**EXPLANATORY MEMORANDUM TO**

**The Inquiry into Historical Institutional Abuse Rules (Northern Ireland) 2013**

**2013 No. 171**

## 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 negative resolution procedure.

## 2. Purpose

2.1. The purpose of these Rules is to supplement the Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013 in relation to matters of evidence and procedure; the return or keeping after the end of the inquiry of documents given to or created by, the inquiry; and awards made to witnesses under section 14 of the Act.

## 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 and the Inquiry into Historical Abuse Act (Northern Ireland) 2013 set out the framework for the inquiry into historical institutional abuse. The Rules complete that framework by setting out more detail about certain aspects of the procedure of the inquiry.

## 4. Consultation

4.1. A cross-departmental taskforce was established by OFMDFM in December 2010 to consider the needs of victims of historical institutional abuse. A formal consultation exercise was carried out in March 2011 on how best to meet the needs of victims and survivors. This included consultation events in Belfast and Londonderry/Derry.

4.2. Throughout, Ministers and officials have had ongoing engagement with victims and survivors, including on the establishment and terms of reference for the inquiry.

4.3. The inquiry terms of reference were discussed in detail with victims and survivors, and agreed with the chairperson of the inquiry. The chairperson was also consulted on both the Inquiry into Historical Instutional Abuse Act (Northern Ireland) 2013, and these subordinate Rules.

## 5. Equality Impact

5.1. A screening exercise on the proposals given effect in both the primary and subordinate legislation concluded that there would be no adverse impact on equality of opportunity. A full Equality Impact Assessment was therefore considered unnecessary.

## 6. Regulatory Impact

6.1. The Rules will not impact on business, the voluntary sector or the environment. It has not therefore been subject to a regulatory impact assessment.

## 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. The Rules assist in controlling costs as they set out more detailed criteria and processes that the inquiry chairperson must apply to any application for an award for expenses.

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

8.1. The Rules are compatible with 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.