



Northern Ireland
Assembly

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Political Groups

1 Background

This briefing paper provides information on the formation of political/technical groups in the Scottish Parliament, National Assembly for Wales, Dáil Éireann and the European Parliament. It highlights the provision made for such groups within Standing Orders in each legislature and identifies the ability of such groups, where it exists, to bring forward motions and draft legislation and access to resources.

2 Dáil Éireann

Standing Order 120 (originated in 1962¹) provides for the establishment of 'groups' with seven or more members as technical groups. groups are allocated speaking and other rights by a number of standing orders². It is possible for only one technical group to exist at any time.

The original SO introduced the rule that a party is only a group if it has 7 or more members. It did not introduce the technical group idea however and instead says that all other members are also a 'group'. In 1974 it was amended to introduce the idea of

¹ <http://debates.oireachtas.ie/dail/1962/10/30/00067.asp>

² Standing Orders: 24 (2), 27, 38 (1 iv) (2b), 39 (1 iv), 92 (2b), 102 (6), 120, 125 (3), 162 Available at: <http://www.oireachtas.ie/viewdoc.asp?DocID=17757&CatID=5&StartDate=01%20January%202011&OrderAscending=0>

the technical group as a result of a recommendation made by the Informal Committee on the Reform of Dáil Procedure.³

120. (1) Subject to paragraph (2), for the purpose of this Standing Order a group shall mean—

(a) any Party which had not less than seven members elected to the Dáil at the previous General Election or which, if it had less than seven, attained the number of seven members as a result of a subsequent bye-election, or

(b) a majority of the members of the Dáil who are not members of a group as defined in paragraph (1)(a), being not less than seven in number, who request formal recognition as a group in writing to the Ceann Comhairle: Provided that such request shall be signed by all such members. The Ceann Comhairle shall grant formal recognition as a group to such members as soon as possible thereafter.

(2) A group shall cease to be a group within the meaning of paragraph (1) for any period in which its membership falls below seven members, (or below a majority, in the case of a group within the meaning of paragraph (1)(b)), save where such membership falls by reason of a vacancy in the membership of the Dáil, the provisions of this paragraph shall not take effect until such time as the said vacancy has been filled.

In 2002, Standing Orders were amended to provide that, where political parties have a smaller number of deputies than a technical group, the political party has priority on the basis that parties are a more 'coherent grouping.' So while priority is generally determined by the size of the opposition group, a party (provided it has seven members or more) will be prioritised over a technical group.

Examples of technical groups

Current Dáil

A technical group includes 16 of the 19 independent TDs. They do not form a coherent grouping in that the group includes deputies from across the political spectrum who do not necessarily hold similar views. The leader is Finian McGrath and the two speakers are Shane Ross and Joe Higgins.

30th Dáil (2007-2011)

There was no technical group initially as there were insufficient numbers (there were four Sinn Féin members and only one independent available/interested - other independents had agreed to support the coalition government). When Pearse Doherty was elected in a bye-election in 2010, they had sufficient numbers (seven) and a technical group was established (as one of the independents - Finian McGrath - who had previously supported the government, had defected in 2008).

³ http://193.178.2.84/test/R/1974/REPORT_31011974_0.html

29th Dail (2002-2007)

Sinn Féin (five seats) the Green Party (six seats), Socialists (one) and some independent TDs (in particular Tony Gregory who was the whip of the independent group in the Dáil) established a technical group.

27th Dail (1992-1997) At the start of this Dail when there was a Fianna Fail/Labour coalition in government, a group of nine deputies formed a technical group (including Democratic Left with four members).

Resources

Political parties in the Republic of Ireland are entitled to state funding via:

- Electoral Acts
- The Party Leaders' Allowance

To qualify for funding under the Electoral Acts, a party must be on the register of political parties and must have obtained at least 2% of the first preference vote at the last Dail general election. Independent TDs cannot avail of this funding and the current People Before Profit and Socialist Party TDs are similarly excluded as they did not meet the 2% threshold. Technical groups cannot qualify as they are not registered as political parties.

Members of the technical group receive funding under the Party Leaders' Allowance. However, they would receive this money even if they were not part of the technical group. Under the scheme each Independent TD is entitled to an allowance of €41,152 and each TD that is a member of a qualifying party with less than ten members receives an allowance of €71,520. At this time this includes the People before Profit and Socialist Party TDs in the technical group. The money allocated under the scheme is to compensate for the fact that they have no party support and resources to call upon.⁴

Furthermore, the Oireachtas (Ministerial and Parliamentary Offices (Secretarial Facilities) Regulations 2008 sets out the basis for levels of staffing and resource allocations to qualifying parties. No mention of technical groups is made and they receive no additional allocation under these regulations.

