



**Northern Ireland  
Assembly**

**Committee on Procedures**

# **Legacy Report 2011 - 2016**

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## **COMMITTEE ON PROCEDURES**

### **Legacy Report 2011 – 2016**

#### **Remit and Powers**

1. The Committee on Procedures (the Committee) is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Order 54.
  
2. The Committee has the power to:
  - Consider and review on an ongoing basis the Standing Orders and procedures of the Assembly;
  - Initiate inquiries and publish reports;
  - Republish Standing Orders annually; and
  - Call for persons and papers.

#### **Membership**

3. The Committee has eleven Members including a Chairperson and Deputy Chairperson and a quorum of five. The current membership of the Committee is as follows:

Mr Gerry Kelly (Chairperson)

Mr Trevor Clarke (Deputy Chairperson)

Mr Jim Allister

Mr Samuel Gardiner

Mr Paul Givan

Mr Kieran McCarthy

Mr Barry McElduff

Mr Oliver McMullan

Mr Adrian McQuillan

Mr Alban Maginness

Mr George Robinson

See **Annex A** for changes in membership during the mandate.

## Approach to undertaking its work

4. The Committee carried out six inquiries or reviews, taking oral and written evidence from a range of people and organisations, and commissioning research. Where appropriate, the services of a legislative draftsman were procured to prepare draft amendments to Standing Orders.

## Achievements

5. Apart from minor and technical changes, amendments to Standing Orders must be agreed by cross-community vote in the Assembly. Consequently, the majority of the Committee's output must be agreed by the Assembly before implementation. During the mandate 29 amendments to Standing Orders were agreed, and it is anticipated that a further eight motions will be agreed in plenary on 14 March 2016. A number of minor technical and grammatical amendments were also made to Standing Orders.
6. The Committee considered a range of issues during the mandate and what follows is a summary of the main achievements.

## Inquiries/Reviews

### Topical Questions

7. In 2012 the Committee initiated an inquiry into whether the introduction of a system for asking Topical Questions of Ministers was appropriate and, if so, how could it best be done. [The Committee concluded](#) that a facility for asking Topical Questions should be introduced, and Topical Question Time commenced in September 2013.
8. The Committee conducted a comprehensive [review of the Topical Questions process](#) in 2014, and concluded that Topical Question Time was perceived to have provided a valuable additional opportunity to hold Ministers and departments to account and should be retained largely unchanged.

### Review of the Business Week

9. In 2013/14 the Committee carried out a [Review of the Current Organisation of the Business Week of the Assembly](#). The review looked at whether opportunities existed to

not only enhance Assembly effectiveness but also further its family friendly aspirations through better use of time during the normal business week.

10. The Committee concluded that the existing model of the business week in the Assembly is fit for purpose and recommended that no changes be made to the current organisation of the business week.

### **Attorney General participation in proceedings of the Assembly**

11. The Committee conducted an inquiry into “the extent to which Standing Orders should permit the Attorney General for Northern Ireland (AGNI) to participate in proceedings of the Assembly”. The aim of the inquiry was to inform the Committee on how best to interpret the existing legislation into Standing Orders; the extent to which the AGNI should be enabled to participate and how it could best be done.
12. The Committee agreed to publish the inquiry report in two parts. Part 1 of the report included all areas except Statutory Rules laid by the AGNI, and [the Committee's report on Part 1 of the inquiry](#) was approved by the Assembly in March 2015.

### **Review of Public Petitions Procedures**

13. In 2014/15 the Committee conducted a [Review of the Public Petitions Procedures in the Assembly](#). The aim of the review was to examine the effectiveness of current procedures and to consider if a revised system of public petitions, including an e-petitions process, should be introduced to the Assembly.
14. The Committee concluded that the existing process was well understood and effective and that it should be retained. However, it also agreed that its impact would be broadened and enhanced by the introduction of an e-petitions process.
15. The Committee's report on the Review of Public Petitions Procedures was approved by the Assembly in March 2016, and it included a recommendation that an implementation date of no earlier than September 2016 would be appropriate.

