

Monday
14 September 1998

THE NEW
NORTHERN IRELAND
ASSEMBLY

INTERIM REPORT

FROM THE
COMMITTEE ON STANDING ORDERS

NNIA 1

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STANDING ORDERS COMMITTEE

INTERIM REPORT

INTRODUCTION

1. The Initial Standing Orders of the New Northern Ireland Assembly were notified to the Presiding Officer by the Secretary of State for Northern Ireland in accordance with paragraph 10(1) of the Schedule to the Northern Ireland (Elections) Act 1998, and dealt inter alia with the Business of the Assembly and the election of a Presiding Officer and of the First and Deputy First Ministers.
2. At the first meeting of the Assembly on 1 July 1998, a motion relating to the establishing of a Committee to draw up draft Standing Orders was accepted. The terms of the motion were as follows:-

that in accordance with paragraph 15 of Initial Standing Orders, the Assembly shall establish a Committee whose terms of reference, quorum and composition are set out below.

Terms of Reference

To assist the Assembly in its consideration of Standing Orders and report to the Assembly by 14 September 1998.

Composition

UUP	4
SDLP	4
DUP	3
SF	3
All	1
UKU	1
PUP	1
NIWC	1

3. The Committee met for the first time on Monday 6 July 1998 and on 6 subsequent occasions to date. The Membership of the Committee is as follows:

Alliance Party	Mr S Close
Democratic Unionist Party	Rev Dr I Paisley MP MEP Mr N Dodds Mr G Campbell
NI Women's Coalition	Ms J Morrice
Progressive Unionist Party	Mr D Ervine
Sinn Fein	Mr C Murphy Mr F Molloy Mr J Kelly
Social Democratic and Labour Party	Mr S Farren Mr D Haughey Ms B Rodgers Mr E McGrady MP
UK Unionist Party	Mr R McCartney QC MP
Ulster Unionist Party	Mr P Weir Mr M McGimpsey Mr D S Dalton Mr F Cobain

4. The formal Rules of Procedure implemented by the Committee are those set out in paragraph 15 of the Initial Standing Orders of the Assembly. In addition, at the first meeting held on 6 July 1998, the Committee agreed:

- that parties should be permitted to appoint a substitute, who must be an Assembly Member, to stand in for an appointed Committee Member who is unable to attend a meeting of the Committee;
- that such a Member should be permitted to speak and vote;

- that the Assembly Secretariat should be given at least 1 hour's notice of any substitution;
 - that parties should be permitted to appoint one observer who must be an Assembly Member to attend a meeting of the Committee in a non-speaking and non-voting capacity to facilitate continuity;
 - that the Assembly Secretariat should be given at least 1 hour's notice of the proposed attendance of an observer at any Committee Meeting.
5. In addition, at a meeting held on Monday 24 August 1998, the Committee agreed that observer status should be accorded to the group of three Independent Members.
 6. Mr M Barnes, Second Clerk (Business) acted as Clerk to the Committee, assisted by Mr D Arnold.

STANDING ORDERS

7. On embarking on its examination of Standing Orders, the Committee obtained the Standing Orders of a number of Parliaments and legislatures, including the House of Commons at Westminster and Dail Eireann, to use as a guide. Following discussion, the Committee decided to use the Standing Orders drawn up for the use of the 1973 Northern Ireland Assembly as a base on which to build, and to consider how these Standing Orders could be amended and augmented to meet the requirements of the present Assembly. In approaching its work, the Committee took note of the fact that legislative and executive Authority will not be devolved until it appears to the Secretary of State that sufficient progress has been made in implementing the Belfast Agreement.
8. To date, the Committee has considered eleven Standing Orders, agreeing 7 with 4 to be given further consideration. A list of the Standing Orders considered to date is attached at Annex A.

9. It is the Committee's intention to proceed with its consideration of Standing Orders, with a view to presenting to the Assembly at the earliest opportunity a complete package of Standing Orders which will reflect not only the views of the Committee, but the content of the Northern Ireland Bill once this becomes law.

10. Having commenced its examination of Standing Orders on the basis outlined above, the Committee took delivery of a letter dated 17 August 1998 from the Private Secretary to the Secretary of State which enclosed draft additional Initial Standing Orders. It was explained in this letter that the draft additional Initial Standing Orders were prepared to provide a basis for consultation with the Assembly's Committee on Standing Orders on the development of additional Initial Standing Orders to enable the Assembly to proceed, for example, to the appointment - by the d'Hondt procedure, - of Ministers (designate) and the establishment of related Assembly Committees. It was pointed out in this letter that the Secretary of State was minded to make these additional Standing Orders, taking account of any comments the Committee has, before the Assembly's return on 14 September 1998. The Committee noted that the Minister of State, Mr Murphy, was available to consider any response the Committee wished to make.

11. Being conscious of the need to provide a quick response, the Committee met on 1 September 1998 to examine the proposed draft Additional Initial Standing Orders, and to prepare its response. This response was considered and agreed at a meeting of the Committee held on 8 September 1998 and was immediately forwarded to the Minister of State, Mr Murphy. A copy of this response is attached at Annex B.

