’ lists. A tobacco retailer sanctions Bill will strengthen sanctions against retailers who regularly break the law on the underage sale of tobacco products. The Bill will contribute to our commitment to promoting the health and well-being of our young people.

The Programme for Government makes several commitments to making a number of legislative changes to provide a faster, fairer and more efficient justice system. The Minister of Justice intends to introduce a justice Bill that will provide for improved access to justice.

The Minister for Regional Development will implement the Executive’s commitment to households that they will ensure no additional water charges during this Programme for Government period by introducing a water and sewerage services Bill.

The Minister for Social Development will introduce a measure aimed at helping local businesses, benefiting their customers and attracting visitors and tourists. A licensing of pavement cafes Bill will help promote town and city centres by supporting the development of a cafe culture. The Minister will also introduce a welfare reform Bill.

Finally, the First Minister and the deputy First Minister will confirm their legislative intentions in respect of the dissolution of the Department for Employment and Learning. Other requirements for primary legislation may of course arise during the 2012-13 Assembly session, and they will be identified as part of a process of regular review.

Press comment suggested that there was still frustration with the slow pace of legislation through the Assembly.<sup>15</sup>

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<sup>15</sup> “At last Stormont to bring in new skills authority” 4 July 2012 *Belfast Telegraph*

## 5 Members of the Assembly

### 5.1 MLA pay and the Independent Financial Review Panel

The Panel was established by the *Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011* to make determinations in relation to pay and pensions.

In March 2012 the Independent Financial Review Panel published a report [Northern Ireland Assembly Members' Salaries, Allowances, Expenses and Pensions](#). In brief, Office Cost Expenses was reduced, but the salaries of Assembly members increased. Within the particular context of concern in Northern Ireland about 'double jobbing', MLAs who are also councillors were to have their pay abated.

Its Executive Summary noted the extent of the Panel's responsibilities:

The Independent Financial Review Panel is responsible for setting the level of salaries, allowances and pensions of the members of the Northern Ireland Assembly. This Report relates to the first phase of the Panel's work. It describes the Panel's decisions in relation to:

- „ the salaries of members of the Assembly;
- „ the additional allowances paid to those members who are Office Holders;
- „ the Office Costs Expenses paid to members to enable them to exercise their responsibilities as members of the Assembly;
- „ Members' Pensions

The report noted that further work was needed on expenses and pensions:

As we progressed with our work it became apparent that an in depth study of Office Costs Expenses (OCE) and Pensions will be required. The timetable for our first Determination made it impossible to gather enough evidence to fully review OCE at this stage. We have therefore made interim decisions which relate to the remainder of the current mandate. We plan to carry out further work to inform our Determination for the next mandate.

The *Belfast Telegraph* reported on 14 November 2012 on likely scenarios for the next phase of adjustment in 2013

Stormont parties are split over accepting or turning down an inflation-busting pay increase of 11% for MLAs.

Sinn Fein and the SDLP will flatly refuse the boost, due to come into effect next year.

On the unionist side of the Assembly the DUP has yet to make up its mind, while Ulster Unionists are to say yes to the pay hike.

Both they and Alliance seem set to leave it to individual Members to decide whether to offset part of the hike. <sup>16</sup>

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<sup>16</sup> [“Stormont MLAs are split over plan to raise wages but cut allowances”](#) 14 November 2012 *Belfast Telegraph*



## 5.2 New Assembly Standards Commissioner

Douglas Bain has been appointed as Standards Commissioner for the Northern Ireland Assembly, succeeding Tom Frawley, who acted as interim Commissioner.<sup>17</sup> The *Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011* provides for there to be a statutory Northern Ireland Assembly Commissioner for Standards. The selection of the candidate is undertaken by the Assembly Commission.

