

Human Rights Act Impact Assessment Proforma

This proforma will help you to articulate any human rights issues in the policy/proposal that you are working on. It is necessary for you to have read the OFMDFM guidance on human rights entitled "Get in on the Act; a practical guide to the Human Rights Act for public authorities in Northern Ireland" before completing this proforma.

If the policy/proposal is relevant to some rights but does not interfere with or limit them, your assessment must be signed off by a Senior Responsible Officer (Grade 7, equivalent or above). If you find that it does interfere with or limit one or more of the Convention rights, and your Senior Responsible Officer agrees, you must seek legal advice, even if it is considered that the interference or limitation is justified.

This proforma is available at www.ofmdfmni.gov.uk/human-rights. If you fill in the form electronically, there is no restriction as to the amount you can type in each box.

Your answers in the rest of this proforma will help you draft a clearer note to your legal advisor.

1. Policy title and aims

Please state the title and objective of the policy/proposal you are working on.

Social and Environmental Guidance for Water and Sewerage Services (2028/29-2032/33) ('The Guidance').

The guidance contains policies set out in Sustainable Water - A Long-Term Water Strategy for Northern Ireland (2015-2040), which was published in 2016. This document, prepared by the Department for Infrastructure's Water and Drainage Policy Division, provides the Utility Regulator for Northern Ireland with guidance on the key environmental and social policies it expects it to contribute to in carrying out its role in regulating the water industry during the 2028/29-2032/33 period.

2. Rights which the policy/proposal engage

Go through each of the rights detailed in the table below. For each one consider whether the policy/proposal engages the right, i.e. how the policy/proposal you are working on could involve the right. Explain how the right is engaged

Please note that the rights have been abbreviated so you should see the relevant Article in the Guide referred to above for the full title and explanation of the right.

Right	Yes/No	Explanation
Article 2 Right to life	Yes	The right to sanitation is an element of "the right of everyone to an adequate standard of living for himself and his family" (Article 11 of the International Covenant on Economic, Social and Cultural Rights or ICESCR). The UK considers that a right to sanitation entails providing clean, safe drinking water and the treatment and disposal of human sewage and associated hygiene. The draft Guidance highlights the importance of maintaining clean and safe drinking water as a priority over the next Price Control period (2028/29 to 2032/33).
Article 3 Prohibition of torture, inhuman and degrading treatment	No	Not engaged.
Article 4 Prohibition of slavery and forced labour	No	Not engaged.
Article 5 Right to liberty	No	Not engaged.

Right	Yes/No	Explanation
Article 6 Right to a fair trial	No	Not engaged.
Article 7 No punishment without law	No	Not engaged.
Article 8 Right to respect for private and family life	No	Not engaged.
Article 9 Freedom of thought conscience and religion	No	Not engaged.
Article 10 Freedom of expression	No	Not engaged.
Article 11 Freedom of assembly and association	No	Not engaged.
Article 12 Right to marry and found a family	No	Not engaged.

Right	Yes/No	Explanation
Article 14 Prohibition of discrimination	No	Not engaged.
Protocol 1, Article 1 Right to property	No	Not engaged.
Protocol 1, Article 2 Right to education	No	Not engaged.
Protocol 1, Article 3 Right to free elections	No	Not engaged.

If you have answered yes to any of these questions you must complete the rest of the proforma. If you have answered no to **all** of the questions, you may proceed to Question 9.

3. Rights which the policy/proposal interferes with or limits

Will the policy/proposal interfere with or limit any of the rights you identified as being engaged? If so, explain how the right is interfered with or limited.

You should note that interference could be a negative impact on a right or a failure to take positive action where this is required under the Article in question. For further guidance on which Articles require positive action, please consult the Guide.

Article	Interfered with or limited? Yes/No	What is the interference/limitation?
Article 2 - Right to Life	Yes	The guidance highlights that the water industry makes a key contribution to the priorities of the Executive by providing high quality drinking water and managing wastewater (sewage services) safely to protect public health and the environment. As such the guidance does not interfere or limit access to clean, safe drinking water and/or the disposal of human sewage. The Guidance safeguards and supports these activities and highlights relevant policy goals for the Regulator to have regard to in this context.