D HAUGHEY

F COBAIN

JOINT CHAIRMEN

ANNEX A

REDRAFTED STANDING ORDERS

**NEW NORTHERN IRELAND ASSEMBLY
COMMITTEE ON STANDING ORDERS**

REDRAFTED STANDING ORDERS

NOTICE OF FIRST MEETING OF NEW ASSEMBLY

- Agreed
1. The Clerk to the Assembly (in these Standing Orders referred to as 'the Clerk') shall as soon as may be after a general election send to each Member a notice stating that a meeting of the Assembly will be held at the place and time specified therein.

PROCEDURE AT FIRST MEETING OF NEW ASSEMBLY

- Discussion needed on possible replacement for 'other' designation.
2. (1) At the first meeting of an Assembly after a dissolution, Members having met at the place and time appointed for that meeting –
- (a) The Clerk shall read the notice sent under Standing Order 1 convening the meeting; and
- (b) The Assembly shall then proceed to elect a Speaker in the manner provided by Standing Order [].
- (2) Members shall then take their seats by signing the Assembly's Roll of Membership and registering a designation of identity – Nationalist, Unionist or []. The arrangement for this shall be determined by the Speaker, and all Members shall have the opportunity to take their seats in the prescribed manner before any other formal business is conducted in the Assembly. In the event of a Member not being present, such Member shall sign later in the manner provided by Standing Order [].
- Discussion also needed on 'change of designation of identity'.
- (3) The decision of the Speaker as to whether a Member has taken his seat in accordance with sub-paragraph (2) shall be final.
- (4) A Member may change his or her designation of identity by giving seven days written notice to the Speaker. The Speaker shall immediately circulate the notice to all Members.
- (5) The Presiding Officer of the Assembly shall be called "Mr Speaker" or "Madam Speaker" and shall be so addressed by Members in all proceedings of the Assembly and shall be so designated in all official communications.

ELECTION OF SPEAKER

3. (1) When a Quorum is present, the election of a Speaker shall be proceeded with in the manner specified in the following paragraphs of this Standing Order.
- (2) Any Member, addressing himself to the outgoing Speaker or in his or her absence to the Clerk, may propose a candidate (a Member whether or not present) to the Assembly for their Speaker and move "That Be Speaker of this Assembly", which motion shall require to be seconded and to be followed by a statement (which may be given orally or in writing) from the Member proposed and seconded that nomination is accepted.
- (3) When a candidate is proposed and seconded and has accepted nomination, the outgoing Speaker or in his or her absence, the Clerk shall then ask "Is there any further proposal?" and –
- (a) If there is no further proposal the outgoing Speaker or in his or her absence, the Clerk shall say "the time for proposals has expired" and a debate relevant to the election may then take place in which no Member shall speak more than once.
- (b) If more than one candidate is proposed and seconded as Speaker and has signified that he or she accepts nomination, the outgoing Speaker or in his or her absence the Clerk shall after each proposal has been made and seconded and the nomination has been accepted say "Is there any further proposal?" and if there is no further proposal the outgoing Speaker, or in his or her absence the Clerk shall say "the time for proposals has expired", and a debate relevant to the election may then take place in which no Member shall speak more than once.
- (4) Upon the conclusion of the debate, or if there is no debate, the outgoing Speaker or in his or her absence the Clerk shall put the question "that (being the only candidate proposed, or the candidate first proposed) be Speaker of this Assembly", voting on the question being conducted in accordance with Standing Order [].
- (5) If the question be not carried, the required cross community support being absent, the outgoing Speaker or in his or her absence the Clerk shall put a similar question in relation to the second candidate proposed; whereupon if affirmed in the positive in accordance with Standing Order [], that candidate shall be declared by the outgoing Speaker or in his or her absence by the Clerk to be elected and shall forthwith take the chair; and this shall be done in relation to each candidate proposed as often as necessary until a candidate is chosen to be Speaker.

Agreed

Agreed

PROCEDURE WHEN OFFICE OF SPEAKER BECOMES VACANT

- Agreed 4. When a vacancy in the office of Speaker of the Assembly occurs, the Clerk shall report same to the Assembly at the opening of its next meeting and the Assembly shall as soon as may be proceed to elect a Speaker in the manner provided by Standing Order 3. Where there is no agreement on the election of a Speaker, meetings of the Assembly shall be chaired by the Deputy Speakers.

DEPUTY SPEAKERS

- Agreed 5. (1) The Assembly may on a motion made by the Speaker after notice, elect two Deputy Speakers [using the procedure set out in Standing Order 3] who shall, when the Speaker is absent or when called upon to do so by the Speaker, perform the duties devolved upon and exercise the authority conferred upon the Speaker by these Standing Orders.
- (2) When the Speaker is absent and no Deputy Speaker is present to take the Chair, the Assembly shall, if a quorum is present, at once proceed [in the manner provided by Standing Order 3] to elect one of its Members for that day only, or for such part of that day as the Speaker may be absent, to perform the duties devolved upon and exercise the authority conferred upon the Speaker by these Standing Orders. If there is not a quorum present, the Assembly shall stand adjourned until the next sitting day.
- (3) In the following Standing Orders, references to the Speaker shall, unless otherwise required, include a Deputy or temporary Speaker acting as Speaker under this Standing Order.

