



Northern Ireland
Assembly

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Priority questions

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This research paper looks at the facility for priority, or named day questions in the Northern Ireland Assembly and House of Commons. These questions are a type of written question submitted by members who can request that it be answered within a certain number of days. The paper also examines the procedures in other legislatures for examples of similar mechanisms.

Key Points

- The term priority question relates to a type of written question in the Northern Ireland Assembly that a Member has requested be replied to within two, three, four or five days
- In the House of Commons priority questions are known as named day questions
- The concept of priority or named day questions appears to come from a House of Commons Select Committee report from the 1971-72 session, which recommended their introduction
- No other legislature examined for this paper has a system comparable to that operating in the Assembly and the Commons. This is true even for those legislatures based on the Westminster tradition, such as the Australian House of Representatives and Canadian House of Commons
- In the period from 1 September 2010 to 31 July 2011 a total of 718 priority questions were asked in the Assembly. The answers to 212 were overdue
- There were significant variations in the number of priority questions put to Ministers and the ability of Departments to respond to these on time

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1 Introduction

In September 2011 the Speaker of the Northern Ireland Assembly wrote to the Committee on Procedures asking it to consider the issue of priority questions. The correspondence recognised the value of the facility but noted concerns raised by the Business Committee that it may be open to abuse, given the lack of criteria relating to priority questions in Standing Orders.

This paper explores the issue of priority questions and in particular addresses the following:

- The use of priority questions in the Northern Ireland Assembly and House of Commons
- What similar mechanisms, if any, exist in other legislatures

What are priority questions?

Within the Assembly there are four types of question¹:

- Questions for oral answer
- Questions for urgent oral answer
- Questions for written answer
- Questions for priority written answer

Priority questions are a type of written question submitted by Members that require an answer within a specified timeframe. In the Northern Ireland Assembly this can be two, three, four or five working days, whereas a Department has up to 10 days to answer an ordinary written question². In the House of Commons, priority questions are known as ‘named-day’ questions. An ordinary written question in the Commons should usually be answered within seven days.

The origin of priority/named day questions appears to come from a report produced by the House of Commons Select Committee on Parliamentary Questions in the 1971-72 session, which recommended that a system of priority questions be introduced for answer on a day named by the member. At the time, the Committee hoped that Members “would not overload the priority system for written questions by the indiscriminate marking of their questions with a W (W indicated priority question)”³

¹ Guidance for Members on Assembly Questions November 2010 Northern Ireland Assembly Intranet

² Standing Orders of the Northern Ireland Assembly: <http://www.niassembly.gov.uk/sopdf/2007mandate/standingorders.htm>

³ Report from the Select Committee on Parliamentary Questions, Session 1971-72

2 Northern Ireland Assembly

Standing Orders relating to priority questions

The original Standing Order relating to priority questions was:

Where a Member has signified that a question is for written answer on a named day the Member of the Executive Committee or representative of the Commission to whom it is addressed shall cause an answer to be given to the Member on the date for which notice has been given⁴.

In this instance priority questions are referred to as named day questions, and the Standing Order itself replicates the wording of the equivalent Standing Order of the House of Commons.

Previous Committee inquiry into Assembly questions

In 2009 the Committee on Procedures published a report following its inquiry into Assembly Questions⁵. The report addressed the issue of priority questions:

The Committee noted anecdotal evidence that poor departmental performance in answering written questions had some impact on the increase in numbers of priority written questions tabled. It considered a request from the Executive that "criteria should be introduced to ensure that their usage more closely aligns with the priority or urgency of the subject matter" and that there should be, within the daily quota, a limit on the number of priority written questions that a member can table. The request, made in the letter from the First Minister and deputy First Minister, noted that priority written questions should not be used to ask for large amounts of statistical or other historic information.

The Committee, in its consideration, took into account the pressure that priority written questions put on departments and the considerable staff and time resources that are needed to answer such requests. The Committee believes that an improvement in the performance of departments in replying to written questions on time, will lead to a decrease in the number of priority written questions submitted. However, the Committee does believe that there is a strong case for some additional admissibility criteria in this area.