4. Those affected by the interference/limitation

Identify who could be affected by the interference or limitation, e.g. sections of society or people with certain beliefs or opinions, and explain how they could be affected.

It will help in identifying interferences or limitations to think about all the people who could be affected and be seen as a victim within the Human Rights Act.

Who could be affected?	How could they be affected?
Not applicable - no interference of limitation proposed.	Not applicable - no interference of limitation proposed.

5. Legal basis for interference/limitation

Is there a law which allows you to interfere with or limit the rights identified in Question 4?

Any interference with or limitation on a Convention right must have a legal basis. You therefore need to establish whether there is a law which allows the proposed interference or limitation.

You may need legal advice to clarify this.

Relevant legislation:

Not applicable - no interference or limitation proposed.

Alternatively, the policy/proposal may involve the creation of a new law which allows for the interference or limitation. If this is the case, please detail and explain in the box below:

Not applicable - no interference or limitation proposed.

6. Purpose of the policy/proposal

Even if the interference or limitation in the policy/proposal is according to the law, there are further conditions which must be met. The purpose of the policy/proposal must pursue a legitimate aim or fall under one of the specific exceptions in the Article in question.

Consider each of the Articles which the policy/proposal will interfere with or limit, and for each one specify the exception or legitimate aim which allows the interference or limitation and explain why.

If you are unsure of the exceptions or legitimate aims which are applicable for the rights interfered with or limited by the policy/proposal you are working on, you should refer to the text of the Convention and the Guide.

Article	Exception / Limitation	Explanation
Not applicable - no interference of limitation proposed.	Not applicable.	Not applicable.

7. Necessary in a democratic society

Articles 8, 9, 10 and 11 specify that interferences or limitations must be necessary in a democratic society. If the policy/proposal interferes with or limits one of these rights, detail in the table below how the right is necessary in a democratic society i.e. does it fulfil a pressing social need?

You may need to speak to the Senior Responsible Officer for clarification of this

Article affected	Explain why it is necessary in a democratic society
Not applicable - no interference of limitation proposed.	Not applicable - no interference of limitation proposed.

8. Proportionality

Any interference with or limitation on a Convention right must be proportionate, i.e. the policy/proposal must interfere with or limit a right no more than is absolutely necessary to achieve its aims. For each Article which the policy/proposal interferes with or limits, explain how the interference or limitation is proportionate.

For further information on proportionality please consult the Guide.

Article affected	Explain why the interference / limitation is proportionate
Not applicable - no interference of limitation proposed.	Not applicable - no interference of limitation proposed.

9. Article 14 equality issues

Even if it does not interfere with or limit a right or freedom, could the policy/proposal result in people being treated differently in relation to any of the Convention rights? Article 14 does not allow discrimination in the exercise of any of the other Convention rights.

For further information on Article 14, please refer to the relevant pages in the Guide

Convention Article affected	How are people treated differently?	Is this justifiable?
None identified.	Not applicable.	Not applicable.

You should now have a clearer view about the policy/proposal and the possibility of it engaging or interfering with Convention rights and freedoms.

Please ensure the proforma is also signed by your Senior Responsible Officer and if there is any possible interference or limitation refer to your legal advisor for further action and advice.

Please tick the statement that applies, and sign below.

- ☐ a) The policy/proposal does not engage any Convention rights.
- ☒ b) The policy/proposal does engage one or more of the Convention rights, but does not interfere with or limit it/them.
- ☐ c) The policy/proposal interferes with or limits one or more Convention rights and legal advice is being sought.

Countersign, hold copy with policy papers and refer to your legal advisor

Signed by J.H. Smith (Official)
Date 30/7/26 Grade DP

Signed by [Signature] (Senior Responsible Officer)
Date 30/7/26 Grade 7

Human Rights Act Referral to Legal Services Proforma

FAO: _____

From: _____

Please see the attached Human Rights Act Impact Assessment Proforma for the following proposal/policy.

Title and Objective of Policy/Proposal:

N/A

I have identified the following rights as being interfered with/limited by this policy/proposal.

N/A

I would be grateful for your advice on this matter. All relevant papers are attached.

Your contact in this Department is:

Name: _____

Address: _____

Tel: _____ Email: _____