ROLL OF MEMBERS OF ASSEMBLY

- Agreed 6. (1) There shall be a Roll of Members of the Northern Ireland Assembly which shall in the presence of the Assembly, be signed by each Member, and in which each Member shall register a designation of identity - Nationalist, Unionist or [].
- (2) The Roll may be signed by a Member either following the election of the Speaker as provided by Standing Order 2(2), [or at any time during a sitting of the Assembly before public business has been entered upon or after it has been disposed of] but no debate or business shall be interrupted for that purpose.
- (3) Except during the debate on the election of a Speaker at the beginning of a new Assembly a member shall not speak until he or she has signed the Roll and registered a designation of identity.
- (4) For the purpose of paragraph [] of [] a Member shall be regarded as having taken his seat when he or she signs the Roll of Members.

OFFICE OF CLERK AND RECORDS OF THE ASSEMBLY

- Agreed
7. (1) All proceedings of the Assembly shall be noted by the Clerk and the minutes of proceedings after being perused and signed by the Speaker, shall be printed and shall constitute the Journal of the Proceedings of the Assembly.
 - (2) The Clerk shall have custody of all Journals of Proceedings, records and other documents belonging to the Assembly.
 - (3) During any vacancy in the office of Clerk or in his absence the functions and duties of the Clerk shall be exercised and performed by a Clerk Assistant or if there is a vacancy in that office also or he or she is also absent, by a second Clerk.

QUORUM

- Agreed
8. (1) The quorum of the Assembly shall be ten Members including the Speaker.
 - (2) If at any time, the attention of the Speaker is directed to the fact that a quorum is not present, he or she shall order [the division bells to be rung] [an announcement to be made] and if at the expiration of three minutes a quorum be not present, he or shall adjourn the Assembly without question put, but if a quorum is then present it shall not be in order to draw the attention of the Speaker to the absence of a quorum for a period of one hour from that time.

9. **SITTINGS AND ADJOURNMENTS** }
10. **EARLIER MEETING OF THE ASSEMBLY** } To be addressed later
11. **ADJOURNMENT DEBATES** }

MEMBERS' INTERESTS

12. (1) [As required by Clause 35 of the Northern Ireland Act 1998], a register of Members' interests shall be established, published and made available for public inspection in the Assembly Library.
- (2) The register shall list the following categories of Members interests:
 - (a) Consultancies, or any similar arrangements whereby Members accept payment or other incentive or reward for providing Assembly advice or services;
 - (b) Any financial interest of Members in business involved in Assembly lobbying on behalf of Clients; and

Further
discussion
required

- (c) Any other particulars which Members wish to register relating to matters which they consider may affect the public perception of the way in which they discharge their Assembly duties.
- (3) A Member with a financial interest (or any other interest as specified in Standing Order 12 (2)) shall declare that interest before taking part in any proceedings of the Assembly, which relate to that matter.
- (4) A Member of the Assembly shall be prohibited from
 - (a) Advocating or initiating any cause or matter on behalf of any person, by any means specified in the Standing Orders of the Assembly, in return for payment or benefit in kind.
 - (b) Urging another Member to advocate or initiate a cause in such circumstances.
- (5) [A Member who fails to comply with or contravenes any provision made under Standing Orders 12(1) to 12(4), shall be excluded from the proceedings of the Assembly for a period defined by the Speaker, who may also withdraw his or her rights or privileges as a Member for the period of exclusion].
- (6) A Member of the Assembly who –
 - (a) takes part in any proceedings of the Assembly without having complied with or in contravention of Standing Orders 12(1) to (3); or
 - (b) contravenes any provision made in Standing Order 12(4)
 is guilty of a criminal offence, and is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

DELAYING MOTIONS

Further discussion required

13.

BUSINESS OF THE ASSEMBLY

Further discussion

- 14.(1) An Order Paper shall be prepared by the Clerk for each sitting day showing the business to be placed before the Assembly together with such other information as the Speaker may from time to time direct.
- (2) The business of the Assembly shall be transacted in the following order:

Further
discussion
required

1. Private Business
2. Messages from Her Majesty the Queen
3. Messages from the Secretary of State for
Northern Ireland
4. Announcement by the Speaker
5. Questions
6. Private Notice Questions
7. Statements by Ministers
8. Introduction of Bills
9. Motions relating to the setting up of Committees
10. Motions relating to Public Business
11. Public Business

ANNEX B

- 1. SECRETARY OF STATE'S ADDITIONAL INITIAL
STANDING ORDERS**
- 2. COMMITTEE ON STANDING ORDERS RESPONSE
TO MINISTER OF STATE**

5 AUGUST 1998

DRAFT ADDITIONAL STANDING ORDERS

A: PUBLICATION OF PARTY LISTS AND THE NAMES OF 'NOMINATING OFFICERS'

- (1) By reference to the Assembly Roll the Presiding Officer shall cause to be drawn up a list showing the members of each political party represented in the Assembly together with the name of the "nominating officer" for each party. The Presiding officer shall then circulate this list.
- (2) In these Standing Orders "nominating officer":
 - (a) in relation to a registered political party, means the registered nominating officer or an officer nominated by him for the purposes of these Standing Orders;
 - (b) in relation to any other political party, means the person who appears to the Presiding Officer to be the leader of the party, or an officer nominated by that person for the purposes of these Standing Orders.