The Committee recommends that only one of the five written questions per day can be used as a priority written question.

The Committee recommends that priority written questions are not used to ask for large amounts of statistical information or historic data.

The recommendations relating to statistical information and historical data and limiting the number of priority questions to one per member per day were subsequently incorporated into Standing Orders⁶. The process for the submission of priority questions is now set out in Standing Order 20B:

⁴ Standing Order 19(12), Standing Orders of the Northern Ireland Assembly at June 2007: http://www.niassembly.gov.uk/sopdf/Standing_Orders.pdf

⁵ Committee on Procedures *Inquiry into Assembly Questions* March 2009

⁶ HC NIA 2 June 2009

20B. QUESTIONS FOR WRITTEN ANSWER

(1) A member may submit up to five questions for written answer each working day, one of which may be for priority answer.

(2) Priority questions shall indicate whether an answer is sought within two, three, four or five working days.

(3) The Business Office shall publish all written questions.

(4) The Minister or member representing the Assembly Commission to whom a question is addressed shall answer it –

(a) by the end of ten working days after it is published; or

(b) in the case of a question for priority answer, by the end of two, three, four or five working days (as the case may be) after it is published.

(5) A question for priority answer should not request a large amount of historical or statistical information.

(6) The Minister or member representing the Assembly Commission to whom a written question is addressed shall cause the question and answer to be printed in the Official Report (Hansard).

The following table shows the number of priority questions asked between September 2010 and July 2011:

Table 1: Priority questions submitted between 1 September 2010 and 31 July 2011⁷

Department	Number of questions	Overdue answers
Assembly Commission	2	2
Office of the First Minister and deputy First Minister	44	32
Minister for Employment and Learning	30	2
Minister for Regional Development	105	22
Minister for Social Development	108	58
Minister for Agriculture and Rural Development	35	6
Minister for Culture, Arts and Leisure	33	2
Minister for Education	57	37
Minister for Enterprise, Trade and Investment	30	0
Minister for Finance and Personnel	48	17
Minister for Health, Social Services and Public Safety	149	19
Minister for Justice	35	3
Minister for the Environment	42	11
Total	718	212

In total almost 30% of priority questions did not receive a reply within the requested timeframe. There are also significant differences between departments both in the

⁷ Information provided by the Business Office

number of priority questions received and their effectiveness at responding to them on time.

3 House of Commons

In the House of Commons priority questions are referred to as 'named day' questions. As with the Assembly, named day questions must receive an answer on the date specified by the Member tabling the question. Such questions must be published at least two days before the date named for answer (i.e. three days after tabling, excluding Saturday and Sunday). Answers to such questions may include holding replies which promise a substantive answer as soon as possible. As noted above, they were introduced in 1972 but the system came in for criticism when the Procedures Committee reviewed Parliamentary Questions in 2002⁸:

Much criticism was directed at the system of named-day (formerly 'priority') questions, at least in its current form. Under S.O. No. 22, "where a Member has indicated that a question is for written answer on a named day the Minister shall cause an answer to be given to the Member on the date for which notice has been given", provided the same amount of notice as required for oral questions is given (i.e., a minimum of three sitting days). In principle, it is sensible that Members should have the opportunity of indicating which of their questions are time-sensitive. However, the effectiveness of this system is damaged if too great a proportion of questions are marked as having priority: this in turn leads to a proliferation of 'holding answers'[89] and much frustration on the part of Members.

The Principal Clerk commented: "it is the habit of some Members to table their written questions for the earliest named day as a matter of course; sometimes this is a deliberate policy on the part of the Member and the Table Office is obliged to follow Members' instructions if they wish to specify a date for reply".

We do not believe that half of all written questions tabled can legitimately be described as being urgent, or that a third of all written questions tabled should be for the earliest named day. The proliferation of holding replies arises from this overloading of the system, and we fear that there is likely also to be an impact on the quality of answers. We therefore believe that the House should impose a daily quota per Member of five named-day questions (that is, five per day relating to all named days, not just the earliest named day). We expect that this measure, by relieving the pressure on departments, will lead to a significant reduction in the number of holding replies.