## **Principal Deputy Speaker**

16. The first item of business undertaken by the Committee was an inquiry into the creation of the post of Principal Deputy Speaker. On 16 May 2011, the Assembly agreed the following motion: “*That this Assembly agrees that there shall be a Principal Deputy Speaker and directs the Committee on Procedures, as its first priority, to table the necessary amendments to Standing Orders by 6 June 2011*”. Following [the inquiry](#), a new Standing Order 5A was drafted, setting out the process for appointing a Principal Deputy Speaker and the amendments were supported by the Assembly.

## **Review of Standing Orders and Procedures**

17. The Committee also reviewed a number of Standing Orders and procedures of the Assembly, and what follows is a summary of the main achievements.

### **Responses to Written Assembly Questions**

18. In September 2011 the Committee wrote to the Speaker, expressing its concerns about the poor performance of some departments in complying with the timescales for answering written Assembly Questions as set out in Standing Orders.

19. At the Committee’s request, the junior Ministers attended the Committee meeting in September 2012 to discuss the issues. The Committee wrote to the junior Ministers following the meeting, and the response advised that, in light of the concerns raised by Members at the meeting, the matter was raised at the Executive Committee meeting on 4 October 2012, when the importance of according such questions their due priority was emphasised.

### **Standing Order 27 – Voting (Divisions)**

20. The Committee agreed that Standing Order 27 should be amended to give the Speaker, after consultation with the Whips, discretion to dispense with the three minutes before putting the question a second time, where more than two divisions relating to the same subject were to be held in succession. The amendments to Standing Order 27 were supported by the Assembly.

## **Standing Order 42A – Legislative Consent Motions (LCMs)**

21. A key recommendation in the previous Committee's inquiry report into Legislative Consent Motions (LCMs) was that a Standing Order should be put in place to set out the procedure for dealing with LCMs. Following consideration of the matter, a new Standing Order (42A) was agreed by the current Committee and the amendments were supported by the Assembly.

## **Use of Electronic Devices in the Chamber**

22. The Committee considered the use of electronic devices in the Chamber and agreed that Members should be allowed to use hand held electronic devices in the Chamber such as iPads and Blackberries. The Speaker was advised of the Committee's decision and the House was informed accordingly.

## **Amending Bills after Further Consideration Stage**

23. The Committee considered the issue of whether the Assembly required a change to Standing Orders to enable a Bill, taken outside competence as a result of amendments made during its passage, to be brought back within competence after Further Consideration Stage and before Final Stage.
24. The Committee agreed that Standing Orders should be amended to provide for a new, narrowly defined amending stage (Exceptional Further Consideration Stage) to occur in limited circumstances after Further Consideration Stage and prior to Final Stage. A new Standing Order (37A) was agreed by the Committee and the amendments were supported by the Assembly.

## **Election of a Speaker during a mandate – Standing Orders 4 and 6**

25. Standing Orders 4 and 6 were silent on circumstances where an election of a new Speaker is desirable before the retirement of an outgoing Speaker comes into effect. The Committee agreed that a new Standing Order 4A should be inserted to address this, describing how the Speaker goes about resigning and clarifying the procedure for the election of a new Speaker during an Assembly term.
26. The Committee also agreed that Standing Order 6 should be amended to make it clear that an Acting Speaker would take the chair for an election to fill a vacancy in the Office

of Speaker. The amendments to Standing Orders 4 and 6 were supported by the Assembly.

### **Fresh Start and provisions for Opposition**

27. One of the final pieces of work of the Committee was to establish whether, and if so, the nature of any amendments needed to Standing Orders to facilitate the outworking of the “Fresh Start - the Stormont Agreement and Implementation Plan”. It also considered how these may be affected by or interact with legislation moving through the House which sought to make provision for an Official Opposition.
28. Key issues that were considered were the undertaking by Members in the new Assembly before taking up their seats and provisions for an Official Opposition.