B: APPOINTMENT OF MINISTERS (DESIGNATE)

- (1) Subject to paragraphs (2) and (3) below:
 - (a) the number of Northern Ireland Ministers (designate); and
 - (b) the portfolios of each such Minister (designate),shall be such as are proposed by the First Minister (designate) and the Deputy First Minister (designate) acting jointly.
- (2) A proposal under paragraph (1) above shall not have effect unless it is approved by a resolution of the Assembly passed with cross-community support.
- (3) The number of Northern Ireland Ministers (designate) shall not exceed 10.
- (4) Once any such proposals have been approved by the Assembly on a cross-community basis the Presiding Officer shall, at the immediately following meeting of the Assembly, supervise the allocation of Ministerial (designate) posts in accordance with the following procedure.
- (5) The nominating officer of the political party for which the formula in paragraph (10) gives the highest figure may select a Ministerial office

(designate) and nominate a person to hold it who is a member of the party and of the Assembly.

- (6) If the nominating officer declares that he will make no nominations his party shall be disregarded for the purposes of the remainder of this procedure.
- (7) Immediately a nomination has been made the Presiding Officer shall ask the member whether he is willing take up the post and, if he is willing, to affirm the commitments at paragraph (13).
- (8) If a person nominated under paragraph (5) or this paragraph does not take up the Ministerial office (designate) within 5 minutes, the nominating officer may nominate another person to hold the office who is a member of the party and of the Assembly.
- (9) If a nominating officer does not exercise the power conferred by paragraph (5) or (8) within 5 minutes, the power conferred by paragraph (5) shall become exerciseable by the nominating officer of the political party for which the formula in paragraph (11) gives the next highest figure.
- (10) Paragraphs (5), (7), (8) and (9) shall be applied as many times as may be necessary to secure that each of the Ministerial offices (designate) is filled.
- (11) The formula is:

$$\frac{S}{I + M}$$

where S is the number of seats in the Assembly which are held by members of the party, and

M = the number of Ministerial posts (designate) (if any) which are held by members of the party.

- (12) Where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the last general election of members of the Assembly.
- (13) A Northern Ireland Minister (designate) shall not take up office until he has affirmed to the Assembly his or her:
 - (a) commitment to non-violence and exclusively peaceful and democratic means;

- (b) opposition to any use or threat of force by others for any political purpose;
- (c) commitment to work in good faith to bring into being the arrangements set out in the Agreement reached in the multi party negotiations on 10 April 1998; and
- (d) commitment to observe the spirit of the Pledge of Office at Annex B to these Orders

If the member does not do so the nomination shall be void and the Presiding Officer shall invite the nominating officer to nominate another person to hold the office who is a member of the party and of the Assembly in accordance with paragraph (8).

- (14) The holding of office as First Minister (designate) or Deputy First Minister (designate) shall not prevent a person being nominated to hold a Ministerial office (designate).
- (15) A Northern Ireland Minister (designate) shall cease to hold office if:
 - (a) he resigns by notice in writing to the First Minister (designate) and the Deputy First Minister (designate);
 - (b) he ceases to be a member of the Assembly.
 - (c) he is dismissed by the nominating officer who nominated him (or his successor) and the Presiding Officer is notified of his dismissal.
- (16) Where a Ministerial office (designate) is vacant, the vacancy shall be filled by applying paragraphs (5) to (13) within 10 days.
- (17) Where:
 - (a) the Assembly has resolved under paragraph (D)(2) of these Standing Orders that a political party does not enjoy its confidence; and
 - (b) the party's period of exclusion has not come to an end, the party shall be disregarded for the purposes of paragraphs (5) to (13) as applied by paragraph (16).

C: ESTABLISHMENT OF SHADOW "STATUTORY" COMMITTEES

- (1) As soon as practicable after the appointment of the Ministers (designate) the Presiding Officer shall supervise the establishment of Shadow "Statutory" Committees and the allocation of Committee Chairmanships and Deputy Chairmanships to parties in accordance with the following procedure.

