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APPENDIX

**CURRENT FUNCTIONS OF NORTHERN IRELAND DEPARTMENTS AND AREAS
WHERE THERE LOCAL FLEXIBILITY IS CONSTRAINED**

Department of Agriculture

1 *Animal health and welfare*

Constraints on local flexibility

Animal health and most welfare controls are applied under EU legislation or are EU driven through other mechanisms. There are some parts of welfare which are not yet EU 'controlled' but such controls are under consideration. Even where no direct EU controls apply the open market principle and state aid rules significantly inhibit Northern Ireland flexibility.

2. *Agri-food development, education and training*

Constraints on local flexibility

There is Northern Ireland autonomy but it has followed a common UK standard with regard to major issues, for example, national targets, vocational qualifications and student awards.

3. *Fisheries*

Constraints on local flexibility

The prevention, eradication and control of fish diseases are constrained by EU requirements for a common standard.

Implementing the Common Fisheries Policy, regulating the commercial use of sea fish and increasing or improving marine resources are constrained by a UK requirement for a common standard.

Sea fisheries are constrained by both national and EU common standards.

Expenditure in relation to fishing vessels is constrained by EU competition *policy*.

4. *Food and farm policy including agricultural grants, livestock subsidies and the agri-environment.*

Constraints on local flexibility

The EU requirement is for a common standard (with the exception of the Hill Livestock Compensatory Allowances (HLCAs)) where financial allocations are agreed on a UK-wide basis.

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5. *Rural development*

Constraints on local flexibility

There is local autonomy but significant funding is provided by the EU so any action needs EU approval.

6. *Scientific research and development (food, agriculture, plant and veterinary sciences)*

Constraints on local flexibility

Diagnostic testing has to meet EU and UK legislative requirements. Research and development has local autonomy but some EU-funded areas require EU approval.

7. *Forestry management*

Constraints on local flexibility

Forestry policy must be consistent with EU requirements and UK obligations.

8. *Rivers (arterial drainage, flood and sea defences, inland navigation and water recreation)*

Constraints on local flexibility

Drainage and inland navigation may be constrained by EU Directives covering the assessment of the effects of certain public and private projects.

9. *Public health (in respect of the inspection and certification of meat, meat products and milk)*

Constraints on local flexibility

The EU requirement is for a common standard.

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Department of Economic Development

1. *Economic development strategy and policy Constraints on local flexibility*

None.

2. *Industrial development*

Constraints on local flexibility

Corporation taxation rates must remain uniform across the UK (this could change given the latitude that the Scotland Parliament may be given).

Additional constraints are contained in the EU State Aids requirements.

3. *Employment service, training and development*

Constraints on local flexibility

Local flexibility is now constrained by parity with GB on Welfare to Work and the New Deal.

4. *Tourism policy*

Constraints on local flexibility

Local flexibility on financial incentives for tourists is constrained by UK fiscal policy.

5. *Employment/unemployment statistics*

Constraints on local flexibility

The range of local R&D assistance is constrained by UK-wide policy and EU regulations.

6. *Industrial research and development*

7. *Energy legislation*

8. *Equality legislation*

9. *Company legislation, including insolvency*

10. *Consumer legislation, including trading standards*

11. *Industrial relations legislation*

12. *Health and safety legislation*

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13. **Redundancy payments**

Constraints on local flexibility

In all these areas Northern Ireland generally follows UK and EU precedents with a few important exceptions, for example, fair employment legislation.

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Department of Education

1 *Schools policy, provision and funding*

Constraints on local flexibility

There are no legislative constraints, apart from health and safety, although action in GB impacts on local expectations.

2. *Curriculum and assessment*

Constraints on local flexibility

Scope for local divergence is tempered by the need to ensure that qualifications are acceptable in the rest of the UK and EU labour markets. There is a legislative requirement to provide such equivalence of standards.

3. *Teacher education and pay*

Constraints on local flexibility

There are no legislative constraints but by convention broad equivalence with the rest of UK is maintained to ensure acceptance of qualification. There are also no legislative constraints on rates of pay but parity is maintained as a long-standing policy.

4. *Special education Constraints on local flexibility* There are no legislative constraints on developing distinctive local policies.

5. *Education technology*

Constraints on local flexibility

There are no legislative or policy constraints although there is some dependence on UK-wide funding mechanisms to support local developments.

6. *Higher and further education*

Constraints on local flexibility

There are no statutory constraints but there is a convention of broad parity in areas such as student support and access to HE. HE and FE are also operated as part of a UK-wide framework to maintain standards of quality.