### **Issues and matters for an incoming Committee**

29. The incoming Committee may wish to give consideration to taking forward the following issues:
  - a) **Assembly and Executive Reform (Assembly Opposition) Bill** – Provision in Standing Orders
  - b) **Northern Ireland (Stormont Agreement and Implementation Plan) Bill** – Other issues e.g. Assembly consideration of budget and Programme for Government
  - c) **Hybrid Bills** – Consideration of draft amendments to Standing Orders
  - d) **Review of Public Petitions Procedures report** (approved by the Assembly on 1 March 2016) – Preparation of draft amendments to Standing Orders to implement the recommendations in the report
  - e) **Conduct a review of the new e-petitions process**
  - f) **Part 1 of the inquiry into “the extent to which Standing Orders should permit the Attorney General for NI to participate in proceedings of the Assembly”** (approved by the Assembly on 16 March 2015) – Consideration of draft amendments to Standing Orders to implement the recommendations in Part 1 of the inquiry report
  - g) **Completion of Part 2 of the inquiry into the Attorney General participation in proceedings of the Assembly** (in relation to Statutory Rules)

- h) Review of Standing Order 70 – Privilege**
- i) Jurisdiction and powers of committees with regard to private organisations**
- j) Subsidiarity Monitoring** – Possible amendments to Standing Orders on completion of a review by the Committee for the Office of the First Minister and deputy First Minister
- k) Budget Scrutiny** – Possible amendments to Standing Orders on completion of the review into the budget scrutiny process by the Committee for Finance and Personnel

## **Changes in Committee membership during the mandate**

With effect from:

18 January 2016 Mr Adrian McQuillan replaced Lord Morrow

18 May 2015 Mr Paul Givan replaced Mr Sammy Douglas

8 December 2014 Mr Sammy Douglas replaced Ms Paula Bradley

16 September 2013 Ms Paula Bradley replaced Mr Mervyn Storey

1 October 2013 Mr Kieran McCarthy replaced Mr Chris Lyttle

21 January 2013 Mr Barry McElduff replaced Mr Phil Flanagan

10 September 2012 Mr Phil Flanagan replaced Ms Sue Ramsey

6 February 2012 Mr Gerry Kelly replaced Ms Sue Ramsey as Chairperson

## Committee on Procedures

## Committee meetings

Session	Number of meetings held	Percentage minutes public / closed	Number of meetings held outside Parliament Buildings	Number of committee visits
2011/2012	15	Public 56.25 Closed 39.63	0	0
2012/2013	10	Public 70.82 Closed 29.18	0	0
2013/2014	9	Public 76.49 Closed 23.51	0	0
2014/2015	9	Public 75.99 Closed 24.01	0	0
2015/2016	9	Public 47.29 Closed 52.71	0	0

## Committee Inquiries / Reviews

Session	Name of report	Date ordered to print	Date debated in Plenary
2011/2012	Inquiry into Standing Orders for Principal Deputy Speaker	3 June 2011	14 June 2011
2012/2013	Inquiry into Topical Questions	19 March 2013	15 April 2013
2013/2014	Review of the current organisation of the business week of the NI Assembly	29 April 2014	27 May 2014
2014/2015	Review of Topical Questions	25 November 2014	9 December 2014
	Inquiry into the extent to which Standing Orders should permit the Attorney General for NI to participate in proceeding of the Assembly – Part 1 of the inquiry	24 February 2015	16 March 2015
2015/2016	Review of Public Petitions Procedures	9 February 2016	1 March 2016

### Committee End of Session Reports

<b>Session</b>	<b>Date approved by Committee</b>
2011/2012	25 September 2012
2012/2013	24 September 2013
2013/2014	23 September 2014
2014/2015	22 September 2015
2015/2016	7 March 2016

### Witnesses

<b>Session</b>	<b>Number of organisations who gave oral evidence to the Committee</b>
2013/2014	1
2014/2015	1

## COMMITTEE ON PROCEDURES

### Summary of final session 2015 – 2016

30. This summary of the work of the Committee on Procedures covers the final session of the mandate from 1 September 2015 to 29 March 2016.
31. Coming into this parliamentary year, the Committee brought forward work matters from the previous year, such as completion of the inquiry into the extent to which Standing Orders should permit the Attorney General to participate in proceedings of the Assembly; the Review of Public Petitions Procedures; and the review of the time allocated to Topical Questions.

#### Meetings

32. The Committee met on nine occasions during the final session of the mandate. Three meetings were held in public session, one was held in closed session and five were held in part public/part closed session. All meetings were held in Parliament Buildings.