- (2) A Committee of the Assembly shall be established in relation to the portfolio of each Minister (designate). Each Committee shall consist of one Chairman, one Deputy Chairman and seven members.
- (3) By reference to the consolidated list of political parties and their members referred to in Standing Order A (1) above, the Presiding Officer shall calculate each party's quotient for the purpose of this Standing Order by applying the formula

$$\frac{S}{I + C}$$

where S is the number of seats in the Assembly which are held by members of the party, and

C is the number (if any) of Chairmen or Deputy Chairmen of Committees established under this Standing Order who are members of the party

Where two or more parties have an identical quotient they shall be ranked by applying the formula

$$\frac{V}{I + C}$$

where V is the total number of first preference votes cast for the party in the elections to the Assembly, and

C has the same meaning as above.

- (4) The Presiding Officer shall then invite the nominating officer of the party with the largest quotient to nominate a member of that party who is a member of the Assembly to be Chair or Deputy Chair of one of the committees referred to in paragraph (2) above; and to specify which committee that member is nominated to chair or to serve on as Deputy Chair as the case may be.
- (5) If the power conferred by paragraph (4) is not exercised within 5 minutes, the power shall be exercisable instead by the nominating officer of the political party for which the formula in paragraph (3) gives the next highest figure.
- (6) Paragraphs (4) and (5) shall be applied as many times as may be necessary to secure that a chairman and deputy chairman are nominated for each of the shadow statutory committees taking account of each appointment made in calculating the size of parties and disregarding any party which declines to make a nomination, until all the Committee Chairmanships and Deputy Chairmanships have been allocated.

- (7) A Minister (designate) may not be the Chairman or Deputy Chairman of a Statutory Committee. In making a selection under the provision made by virtue of paragraph (4), a nominating officer shall prefer a committee in which he does not have a party interest to one in which he does.
- (8) For the purposes of paragraph (7) a nominating officer has a party interest in a committee if it is established to advise and assist a Northern Ireland Minister (designate) who is a member of his party.
- (9) If a nomination is made, the Presiding Officer shall announce and confirm the appointment.
- (10) No person may be nominated to serve as a Chair or Deputy Chair of a Committee if they have already been appointed as a Chair or Deputy Chair of a Committee.
- (11) Within one week of the establishment of the Committees referred to in paragraph (2) the Presiding Officer shall appoint members to serve on each Committee ensuring that regard is had to the balance of parties in the Assembly.
- (12) The nominating officer of a party may at any time nominate a different member of the party to replace a Chair or Deputy Chair of a Committee established under paragraph 2 who is a member of that party and shall nominate such a replacement within 10 days if a Chair or Deputy Chair of a Committee who is a member of the party resigns or ceases to be a member of the Assembly other than by dissolution of the Assembly. Any such nomination must comply with paragraphs (7) and (8). Any such nomination shall be announced and confirmed by the Presiding Officer at the next following meeting of the Assembly.

D: EXCLUSION OR REMOVAL FROM OFFICE

- (1) If the Assembly resolves that a Minister (designate) no longer enjoys the confidence of the Assembly:
 - (a) because he is not committed to non-violence and exclusively peaceful and democratic means; or
 - (b) because of any other failure of his to observe the affirmations made on taking up office at paragraph B(13),he shall be excluded from holding office as a Minister (designate) for a period of twelve months beginning with the date of the resolution.
- (2) If the Assembly resolves that a political party does not enjoy the confidence of the Assembly:

(a) because it is not committed to non-violence and exclusively peaceful and democratic means; or

(b) because of any likely failure of its members who are or might become Ministers (designate) to observe the affirmations required under paragraph B(13),

members of that party shall be excluded from holding office as Ministers (designate) for a period of twelve months beginning with the date of the resolution.

- (3) The Assembly may, before a period of exclusion comes to an end, resolve to extend it for twelve months beginning with the date of the resolution.
- (4) A period of exclusion shall come to an end if the Assembly resolves to bring the exclusion to an end.
- (5) A motion for a resolution under paragraphs (1), (2) or (3) shall not be moved unless:
 - (a) it is supported by at least 30 members of the Assembly; or
 - (b) it is moved by the First Minister and the Deputy First Minister acting jointly.
- (6) A resolution under Section D of these Standing Orders shall not be passed without cross-community support.
- (7) The Presiding Officer may disregard any such motion for a resolution under paragraphs (1) and (2) if it appears to him to have the same effect as a motion which has been defeated within the previous [6 months] and no new relevant and substantive arguments are presented to him to justify inviting the Assembly to consider the issue afresh.
- (8) After due notice (and subject to paragraph (5)) any motion of the kind referred to in paragraphs (1) and (2) shall be debated in the Assembly. The Presiding Officer shall ensure that the person moving the motion and the member, or leader of the party, who would be excluded have full opportunities to present their case and to reply to any arguments presented by the other side.
- (9) Where a member is removed from office the Presiding Officer shall, as appropriate:
 - (a) if that member was the First Minister (designate) or Deputy First Minister (designate) arrange for an election to be held under standing order 14 of the Assembly's Initial Standing Orders as soon as practicable;

(b) if that member was a Minister (designate) the Presiding Officer shall arrange for the vacancy to be filled in accordance with paragraph B(16).