The *Belfast Telegraph* reported in September 2012 that the investigation into the conduct of Peter Robinson and his wife had not yet been completed.<sup>18</sup>

A recommendation from the Standards Committee in October 2012<sup>19</sup> for a DUP MLA, Jim Wells, to be suspended following his refusal to apologise for critical comments made in the corridors at Stormont to the Sinn Féin culture ministers Caral Ni Chuilin and her former special adviser Mary McArdle was not upheld by the Assembly in November 2012. Ms McArdle had been convicted for her part in the shooting of a young school teacher in 1984. The motion was rejected by 51 votes to 49.<sup>20</sup>

## 5.3 Dual Mandates

There are now only five MLAs who also hold another seat at Westminster:

- Gregory Campbell
- Martin McGuinness (who has said he will be standing down as an MP shortly)
- Alasdair McDonnell
- Lord Morrow
- Sammy Wilson

Sinn Féin members Pat Doherty, Michelle Gildernew, Conor Murphy, Paul Maskey resigned their Assembly seats in July 2012, as well as Margaret Ritchie of the SDLP. They were replaced by co-opted Sinn Féin members and an SDLP member. Martin McGuinness has indicated his intention to resign his Westminster seat, but has not taken the Chiltern Hundreds or Manor of Northstead.<sup>21</sup> The new members were entitled to higher levels of allowance where there is no longer a dual mandate.

## 6 North South Parliamentary Body

A North/South Inter-Parliamentary Association was established on 4 July 2012. The Association will have 48 members, plus two Co-Chairs, with membership drawn in equal numbers from the Northern Ireland Assembly and the Houses of the Oireachtas. It will meet twice annually on a rotational basis with the Agenda being agreed by an Executive Committee comprised of the two current Working Groups. The Speaker of the Northern Ireland Assembly, William Hay MLA, has been elected as the Assembly's first Co-Chair of the Association by its representatives on the Executive Committee, and the Ceann Comhairle, Seán Barrett TD, has been elected as the first Co-Chair on behalf of the Oireachtas Members on the Association's Executive Committee.<sup>22</sup>

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<sup>17</sup> "Assembly appoints its Commissioner for Standards" 18 June 2012 *Northern Ireland Assembly*

<sup>18</sup> "Robinson's probe still outstanding" 21 September 2012 *Belfast Telegraph*

<sup>19</sup> <http://www.niassembly.gov.uk/Assembly-Business/Committees/Standards-and-Privileges/Reports/>

<sup>20</sup> "MLAs reject attempt to exclude DUP's Jim Wells" 19 November 2012 BBC News

<sup>21</sup> "Martin McGuinness to resign as MP" 12 June 2012 *Guardian*

<sup>22</sup> "North South Parliamentary Association established" 4 July 2012 *Northern Ireland Assembly Press Release*

## 7 New Secretary of State for Northern Ireland

Teresa Villiers was appointed Secretary of State for Northern Ireland, following the August 2012 reshuffle. She gave oral evidence to the Northern Ireland Affairs Committee on 31 October 2012. Questions covered the NIO consultation paper, corporation tax in Northern Ireland amongst other topics<sup>23</sup>

## 8 Murder of Prison Officer 1 November 2012

David Black, a serving prison officer was killed on his way to work in his car. Mrs Villiers made an oral statement to the Commons on 2 November 2012.<sup>24</sup> Mr Black's killing has also been condemned by the Northern Ireland First Minister and Deputy First Minister. Two men were arrested, one of whom the prominent republican Colin Duffy.<sup>25</sup> He was the first prison officer to be murdered in Northern Ireland in almost 20 years.<sup>26</sup>

In her evidence to the Northern Ireland Affairs Committee on 31 October 2012, Mrs Villiers referred to current security concerns:

**Q60 Ian Paisley:** Can the Minister bring us up to date on the level of dissident threat to the people of Northern Ireland? Could you comment on the recent pipe bomb attack on police officers and the police service in Poleglass, in west Belfast, and on the murder of Danny McKay in Newtownabbey? Have the Garda reported back, through the normal channels, to the Government of Northern Ireland or Her Majesty's Government on any success that they have had in locating the 30 or so high-powered rifles that were stolen in County Wicklow in September?