2 House of Commons

Currently there is no provision specifically for political groupings in the House of Commons. The support that is provided is given to individual MPs or to some parties

⁴ Catherine Murphy T.D. (2011), *Political Funding in Ireland: A summary of the current political funding mechanism in Ireland* Available at: <http://79.170.44.204/catherinemurphy.ie/wp-content/uploads/2012/01/Political-Funding-in-Ireland.1.pdf> Accessed:08/05/2012

of the Opposition⁵. This was confirmed in response to a freedom of information request submitted in December 2011⁶.

3 Scottish Parliament

There currently is provision in the Scottish Parliament for political groups. Standing Orders of the Scottish Parliament state⁷:

Rule 5.2 Members of the Parliamentary Bureau

1. The Parliamentary Bureau shall consist of—

(a) the Presiding Officer;

(b) a representative of each political party represented by 5 or more members of the Parliament (“a party representative”) who is nominated by the leader within the Parliament of that party; and

(c) a representative of any group formed under paragraph 2 (“a group representative”) who is nominated by that group.

2. Members who represent a political party with fewer than 5 representatives in the Parliament and members who do not represent a political party may join together to form a group for the purposes of nominating a group representative under paragraph 1(c). The number of members in any such group shall be at least 5.

Such a group is entitled to have items of business considered under SO 5.6

Rule 5.6 Special cases of Parliamentary business

1. In proposing the business programme, the Parliamentary Bureau shall ensure

That:

(a) on 12 half sitting days in each Parliamentary year, the business of committees is given priority over the business of the Scottish Executive at meetings of the Parliament;

(b) on 16 half sitting days in each Parliamentary year, meetings of the Parliament consider business chosen by political parties which are not represented in the Scottish Executive or **by any group formed under Rule 5.2.2;**

⁵ House of Commons Research Service “Short Money” Available at:

<http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-01663.pdf>

⁶ Political Groupings FOI request to the HOC http://www.whatdotheyknow.com/request/political_groupings

⁷ Scottish Parliament Standing orders:

<http://www.scottish.parliament.uk/Parliamentaryprocedureandguidance/StandingOrdersv4.1.pdf>

It appears that the formation of such groups is rare. However, in 2004 Margo MacDonald became the first MSP to represent the independent and single member parties on the Parliamentary Bureau.⁸ An extract of a debate initiated by the group is reproduced below. It shows that the scheduling of such a debate is in itself an unusual event:

The Deputy Presiding Officer (Murray Tosh): The next item of business is a debate on motion S2M-2619, in the name of Margo MacDonald, on meeting the needs and aspirations of people in Scotland. Given the diverse interests of the independents group, this debate will cover a wide range of topics. In order to provide structure, I have attempted, as far as is possible, to group the issues that will be covered in terms of their subject matter. After opening speeches, we will move to speeches on justice to be followed by health, education and sport, communities, planning and finance, and finally enterprise, economy and transport.

Margo MacDonald (Lothians) (Ind): I thank the Presiding Officer, his staff, the business team and the business managers, who have all helped the independent members to organise this debate. As everyone knows, we are attempting to introduce an experimental style of debate; I hope that everyone will find it to be something of a respite from the politicking that is going on outside these walls⁹.

We have tried to structure this morning's proceedings to enable more free-flowing debate, in which all members will have the same amount of time for their speeches and are encouraged to speak on issues of their own choosing.

4 National Assembly for Wales

There is currently provision in the National Assembly for Wales for political groups. Standing Order 1.3 states that a political group is:

- (i) a group of Members belonging to the same registered political party having at least three Members in the Assembly; or
- (ii) three or more Members who, not being members of a registered political party included in Standing Order 1.3(i), have notified the Presiding Officer of their wish to be regarded as a political group.

The Presiding Officer must decide any question as to whether any Member belongs to a political group or as to which political group he or she belongs.

Section 24 of the Government of Wales Act 2006 provides for assistance to groups of Assembly members. It requires the Assembly Commission to make payments to

⁸ Scottish Parliament (email from SPICe)

⁹ <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=4574&mode=html>

political groups for the purpose of assisting them to perform their functions as Assembly members.

However, information received from the National Assembly for Wales indicates that to date no political groups as defined in SO 1.3(ii) have been formed.

5 European Parliament

Article 191 of the EC Treaty states:

Political parties at European level are important as a factor for integration within the Union. They contribute to forming a European awareness and to expressing the political will of the citizens of the Union.¹⁰

Members of the European Parliament (MEPs) are, therefore, encouraged to form alliances in political parties or groups, although they are elected not as members of these groups but as representatives of national parties. European Parliament (EP) political groups are formally constituted, and forming the groups starts at the EP's first session after an election. A group may be based on a single European political party or can include more than one European party, as well as national parties and independents. There are currently seven political groups.

