

INSIGHT INTO HOW A BILL BECOMES LAW

The Northern Ireland Assembly

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Bill Clerk



OVERVIEW OF PRESENTATION

- Power of the Assembly to legislate
- The legislative process & engagement opportunities
- Private Members' Bills
- Tracking bills

ROLE OF THE BILL OFFICE

Exists to support the work of the Assembly in considering legislation:

- Arranges and proofs the bill documentation
- Provides procedural advice to the Speaker, Members and the Clerk of the Assembly
- Provides advice to Members on the drafting of amendments to Bills
- Provides advice to Members on the drafting and Introduction of Committee Bills and Members' Bills

POWERS OF THE ASSEMBLY TO LEGISLATE

- The Belfast Agreement /Good Friday Agreement 1998
- The Northern Ireland Act 1998, Sections 5-15
 - Schedule 2: Excepted matters (e.g. defence, taxation)
 - Schedule 3: Reserved matters (e.g. postal service, minimum wage): Sof S consent required.
 - Transferred matters: anything not reserved or excepted e.g. education, health etc
- The Assembly's Standing Orders (30-43) govern the passage of legislation including timing requirements etc

WHAT IS A BILL?

- A draft of primary legislation which, if passed, will become an 'Act' of the Northern Ireland Assembly. It includes:
 - A Statement of Competence
 - A 'Long Title', Clauses & Schedules
 - Provision for Subordinate Legislation
- An 'Explanatory and Financial Memorandum' is published alongside the bill.

DIFFERENT TYPES OF BILLS

Public Bills

- **Executive Bills:** Deliver the policy objectives of Ministers and their Departments
- **Committee Bills:** Deliver the policy objectives of the Assembly's Committees
- **Members' Bills:** Deliver the policy objectives of individual Members of the Assembly

Private Bills

- **Private Bills:** Seek to change the law as it applies to an individual or company

THE PRIMARY LEGISLATION PROCESS

- Pre-Introduction Consultation
- First Stage/Introduction
- Second Stage
- Committee Stage
- Consideration Stage
- Further Consideration Stage
- Final Stage
- Reconsideration Stage
- Royal Assent

FIRST STAGE (INTRODUCTION)

- Short formal process
- No debate or speeches
- Minister formally introduces Bill
- Table Clerk reads the 'Long Title' into the Record
- Speaker orders Bill to be printed
- Engagement note: second stage likely to be scheduled the following week

SECOND STAGE

- Debate on the “principles” of the Bill
- Opportunity for all Assembly Members to express a view of the policy objectives of the bill
- Vote on a motion “that the Second Stage of the Bill be agreed”
- Bill stands referred to a committee except where **Accelerated Passage** has been approved.
- Engagement: focus comments on policy behind the bill, its main objectives; detailed scrutiny comes later

COMMITTEE STAGE

- Timescale (30 working days) but extension possible
- Average time (8 – 9 weeks)
- Three main parts to Committee Stage:
 1. Consultation and evidence-taking
 2. Clause-by-clause scrutiny
 3. Report to Assembly with recommendations for amendments
- Bill Clerk appointed to each bill provides procedural advice and support to Committees & individual Members in relation to amendments (scope, format, procedure) and bill stages.

COMMITTEE STAGE

- **Main opportunity for stakeholder engagement**
- Written **evidence** sought: 4-6 week deadline
- Comments:
 - detailed and specific
 - refer to clauses and schedules
 - substantiate concerns
 - specify changes required to address concerns
- Key stakeholders may be invited to give oral evidence; be prepared to address the counter-arguments put by others

PREPARATION FOR CONSIDERATION STAGE

- Members supported in “tabling” amendments.
- Notice of Amendments published (daily if required)
- Deadline for amendments: 9.30am on Thursday of week preceding Consideration Stage
- Marshalled List of Amendments & Grouping List published
- Bill Office role: advice to members developing amendments; advice to Speaker on admissibility & grouping of amendments; Speaker’s Brief, briefing & Table Duty

CONSIDERATION STAGE

- Debate restricted to amendments and clauses – no general comment
- Debate and questions put on amendments
- Question put on each clause and schedule of the Bill to “stand part” of the Bill
- Opposition to clause or schedule
- Engagement note: amendments are less likely to succeed if not already aired at Committee

FURTHER CONSIDERATION STAGE

- Final opportunity to amend the Bill
- Deadline for receipt of new amendments – same as for Consideration Stage
- Cannot reverse amendments made at Consideration Stage
- If no amendments, no debate
- No votes on clauses or schedules

FINAL STAGE

- Debate on the whole bill as it stands
- No amendments allowed
- The Bill can either be voted through or voted down
- Engagement note: members cannot rehearse arguments for amendments not made

After Final Stage

- Speaker refers Bill to Attorney General and Advocate General; may be referred to Supreme Court

ROYAL ASSENT

- Secretary of State submits Bill to Queen for Royal Assent
- When achieved? (Section 5(3) in NI Act 1998)

“A Bill receives Royal Assent at the beginning of the day on which Letters Patent under the Great Seal of Northern Ireland signed with Her Majesty’s own hand signifying Her Assent are notified to the Presiding Officer”

- Announcement to Assembly when this is complete
- Engagement note: Act is now on statute book but may come into force gradually over a period of months depending on commencement provisions

PRIVATE MEMBERS' BILLS

- Members' Bills are Public Bills
- Any Member may introduce a PMB
- PMBs should address a single policy objective
- Once introduced, PMBs follow almost identical procedures to executive bills
- Exception: by convention, 4-week delay between introduction and second stage

EXAMPLES OF PMBs ACHIEVING ROYAL ASSENT

- Caravans Act (Northern Ireland) 2011
- Autism Act (Northern Ireland) 2011
- Single Use Carrier Bags Act (Northern Ireland) 2011
- Civil Service (Special Advisers) Act 2013

PMBs IN PASSAGE / DEVELOPMENT

- PMBs in passage:
 - Human Trafficking Bill (Lord Morrow)
- Some examples of PMBs in development:
 - Duty to co-operate on children's services (Steven Agnew)
 - Organ donation Bill (Jo Anne Dobson)
 - Opposition Bill (John McCallister)
 - Defamation Bill (Mike Nesbitt)

KEY STAGES IN THE DEVELOPMENT OF A PMB

- Lodge initial proposal
- Research
- Develop /refine policy objectives
- Consultation/stakeholder engagement & consider human rights/equality issues
- Finalise the proposal and legislative objectives
- Instruct legislative drafter; consider any legal/competence issues
- Introduction in the Assembly and legislative passage

PMBs CONTINUED

- Bill Office provides advice to members throughout development
- Members may also develop their own bills and send to Speaker seeking Introduction
- Members encouraged to consider:
 - Exploring alternative ways of achieving the objective (motions, questions, campaigns)
 - Time and resources required to develop bill

TRACKING LEGISLATION

- Relevant sections of Assembly website:
 - Today's Agenda / Full Agenda
 - Assembly Business:
 - Legislation: tables showing legislation in progress etc. Also includes a summary of Stages of Legislation
 - Committees – Bills / Forward work programme
 - Standing Orders
- Contact the Committee Clerk or the Bill Office

More Insight into...

- **How Committees Work**
 - 28 March 2014
- **The Inquiry Process and Making Effective Submissions to Committees**
 - 25 April 2014
- **How Plenary Works**
 - 30 May 2014

To register email us at: Outreach@niassembly.gov.uk