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Mr Paul Murphy MP
Minister of State
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BELFAST

8 September 1998

Dear Mr Murphy

At a meeting of the Assembly Committee on Standing Orders held on Tuesday, 1 September 1998, consideration was given to the draft Additional Standing orders forwarded to the Committee with Mr Lindsay's letter dated 17 August 1998. The Committee noted that the Secretary of State is minded to make these Additional Standing Orders, taking account of any comments the Committee has, before the Assembly's return on 14 September.

The Committee's comments on the draft Additional Standing Orders are contained in the attached paper. For completeness and to give you a flavour of the Committee's discussions, the Minutes of Proceedings of the meeting are also attached.

It is also the Committee's expectation that it will be given the opportunity to consider any amendments to the Northern Ireland Bill and to reflect these, as appropriate, within draft Standing Orders.


MR D HAUGHEY


MR F COBAIN

JOINT CHAIRMEN
(Committee on Standing Orders)

Encs.

SECRETARY OF STATE'S
DRAFT ADDITIONAL STANDING ORDERS

A: PUBLICATION OF PARTY LISTS AND THE NAMES OF 'NOMINATING OFFICERS'

Discussion within the Committee on draft Additional Standing Orders A(1) and (2) centred on the lack of definition of 'political party'. A proposal was made by Mr McCartney, seconded by Ms Morrice to amend draft Additional Standing Order A(1)(b) to read as follows:

(b) 'in relation to any other group declaring itself to be a political party within the Assembly, means the person who appears to the Presiding officer to be the leader of the group, or an officer nominated by that person for the purposes of these Standing Orders'

A vote on this proposal produced 7 Members voting in favour and 3 Members voting against, the votes in each category being cross-community.

In these circumstances, the Chairman concluded that there did not appear to be consensus within the Committee, however it was agreed that the Secretary of State should be asked to give consideration to the need to define the meaning of 'political party' in this draft Additional Standing Order.

The Committee's attention was drawn to the Presiding Officer's letter to the Minister dated 25 August, in which he suggested the introduction of an additional paragraph clarifying his position. Following discussion, the Committee agreed that the amendment proposed by the Presiding Officer should be adopted and implemented.

B. APPOINTMENT OF MINISTERS (DESIGNATE)

Concern was expressed within the Committee that under the draft Additional Standing Orders no opportunity exists for an amendment to be made to a proposal by the First Minister (Designate) and the Deputy First Minister (Designate) in relation to the number of Northern Ireland Ministers (Designate) and the portfolio of each such Minister (Designate). The general view of the Committee was that the Assembly should have the ability not only to pass or to reject such a proposal but also where necessary should have the explicit ability to put forward amendments which would, of course, require cross-community support to succeed.

A proposal to amend draft Additional Standing Order B(2) as follows was agreed, 10 Members voting for and 6 against. Once again the votes in each category were cross-community:

after 'a proposal in paragraph (1) above' insert
'or any amended proposal'.

It was also pointed out a consequential amendment to existing Rule 12 of Initial Standing Orders would be necessary to reflect a cross community requirement.

In draft Additional Standing Order B(8), some Members of the Committee found: the time limit of 5 minutes for acceptance of Ministerial Office by a nominated Member to be offensive. It was pointed out that nominees could be incapacitated for whatever reason and therefore be unavailable to attend the Assembly while being willing to accept office. Amendment of this draft Additional Standing Order to permit some leeway was therefore considered necessary, the Committee agreeing that draft Additional Standing Order B(8) should be amended as follows:

'If a person nominated under paragraph (5) or this paragraph does not take up the Ministerial office (designate) within 5 minutes (except in circumstances where the member is unavoidably absent for reasons acceptable to the Assembly or where a nominating officer seeks the adjournment of the Assembly for a reasonable period of time), the nominating officer may nominate another person to hold the office who is a member of the party and of the Assembly'

The Committee also considered that any amendment of draft Additional Standing Order B(8) to take account of the views expressed above, should be carried forward into draft Additional Standing Order B(9), this being amended to read as follows:

'If a nominating officer does not exercise the power conferred by paragraph 5 or 8 within 5 minutes, except in circumstances outlined in paragraph 8, the power conferred by paragraph 5 shall become exercisable by the nominating officer of the political party for which the formula in paragraph (ii) gives the next highest figure'

The Committee noted that the principles of the re-drafted Additional Standing Orders will also be applicable elsewhere - eg draft additional Standing Order C (5).

The Committee considered that for the sake of clarity, draft Additional Standing Order B(16) should be amended as follows:

After 'paragraphs (5) to (13)' in line 2, add
' , as appropriate,'

C: ESTABLISHMENT OF SHADOW 'STATUTORY' COMMITTEES

In addressing draft Additional Standing Order C(3), the Committee expressed concern that the formula definition for 'C' viz

'C is the number (if any) of Chairmen or Deputy Chairmen of Committees established under this Standing Order who are Members of the Party.'

raised doubts about the method of selection for posts of Chairmen and Deputy Chairmen, eg are separate selection processes invoked for Chairmen and for Deputy Chairmen, or is one process invoked which deals with both?