#### Inquiries/Reviews

##### **Review of Public Petitions Procedures**

33. The Committee completed its Review of the Public Petitions Procedures in the Assembly and concluded that the existing process was well understood and effective and that it should be retained. However, it also agreed that its impact would be broadened and enhanced by the introduction of an e-petitions process.
34. On 1 March 2016 the Assembly approved the Committee's [report on the Review of Public Petitions Procedures](#) which included a recommendation that an implementation date of no earlier than September 2016 would be appropriate.

## **Attorney General participation in proceedings of the Assembly / Code of Conduct**

35. The Committee considered draft amendments to Standing Orders relating to [Part 1 of the AGNI inquiry report](#), plus concurrent amendments to reflect the provisions of the new Code of Conduct and the Guide to the Rules Relating to the Conduct of Members.
36. The Committee agreed that Standing Orders relating to the Code of Conduct should be extracted from those that relate to the AGNI in Part 1 of the AGNI inquiry report, and that revised draft amendments to Standing Orders should be prepared relating only to the Code of Conduct.
37. The amendments to Standing Orders 69 and 81 were agreed by the Committee on 23 February 2016, and the amendments are scheduled for debate in plenary on 14 March 2016.

### **Review of the time allocated to Topical Questions**

38. The Committee's [report on the Review of Topical Questions](#) recommended that the current breakdown of time allocated within Question Time be retained, but that a further review of the time allocated to Topical Questions be carried out as a single issue after a further six months.
39. Having considered the views of the Speaker and the parties, the Committee agreed that no changes be made to the current procedures in respect of supplementary questions permitted during Topical Question Time, and that the current breakdown of time allocated within Question Time be retained.

### **Review of Standing Orders and Procedures**

40. In accordance with its agreed work programme, the Committee reviewed a number of Standing Orders and procedures of the Assembly, and the main items of business considered are summarised below.

## **Public Services Ombudsman Bill**

41. The Committee for the Office of the First Minister and deputy First Minister wrote to the Committee requesting that it bring forward amendments to Standing Orders to reflect the Public Services Ombudsman Bill.
42. The Committee concluded that Standing Order 58 should be amended to reflect the additional role for the Audit Committee by reference to the provisions of the Ombudsman Act.
43. The amendments to Standing Order 58(1) were agreed by the Committee on 23 February 2016, and the amendments are scheduled for debate in plenary on 14 March 2016.

## **Hybrid Bills**

44. The Speaker wrote to the Committee on 17 December 2015 requesting that it develop procedures for the consideration of hybrid bills, and to bring forward new Standing Orders (as Standing Orders are silent on how such bills should be considered by the Assembly).
45. The Committee agreed preferred options and a definition of what constitutes a hybrid bill, and sent drafting instructions to Assembly Legal Services for the preparation of draft amendments to Standing Orders. Having been advised that the draft amendments would not be available before the end of the mandate, the Committee agreed that the drafting should proceed and to refer the matter to the next Committee and include it in the legacy report.

## **Fresh Start and provisions for Opposition**

46. One of the final pieces of work of the Committee was to establish whether, and if so, the nature of any amendments needed to Standing Orders to facilitate the outworking of the “Fresh Start - the Stormont Agreement and Implementation Plan”. It also considered how these may be affected by or interact with legislation moving through the House which sought to make provision for an Official Opposition.

47. Key issues that were considered were the undertaking by Members in the new Assembly before taking up their seats and provisions for an Official Opposition.

### **Motions in Plenary**

48. Apart from minor and technical changes, amendments to Standing Orders must be agreed by cross-community vote in the Assembly. Consequently, the majority of the Committee's output must be agreed by the Assembly before implementation.

49. The Committee had one motion debated and agreed by the Assembly, and it is anticipated that a further eight motions will be agreed in plenary on 14 March 2016.

### **Expenditure**

50. Details of the Committee's expenditure are attached at **Annex A**.

## Annex A

### Committee on Procedures

Expenditure for the period 1 September 2015 – 29 March 2016

<b>Budget area</b>	<b>Details</b>	<b>Expenditure</b>
General expenses	Cost of lunch and refreshments for Committee meetings	£576.07
<b>Total Expenditure</b>		<b>£576.07</b>