Structure of European Parliament groups

Political groups must fulfil the conditions set out in Rules 30, 31 and 34 of the European Parliament's Rules of Procedure¹¹. Rule 33 provides for MEPs not attached to a political group:

Rule 30: Formation of political groups

1. Members may form themselves into groups according to their political affinities. Parliament need not normally evaluate the political affinity of members of a group. In forming a group together under this Rule, the Members concerned accept by definition that they have political affinity. Only when this is denied by the Members concerned is it necessary for Parliament to evaluate whether the group has been constituted in accordance with the Rules.
2. A political group shall comprise Members elected in at least one-quarter of the Member States. The minimum number of Members required to form a political group shall be 25.
3. If a group falls below the required threshold, the President, with the agreement of the Conference of Presidents, may allow it to continue to exist until Parliament's next constitutive sitting, provided the following conditions are met:

¹⁰ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:321E:0001:0331:EN:PDF>

¹¹ <http://www.europarl.europa.eu/aboutparliament/en/00a4c9dab6/Rules-of-procedure.html>

- the members continue to represent at least one-fifth of the Member States;
- the group has been in existence for a period longer than a year.

The President shall not apply this derogation where there is sufficient evidence to suspect that it is being abused.

4. A Member may not belong to more than one political group.
5. The President shall be notified in a statement when a political group is set up. This statement shall specify the name of the group and the names of its members and bureau members.
6. The statement shall be published in the Official Journal of the European Union .

Rule 31: Activities and legal situation of the political groups

1. The political groups shall carry out their duties as part of the activities of the Union, including the tasks allocated to them by the Rules of Procedure. The political groups shall be provided with a secretariat on the basis of the establishment plan of the Secretariat, administrative facilities and the appropriations entered for that purpose in Parliament's budget.
2. The Bureau shall lay down the rules relating to the provision, implementation and monitoring of those facilities and appropriations, as well as to the related delegations of budget implementation powers.
3. Those rules shall determine the administrative and financial consequences in the event of the dissolution of a political group.

Rule 33: Non-attached Members

1. Members who do not belong to a political group shall be provided with a secretariat. The detailed arrangements shall be laid down by the Bureau on a proposal from the Secretary-General.
2. The Bureau shall also determine the status and parliamentary rights of such Members.
3. The Bureau shall also lay down the rules relating to the provision, implementation and auditing of appropriations entered in Parliament's budget to cover secretarial expenses and administrative facilities of non-attached Members.

Rule 34: Allocation of seats in the Chamber

The Conference of Presidents shall decide how seats in the Chamber are to be allocated among the political groups, the non-attached Members and the institutions of the European Union.

Procedural benefits of being in a group

The political group chairs meet in the Conference of Presidents to decide what issues will be dealt with at the EP's plenary session. Groups can table motions for resolutions and amendments to reports. Rule 115 provides that a political group can put questions to the Council or the Commission. The procedural advantages include committee leadership appointments and the allocation of reports and speaking time in plenary sessions, based on the rule of proportionality. Under Rule 149 of the Rules of Procedure:

1. The Conference of Presidents may propose to Parliament that speaking time be allocated for a particular debate. Parliament shall decide on this proposal without debate.
2. Members may not speak unless called upon to do so by the President. Members shall speak from their places and shall address the President. If speakers depart from the subject, the President shall call them to order.
3. The President may draw up, for the first part of a particular debate, a list of speakers that includes one or more rounds of speakers from each political group wishing to speak, in the order of their size, and one non-attached Member.
4. Speaking time for this part of a debate shall be allocated in accordance with the following criteria:
 - (a) a first fraction of speaking time shall be divided equally among all the political groups;
 - (b) a further fraction shall be divided among the political groups in proportion to the total number of their members;
 - (c) the non-attached Members shall be allocated an overall speaking time based on the fractions allocated to each political group under points (a) and (b).

5 Northern Ireland Assembly

In 2006 controversy was caused in the Northern Ireland Assembly when David Ervine attempted to join the Ulster Unionist Assembly Party group.¹² The action prompted the Speaker to declare a ruling¹³:

The characteristics of a political party under the Political Parties, Elections and Referendums Act 2000 can be summarised as: a short, suitable name; a headquarters, or at least an address for the purpose of communication; officers of the

¹² <http://archive.niassembly.gov.uk/theassembly/Plenary/060515.htm>

¹³ http://assist.assemblyni.gov.uk/services/businessoffice/docs/speakers_rulings_and_conventions.pdf

party, including at least a leader, a treasurer and a contact person, called a —nominating officer, for the purpose of liaising with the Electoral Commission and others; a constitution; a scheme for financial support of the party; and an intention to contest elections. In making a decision about any future list for publication, I shall require a party to have all those characteristics. From the information available, I do not consider that the Ulster Unionist Party Assembly group (UUPAG) has yet demonstrated all those characteristics. I trust that Members will find this clear and helpful.