The Committee's interpretation is that the Presiding officer would treat Chairmen and Deputy Chairmen as a single group for the purpose of selection, and to clarify this, the Committee agreed that paragraph 2 of draft Additional Standing Order C(3) should be amended to read as follows:

'C is the number (if any) of Chairs and Deputy Chairs of Committees established under this Standing Order which are held by Members of the party.'

The Committee also noted that there was inconsistency in drafting between draft Additional Standing Order B(12) (the appointment of Ministers where the formula produces two or more political parties which are equal) and draft Additional Standing Order C(3) (the appointment of Chairmen in similar circumstances). The Committee agreed that to be consistent, draft Additional Standing Order C(3) should be further amended to read as follows:

'..... where V is the total number of first preference votes cast for the party at the last general election of Members of the Assembly.'

D: EXCLUSION OR REMOVAL FROM OFFICE

In discussing this section of the draft Additional Standing Orders the Committee noted that it was silent on the need for a Minister (Designate) who was excluded from office for a period of 12 months and who was being re-nominated for office by his party, to be required to make a further affirmation to the Assembly as required under draft Additional Standing Order B(13).

The Committee agreed that such a requirement should be explicit and also therefore agreed the addition of a new draft Additional Standing Order D(2) as follows:

'(2) If after the relevant period of exclusion set out in (1) the person excluded is re-nominated for Ministerial office by his party, he/she shall not take up office until he/she has made the affirmation required in draft Additional Standing Order B(13).'

It follows that the remaining draft Additional Standing Orders in Section D will, as a result of this amendment, require re-numbering.

With regard to draft Additional Standing Order D(5) the Committee noted that as it stands, it does not reflect the content of Clause 23(5) of the Northern Ireland Bill, omitting to give the Presiding Officer the power to move a motion under paragraphs (1) to (3) in pursuance of a notice from the Secretary of State. The Committee agreed that for completeness, this draft Additional Standing Order should be amended as follows:

add new sub-paragraph 5(c)

'or (c) it is moved by the Presiding Officer in pursuance of a notice from the Secretary of State requiring him to move a motion for such a resolution.'

The Committee, in examining draft Additional Standing Order D9(a) which deals with the arrangements for election in the event of the First Minister (Designate) or the Deputy First Minister (Designate) being removed from office, agreed that such an election should take place within a finite time frame, and suggested the period of 10 days (as applied to a Ministerial vacancy in draft Additional Standing Order B(16)).

Further, with regard to the First Minister (Designate) and the Deputy First Minister (Designate), the Committee agreed that the Secretary of State's attention should be directed to the need to provide for arrangements to cover the period between either of these offices being vacant for any reason and the election of replacements.

THE NEW NORTHERN IRELAND ASSEMBLY

COMMITTEE ON STANDING ORDERS

MINUTES OF PROCEEDINGS

Monday 24 August 1998 at 10.30 am
in Long Gallery, Parliament Buildings

Present:

Mr P Weir	
Mr D S Dalton	
Mr F Cobain	
Mr M McGimpsey	
Mr S Farren	
Mr E McGrady MP	
Mr N Dodds	
Mr P Berry	(representing Mr G Campbell)
Mr J Wells	(representing Rev Dr I Paisley MP MEP)
Mr C Murphy	
Mr S Close	
Mr N Boyd	(representing Mr R McCartney QC MP)
Ms J Morrice	
Mr D Ervine	
Mr A Attwood	(representing Mr D Haughey)
Mr E O'Neill	(representing Mrs B Rodgers)
Mr D Watson	(see item 2 below)

In the Chair: Mr F Cobain

In attendance: Mr M Barnes and Mr D Arnold

1. ROLL CALL

At the request of the Chairman, Mr Barnes called the roll and marked Members present, noting those who were acting as substitutes in accordance with the agreement on this issue.

The Committee also agreed that on this occasion Mr Attwood and Mr O'Neill should be allowed to substitute respectively for Mr Haughey and Mrs Rodgers. It had not been possible, in this case, to meet the usual notification requirements established at the first meeting of the Committee.

2. OBSERVER STATUS ON THE COMMITTEE FOR A REPRESENTATIVE OF THE INDEPENDENT MEMBERS

The meeting agreed that observer status would be accorded to the group of three Independent Members and Mr Denis Watson was duly admitted as their representative on this occasion.

3. **LETTER FROM SECRETARY OF STATE**

It was agreed that the letter from the Secretary of State's Private Secretary of 17/8/98 be examined in detail at the next meeting of the Committee.

4. **CONSIDERATION OF STANDING ORDERS**

The Committee proceeded to consider the paper under cover of the minute of 10/8/98 from Mr Carson.

Mr Ervine joined the meeting.

Rule No 2(2) **Designation of Identity**

Agreed: That the Committee would return to the issue of the 'Other' designation at a later date.

Mr Murphy, Ms Morrice and Mr McGrady joined the meeting.

Rule No 2(4) **Change of Designation**

Agreed: The Committee would revisit the issue in the future.

Rules 9, 10 & 11

Agreed: That these be addressed later.

