

OFMDFM Private Office
Room A5.03
Castle Buildings
Stormont Estate
Belfast
BT4 3SR



Office of the
**First Minister and
Deputy First Minister**
www.ofmdfmni.gov.uk

Telephone: 028 90 522581
Fax: 028 90 522508
Email: privateoffice.ofmdfm@ofmdfmni.gov.uk

Andy Reed MP
House of Commons
LONDON
SW1A 0AA

Our Ref: COR 341/2006

13 January 2007

Dear Andy,

NORTHERN IRELAND SEXUAL ORIENTATION REGULATIONS

You wrote to Maria Eagle on 6 December 2006 enclosing a letter from your constituent [REDACTED] about Regulations outlawing discrimination on the ground of sexual orientation in the provision of goods, facilities and services. I am responding on behalf of Maria Eagle as lead Minister for equality issues in Northern Ireland.

As you know, Northern Ireland has its own power at section 82 of the Equality Act 2006 to make these regulations. Great Britain has a similar power. The intention of both jurisdictions at the outset was that the Regulations would be made in Great Britain and Northern Ireland by November 2006. Great Britain received a significant response to its consultation and subsequently decided to delay implementation of the Regulations. In Northern Ireland we received about 400 responses and following detailed analysis of these, it was decided by Ministers that there was no reason to delay. The Regulations came into operation on 1 January 2007.

Under a devolved administration Northern Ireland regulations are introduced through affirmative resolution in the Northern Ireland Assembly; in the absence of an Assembly they are introduced through negative resolution at Westminster. These procedures have been in place for some time and no other options are available for



introducing Northern Ireland regulations. Often regulations made using negative resolution procedure are not debated but there is a safeguard built into the process: where it is felt that the subject matter warrants scrutiny, members from both Houses may pray against regulations, prompting a debate. The Northern Ireland Sexual Orientation Regulations have been prayed against in both Houses. On 9 January 2007 the House of Lords voted against a prayer that the Regulation be annulled, by 199 to 68. The House of Commons Standing Committee debate is scheduled for Wednesday 17 January 2007.

You will be interested to note that the Northern Ireland Assembly also debated the Regulations although, as currently constituted, it has no legislative powers. The vote was tied and so the motion calling on Government to withdraw the Regulations and leave this issue to be determined by the Northern Ireland Assembly upon restoration, was defeated.

In introducing these Regulations we are aiming to promote a fair society, one founded on equal opportunities for all. The Regulations extend Northern Ireland's current anti-discrimination legislation to cover people facing unequal treatment because of their sexual orientation in the provision of goods, facilities and services. Government is determined that everybody should have fair and equal access to goods, facilities and services regardless of who provides them.

A handwritten signature in black ink, appearing to read 'David Hanson', written in a cursive style.

DAVID HANSON MP
Minister of State for Northern Ireland