**Mrs Villiers:** The threat level from terrorism in Northern Ireland remains at severe. The last two quarters have seen some fluctuation in the threat. I think that some good progress has been made by the PSNI and its partners, leading to a number of arrests, charges and convictions. However, the intent and capability of the dissident republicans remains significant, as does their potential to carry out lethal attacks. That should never be underestimated, and we remain vigilant on those matters, as I made clear during Northern Ireland questions.

There have been 20 national security attacks so far in 2012, as against 25 to the end of October last year. The sophistication and potency of attacks is, on the whole, lower than in 2011, although there have been exceptions. As Committee members will be aware, in July, a number of groups-including the people who refer to themselves as the Real IRA, Republican Action Against Drugs and some unaffiliated individuals-announced a merger. We assess that new group as being responsible for the potentially lethal attack on 20 September, and we are monitoring that situation carefully. The threat level from Northern Ireland-related terrorism was reduced to moderate in relation to Great Britain on 24 October, meaning that an attack is possible but not likely. We will continue to be vigilant in the face of this continuing threat, both in Northern Ireland and in the rest of the United Kingdom.

In terms of the specific cases that you mentioned, I am reluctant to comment on matters that are operational for the Police Service of Northern Ireland at the moment. I

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<sup>23</sup> [Uncorrected Evidence to Northern Ireland Affairs Committee](#) 31 October 2012 HC 616-i 2012-13

<sup>24</sup> HC Deb 2 November 2012 c511-12

<sup>25</sup> [Uncorrected Evidence to Northern Ireland Affairs Committee](#) 31 October 2012 HC 616-i 2012-13

<sup>26</sup> "David Black murder: son drove past scene of killing" 2 November 2012 [BBC News](#)

am not sure that this is the right forum to do that, but I am happy to have a conversation in a more offline setting.<sup>27</sup>

Subsequently, the DUP secured an Opposition day debate on the security situation in Northern Ireland on [21 November 2012](#).<sup>28</sup>

## 9 Pat Finucane review publication December 2012

The then Secretary of State for Northern Ireland, Owen Paterson, appointed Sir Desmond de Silva QC in October 2011 to carry out an independent Review into the murder of Patrick Finucane. When establishing this Review, the Prime Minister and Secretary of State accepted that there had been collusion in the murder and apologised for this.<sup>29</sup> Mrs Villiers made a written ministerial statement on 31 October 2012 advising that the publication of the report into the murder of the solicitor Pat Finucane was near. She announced the creation of a review team:

I believe that these checks are necessary in order to meet the legal obligations on me. Following the approach used for the checking of the Bloody Sunday Inquiry, Billy Wright Inquiry and Rosemary Nelson Inquiry reports, Sir Desmond de Silva has given permission for members of the Review's legal team to be present during the checking process. At all times, members of the Review's legal team will be acting as representatives of the Review and not as advisers to me or the checking team.

Mrs Villiers made a further statement on 13 November 2012, announcing that the report would be issued in early December:

**The Secretary of State for Northern Ireland (Mrs Theresa Villiers):** ..In my written statement to the House on 31 October, I set out the steps that would need to be taken before publication of the Patrick Finucane report. These included a checking process which would enable me to meet the obligations placed on me by article 2 of the European convention on human rights and to safeguard national security. I can confirm that this checking process has now been completed and I have received advice from the checking team which confirms that there is nothing in the report which, if published, could breach article 2 of the European convention on human rights by putting the lives or safety of individuals at risk, or put national security at risk. I am therefore satisfied that the report can be published in full and I have advised Sir Desmond de Silva of this.

The report has not been shown to me or to any other Member of the Government, or to any officials except the members of the team which carried out the checking process. I have not been briefed on the contents of the report, nor have any officials other than those in the checking team.