Rule 12(2)(a-c)

Agreed: That the Second Clerk would come back with advice.

Rule 12(5)

Agreed: That the Committee would discuss this Rule at a later stage.

Rule 13

Agreed: To discuss later.

Rule 14

Mr Barnes reported that the Scottish and Welsh Assemblies had not yet addressed the issues raised in this Standing Order.

Agreed: That the Order of Business be revisited again.

Other Rules

Agreed: All other rules in the document of 10/8 are accepted without amendment.

5. **FORMS OF ADDRESS OF MEMBERS**

There was a general discussion on the forms of address for Members both in relation to how they address each other and how others address them.

Agreed: That this issue be revisited again.

6. **LETTER FROM PRESBYTERIAN CHURCH – OPENING MEETINGS WITH PRAYERS**

A letter from Dr John Dunlop Co-convenor of the Church and Government Committee of the PCI was circulated to Members.

Agreed: That the contents be reflected upon and dealt with at the next meeting.

7. **ANY OTHER BUSINESS**

7.1 **Minutes of Proceedings**

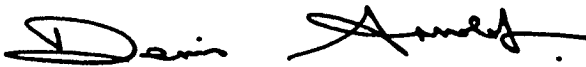
It was agreed that a copy of the minutes of proceedings be deposited in the Library.

7.2 **DATE, TIME AND VENUE OF NEXT MEETING**

Agreed: That the next meeting should take place on Tuesday 1 September 1998 at 10.30 am in Room 144, Parliament Buildings.

7.3 **ADJOURNMENT**

The meeting was closed 11.50 am.



 MURRAY BARNES
Second Clerk (Business)

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ANNEX C

COMMITTEE ON STANDING ORDERS

MINUTES OF PROCEEDINGS

TUESDAY, 8 SEPTEMBER 1998

THE NEW NORTHERN IRELAND ASSEMBLY

COMMITTEE ON STANDING ORDERS

MINUTES OF PROCEEDINGS

Monday 8 September 1998 at 10.30 am
In Room 144 Parliament Buildings

Present: Mr P Weir
Mr D S Dalton
Mr McGimpsey
Mr S Farren
Mr N Dodds
Mr G Campbell
Rev Dr I Paisley MP MEP
Mr C Murphy
Mr F Molloy
Mr J Kelly
Mr S Close
Mr R McCartney QC MP
Ms J Morrice
Mr D Ervine
Mrs B Rodgers
Mr D Haughey

Observers: Mr D Watson
Mr N Boyd

In the Chair: Mr F Cobain

In attendance: Mr M Barnes and Mr D Arnold

ROLL CALL

The Chairman marked Members present noting those who were acting as observers in accordance with the agreement on this issue. There were no substitutes on this occasion.

MINUTES

The minutes of the 1/9/98 were accepted and agreed.

COMMITTEE RESPONSE TO MINISTER OF STATE ON ADDITIONAL STANDING ORDERS

Members went through the draft documents prepared for the Minister of State in relation to additional Standing Orders paragraph by paragraph and the following changes were made:

- Covering letter to be amended to include reference to Standing Orders arising from amendments to the Northern Ireland Bill.
- Two references to "cross party" on page 1 of the response to read "cross community"

- Resolved:
- That the report as drafted and amended by the Committee be the draft report of the Committee, and that the draft report should be submitted to the Assembly on 14 September 1998.
 - That various documents, including the Minutes of Proceedings of the meeting held on 8 September, be attached to the draft report as annexes.

VOTING IN COMMITTEE

It was agreed that votes taken in this committee will be recorded by party.

PRAYERS LETTER FROM PRESBYTERIAN CHURCH

Following the letter from the Presbyterian Church the question of prayers in the Assembly was considered. It was agreed that, as for the Forum, prayers should consist of two minutes silent prayer or reflection

SITTINGS AND ADJOURNMENTS

Members expressed a variety of views on sittings and adjournments but no decisions were taken at this stage.

MODE OF ADDRESS AND DESIGNATION OF MEMBERS

It was considered that the following formula "Assembly member Jones, North Belfast" merited further consideration.

It was agreed that this issue including the question of Designation of Members would be revisited in the future.

MODERNISATION COMMITTEE

It was agreed that it would be helpful for the Committee to obtain documents issued by the Modernisation Committee at Westminster.

COMMITTEE OFFICIALS

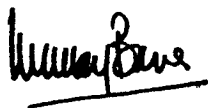
Following explanation from the acting clerk (Mr Barnes) it was formally agreed that the Committee officials would be Mr M Barnes and Mr D Arnold.

DATE, TIME AND VENUE OF NEXT MEETINGS

Agreed: That the next meeting should take place on Wednesday, 16 September at 10.30 am in Room 144, Parliament Buildings and that there would be two meetings in the following week.

ADJOURNMENT

The meeting was closed at 12 noon.

A handwritten signature in cursive script, appearing to read 'Murray Barnes', is written over a horizontal line.

MURRAY BARNES
Second Clerk (Business)