Following the Committee's report the system of named day questions was changed in 2003 to allow for a fixed daily quota of five named day questions per member⁹. In tabling a named day question, "A Member usually dates a written question for two days after he or she has tabled it and can expect the question to be answered within seven days of that date (this is an ordinary written question). If, however, the Member desires an answer on a specified day he/she may indicate this when tabling it. This gives their question priority¹⁰".

In 2009 the Procedures Committee revisited the issue of Written Parliamentary Questions. In evidence to the Committee, the Clerk of the Table Office stated:

⁸ Third Report of the Procedures Committee session 2011-02:

<http://www.publications.parliament.uk/pa/cm200102/cmselect/cmproced/622/62202.htm>

⁹ <http://www.parliament.uk/documents/commons-information-office/p01.pdf>

¹⁰ House of Commons Information Office *Parliamentary Questions* August 2010

Most named day Questions are put down for the earliest possible named day; but some Members make a practice of giving a department an additional few days to answer, so as to increase the probability that the Minister will indeed be able to meet the deadline.

The Table Office does not track the process of answering (named day questions). Recent answers suggest that around 70/75% of named day Questions are answered on the due day. The Office does not therefore know how far the introduction in 2002 of a rationed number of named day Questions has increased the proportion of such questions answered on the named day¹¹.

In the 2008-09 session 8,907 named day questions were tabled by MPs¹².

During the 2010-11 session the Procedure Committee is conducting an experiment in monitoring unsatisfactory and late answers to written parliamentary questions, following the process set out below¹³:

- Members may refer to the Committee individual answers which they regard as inadequate to the question asked, together with any background material which might help the Committee reach a decision on whether to take further action in that particular case. Late answers may also be referred to the Committee in a similar way.
- The Committee will consider each answer submitted and where it judges the answer to be unsatisfactory, it will ask the relevant department for observations within a set time. It is not anticipated that all answers referred to the Committee will meet this test. In these cases Members will be informed of the Committee's decision.
- In the case of late answers, the Committee will consider the extent of the delay and seek observations from the Government where it deems it appropriate to do so.
- The Committee will decide whether further action is necessary and will pass on the observations to the relevant Member.
- Where the Committee identifies trends in bad practice, the department concerned will be asked for comment.
- The Committee will produce reports on a regular basis, highlighting particular issues.
- The Committee will produce a report at the end of the session including statistical analysis of data provided by each Government department on the time taken to respond to WPQs.

To inform the work of the Procedure Committee, the Leader of the House submitted information on written Parliamentary Questions submitted in session 2009-10. This shows that Departments often use 'holding answers' to meet the named-day deadline (this is a requirement) before providing more detailed responses at a later date¹⁴.

¹¹ Procedure Committee, Written Parliamentary Questions, July 2009, 2008-09, Memorandum submitted by David Natzler, Principal Clerk, Table Office

¹² House of Commons, Sessional Return 2008-09, 27 January 2010

¹³ Procedure Committee: Monitoring unsatisfactory and late answers to written parliamentary questions
<http://www.parliament.uk/business/committees/committees-a-z/commons-select/procedure-committee/wpq-monitoring/>

¹⁴ Memorandum submitted by Rt Hon Sir George Young Bt MP, Leader Of The House Of Commons

4 Scottish Parliament, National Assembly for Wales and Dail Éireann

Scottish Parliament and National Assembly for Wales

Neither the Scottish Parliament nor the National Assembly for Wales have provisions within their Standing Orders to facilitate the asking of priority questions.

Standing Order 13.5.2 of the Scottish Parliament states that:

The answer to a written question shall be lodged with the Clerk. An answer shall normally be lodged within 10 counting days of the day on which the question is lodged. In the case of a question lodged during the 14 days before a period when the Parliament is in recess for more than 4 days and during that recess, an answer shall normally be lodged within 20 counting days of the day on which the question is lodged¹⁵.