As with the publication of the Bloody Sunday inquiry, Billy Wright inquiry and Rosemary Nelson inquiry reports, I intend to give advance sight to those who the review has advised are interested parties, to their legal representatives, and to some Members of both Houses.<sup>30</sup>

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<sup>27</sup> HC Deb 31 October 2012 c19WS

<sup>28</sup> [HC Deb 21 November 2012](#) c587-645

<sup>29</sup> HC Deb 12 October 2011 : c335

<sup>30</sup> HC Deb 13 November 2012 c14WS

The Da Silva report was published on 12 December 2012 and is available online from the report [website](#).<sup>31</sup> Mr Cameron made a statement outlining the main conclusions:

It also answers questions about how high up the collusion went, including the role of Ministers at the time.

Sir Desmond is satisfied that there was not

“an over-arching State conspiracy to murder Patrick Finucane”,

but while he rejects any state conspiracy, he does find frankly shocking levels of state collusion. Most importantly, Sir Desmond says he is

“left in significant doubt as to whether Patrick Finucane would have been murdered by the UDA”—the Ulster Defence Association—

“in February 1989 had it not been for the different strands of involvement by elements of the State.”

He finds that “a series of positive actions by employees of the State actively furthered and facilitated his murder”.<sup>32</sup>

He went on to say:

It is vital that we learn the lessons of what went wrong, and for Government in particular to address Sir Desmond’s criticisms of a

“wilful and abject failure by successive Governments to provide the clear policy and legal framework necessary for agent-handling operations to take place effectively and within the law.”<sup>33</sup>

The Finucane family remain dissatisfied with the inquiry process:

Mr Finucane’s wife Geraldine was in the House of Commons chamber to hear David Cameron say he was “deeply sorry” after the findings of the Da Silva report were made public today. But, ultimately, she was there to hear him refuse the public inquiry she believes her family needs and deserves.

“This report is a sham. This report is a whitewash. This report is a confidence trick dressed up as independent scrutiny and given invisible clothes of reliability. Most of all, most hurtful and insulting of all, this report is not the truth,” she told reporters afterwards.<sup>34</sup>

## 10 Party funding- exemption from disclosure in Northern Ireland

A draft order, the *Control of Donations and the Regulation of Loans etc (Extension of the Prescribed Period) (Northern Ireland) Order 2013* was laid on 5 December 2012. Both Houses are required to give it an affirmative resolution before it is passed. The order extends until 30 September 2014 the opt-out from the disclosure requirements of the *Political Parties, Elections and Referendums Act 2000 (PPERA)* on political parties registered in Northern Ireland. There is a separate register of political parties in Northern Ireland, A list of donors is held by the Electoral Commission, but it is obliged to keep their identities secret

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<sup>31</sup> <http://www.patfinucanereview.org/report/index.html>

<sup>32</sup> HC Deb 12 December 2012 c296

<sup>33</sup> HC Deb 12 December 2012 c298

<sup>34</sup> “British agents ‘facilitated the murder of Belfast solicitor Pat Finucane’ 12 December 2012 *BBC News*

The previous order issued in March 2011 continued an exemption for Northern Ireland for a period of two years in March 2011. Background is given in the *Belfast Telegraph* "[Party donors law shake-up](#)" 22 December 2012.

New proposals to create transparency were announced in a written answer on 19 December 2012 by the junior Northern Ireland minister, Mike Penning:

**Vernon Coaker:** To ask the Secretary of State for Northern Ireland what her policy is on transparency of potential donations to parties in Northern Ireland; and if she will make a statement. [134347]

**Mike Penning:** I believe that there is room to increase the transparency of the donations and loans regime without compromising the security of individuals or businesses. This requires the introduction of primary legislation to allow the current arrangements to be amended. I hope to publish a draft of such legislation by early February.

**Vernon Coaker:** To ask the Secretary of State for Northern Ireland what plans she has to consult on the renewal of legislation governing the transparency of political donations to parties in Northern Ireland. [134420]

**Mike Penning:** The Government conducted a full public consultation on this issue in 2010. The commitments made following that consultation will be implemented through primary legislation, of which I hope to publish a draft by early February.

As the current prescribed period expires after 28 February 2013, I wrote to the main Northern Ireland parties and the Electoral Commission on 22 November, setting out our intention to extend the existing provisions for a limited period to allow time for primary legislation to be introduced.<sup>35</sup>