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7. *Arts, libraries, museums, youth and sport*

Constraints on local flexibility

There are no statutory restrictions but there is a tradition of parity on issues like a free library service and National Lottery funding.

8. *Community relations Constraints on local flexibility* None.

9. *Education service structures Constraints on local flexibility* None.

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Department of the Environment

In DOE a clear distinction has to be drawn between EU obligations and parity with GB. The Department currently follows national policy in several areas but this arises from 'direct rule' where Northern Ireland follows policies adopted in Whitehall. A devolved administration would have considerable flexibility in terms of how DOE carried most of its responsibilities.

1 . *Roads*

Constraints on local flexibility Currently guided by GB practice.

2. *Road safety*

Constraints on local flexibility None.

3. *Transport policy Constraints on local flexibility* Constrained by EU directives on vehicle weights and emission standards.

4. *Planning*

Constraints on local flexibility Currently guided by GB practice.

5. *Water and sewerage*

Constraints on local flexibility

Constrained by EU directives on drinking water quality and waste water quality.

6. *Environment and heritage Constraints on local flexibility* Constrained by EU Directives on habitats and wildlife.

7. *Driver and vehicle licensing Constraints on local flexibility* DOE acts as an agent for GB Department of Transport in licensing vehicles.

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8. *Driver and vehicle testing Constraints on local flexibility* Constrained by EU Directives in relation to driver testing.

9. *Construction services Constraints on local flexibility* None.

10. *Government office accommodation*

Constraints on local flexibility

None.

11. *Ordnance survey*

Constraints on local flexibility

Currently guided by GB practice.

12. *Public records*

Constraints on local flexibility

Currently guided by GB practice.

13. *Local government*

Constraints on local flexibility

Currently influenced by GB policies.

14. *Urban regeneration*

Constraints on local flexibility

Constrained by EU Directives on State Aids.

15. *Land registry*

Constraints on local flexibility

Currently guided by GB practice.

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16. **Housing policy**(NIHE and housing associations) *Constraints on local flexibility*

Currently influenced by GB practice.

17. **Rate collection**

Constraints on local flexibility

None.

18. **Fire services**

Constraints on local flexibility

Currently guided by GB practice.

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Department of Finance and Personnel

1. **Central finance and accountability** *Constraints on local flexibility* Constrained on expenditure by Parliament and HM Treasury rules.

2. **Central personnel management and recruitment** *Constraints on local flexibility*

None.

3. **Legal, economic and statistical services** *Constraints on local flexibility*

None.

4. **Registrar General's Office** *Constraints on local flexibility* None

5. **Census Office**

Constraints on local flexibility None.

6. **NI Departments co-ordination** *Constraints on local flexibility* None.

7. **Government purchasing**

Constraints on local flexibility Constrained by EU Procurement Directive.

8. **Valuation and lands** *Constraints on local flexibility* None.

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9. *office of Law Reform*

Constraints on local flexibility

None.

10. *Co-ordination and management of European Union funding programmes*

Constraints on local flexibility

Constrained by an EU requirement that expenditure should fall within the parameters of each particular programme.

11. *Legislative drafting (through the Office of the Legislative Counsel)*

Constraints on local flexibility

None.

12. *Community relations, policy and programmes*

Constraints on local flexibility

None.

13. *Business and management services for Northern Ireland Departments*

Constraints on local flexibility

None.

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Department of Health and Social Services

1 *Wider public health functions, including legislation for food safety and abortion*

Constraints on local flexibility

Food standards legislation is largely determined by the EU.

The Disability Discrimination Act applies throughout the UK although NI has some degree of flexibility as it can make secondary legislation and has its own Disability Council.

2. *Health and personal social services, including hospitals, family practitioner services, community health and personal social services*

Constraints on local flexibility

Some constraints imposed by UK and EU legislation with regard to the regulation and recognition of professions and the mobility of labour. National policies determine pay and conditions of service.

3. *Social and charities legislation, which covers responsibility for charities, betting and gaming, liquor licensing and the registration of clubs*

Constraints on local flexibility

Local flexibility is constrained by the need to remain compatible with charities legislation in GB and with UK tax legislation.

4. *The voluntary and community sectors*

Constraints on local flexibility

No legislative constraints but local flexibility is curtailed to a significant degree by an agreement with England, Scotland and Wales to operate within the context of UK national policy determined by the Home Secretary.

5. *Social security, covering the full range of benefits and other forms of financial support provided*

Constraints on local flexibility

Constrained by principle of parity with the rest of the UK, although there is scope for local flexibility in the way benefits are delivered.

6. *Child support*

Constraints on local flexibility

Constrained by principle of parity with the rest of the UK, although there is scope for local flexibility in the way child support is delivered.