In the National Assembly for Wales, Standing Orders 14.1 to 14.5 detail the procedure for written questions:

14.1 Members may table questions for written answer by:

- (i) the First Minister, a Welsh Minister or the Counsel General, on any matter relating to his or her responsibilities; or
- (ii) the Commission on any matter relating to the Commission's responsibilities.

14.2 A Deputy Welsh Minister may, at the request of the First Minister, a Welsh Minister or the Counsel General, answer any written question on any matter on which he or she assists the First Minister, a Welsh Minister or the Counsel General (as the case may be).

14.3 A question must be tabled at least five working days before it is to be answered.

14.4 Questions are accepted at the discretion of the Presiding Officer, who must have regard to any written guidance issued in accordance with Standing Order 6.17.

14.5 The answers to accepted questions must be published in the report of plenary proceedings¹⁶.

Dail Éireann

¹⁵ Standing Orders of the Scottish Parliament April 2011: http://www.scottish.parliament.uk/business/so/so_final.pdf retrieved 29 September 2011

¹⁶ Standing Orders of the National Assembly for Wales: http://www.assemblywales.org/july_2011_branded_clean_sos-e.pdf retrieved 29 September 2011

The priority questions facility in Dail Éireann operates differently to the Northern Ireland Assembly and House of Commons. In the Dail, five oral questions can be nominated for priority answer each day¹⁷. These are allocated between the Parties on the basis of Party strengths. Each question is submitted in the name of an opposition group, which is defined in Standing Orders as any Party with seven or more TDs. Standing Orders outline the process for the submission of questions:

33. Questions to a member of the Government—
 (a) nominated for priority [S.O. 39] or
 (b) to which an answer is to be provided in the Official Report of the Debates [S.O. 40(2)]
 Notice of Questions and private notice Questions must be in writing and must reach the Clerk not later than 11 o'clock a.m. on the third day preceding that on which they are to be asked, not reckoning a Saturday, Sunday, or public holiday.
 Other Questions to a member of the Government must be in writing and must reach the Clerk not later than 11 o'clock a.m. on the fourth day preceding that on which they are to be asked, not reckoning a Saturday, Sunday, or public holiday¹⁸

However, unlike the Northern Ireland Assembly, there exists no mechanism for a TD to request that an answer be provided within a particular number of days and there is no facility for priority written questions.

5 Other legislatures

The procedures of the following legislatures were examined to determine if a facility for priority questions existed. The following table provides a brief overview of Question Time in each of the legislatures:

Legislature	Priority questions
Australia	No – replies to written questions provided within 60 days
Austria	No
Bulgaria	No – answers to written questions must be provided within seven days
Canada	No – a Member may request that the Ministry respond to a specific question within forty-five days.
Croatia	No – answers to written questions provided within 30 days
Czech Republic	No – answers to written questions provided within 30 days
Denmark	No – answer should be given within six weekdays (excluding Saturdays)
France	No – Minister has one month to answer
Germany	No – but Members of the Bundestag may submit up to four questions every month to the Federal Government for written reply – Government has one week to respond
Greece	No – Ministers must respond within 25 days
Latvia	No

¹⁷ <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/a-misc/quest.htm> retrieved 27 September 2011

¹⁸ Standing Orders of Dail Éireann: http://www.oireachtas.ie/documents/proceduraldocuments/Standorders2011_revised.pdf retrieved 27 September 2011

Malta	No
Poland	No
Sweden	No – but answers to written questions must be provided within four working days

None of the legislatures examined have a system comparable to priority or named day questions, even those in the tradition of Westminster House of Commons such as the Australian House of Representatives and the Canadian House of Commons.

6 Conclusion

The facility of priority or named day questions is limited to the Northern Ireland Assembly and the House of Commons among the legislatures examined for this paper. The Standing Orders of Dail Éireann make reference to priority questions but these relate to questions available to opposition groups. TDs do not have the option of specifying a timeframe within which their question must be answered.

A total of 718 priority questions were asked in the Assembly between September 2010 and the end of July 2011. Of these, 506 were answered on time and 212 were overdue. There is also significant variation in the number of priority questions departments receive and their ability to answer them on time.