



Northern Ireland
Assembly

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Aspects of opposition

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1 Introduction

This paper outlines three key issues to consider in the possible formation of an Opposition within the Assembly – financial assistance, parliamentary time and the composition of committees. It looks at how the House of Commons, Scottish Parliament and National Assembly for Wales facilitate opposition with regard to these factors.

2 Financial assistance

Issue to consider: One of the issues to consider is how an ‘Opposition’ would be funded. Parties in the Assembly already receive funding, but would a greater proportion need to be re-directed to opposition parties?

Northern Ireland Assembly

The Assembly Commission administers the Financial Assistance for Political Parties Scheme. The Commission paid a total of £783,827 in party allowances for the year ending 31 March 2010. This amount is uprated on an annual basis based on the percentage increase in the Retail Prices Index. One of the issues to consider in moving the opposition debate forward is the extent to which additional resources will need to be found to facilitate an opposition to the Executive, or whether a greater proportion of the current amount should be diverted to those parties in opposition. The following table outlines how money is currently allocated.

1.	£24,000 in respect of the costs incurred by a political party for the authorised purpose where that party has only one connected member (authorised purpose means the purpose of assisting members of the Assembly who are connected with that party to perform their Assembly duties)
2.	
3.	£48,000 in respect of the costs incurred by a political party for the authorised purpose where that party has two or more connected members
4.	
5.	£3,000 in respect of the costs incurred by a political party for the authorised purpose in respect of each member who is connected with that party who does not hold a ministerial or junior ministerial post
6.	
7.	£15,000 in respect of the costs incurred by a political party in the administration of its Whips' Office for the authorised purpose where that party has more than two but fewer than eleven connected members
8.	
9.	£22,500 in respect of the costs incurred by a political party in the administration of its Whips' Office for the authorised purpose where that party has more than ten but fewer than twenty-one connected members
10.	
11.	£30,000 in respect of the costs incurred by a political party in the administration of its Whips' Office for the authorised purpose where that party has more than twenty connected members
12.	
13.	Where during any year financial assistance is payable to any party under Article 3(d), (e) or (f), £500 in respect of the costs incurred by a political party to administer its Whips' Office for the authorised purpose in respect of each member who is connected with that party who does not hold a ministerial or junior ministerial post; and
14.	
15.	For the purposes of the Scheme any member holding the Office of Speaker shall be considered to be connected with that party unless he gives notice in writing to the Finance Officer

House of Commons

Short money – funding to support opposition parties in the House of Commons – was introduced in 1975. It is made available to all opposition parties in the House of Commons that secure either two seats, or one seat and more than 150,000 votes at the previous general election. The scheme has three main components:

- £14,351 for every seat won at the last parliamentary election plus £28.66 for every 200 votes gained by the party
- Travel expenses allocated from an available £157,651
- Funding for the Leader of the Opposition's Office at £668,606 per year

For the period 2010/11 a total of £5,640,142 was allocated for Short money. Furthermore, the Leader of the Opposition, the Opposition Chief Whip and a maximum of two Opposition Assistant Whips receive a salary from public funds on top of their parliamentary salary.

Scottish Parliament

Section 97 of the Scotland Act 1998 provides for assistance to opposition parties. The Scottish Parliament (Assistance for Registered Political Parties) Order 1999 subsequently gave effect to this. Section 3(2) of the 1999 Order states that to be

eligible for financial assistance, a party can have no more Ministers or Junior Ministers than one fifth of the total number of Ministers and Junior Ministers within the Scottish Executive. An eligible party is entitled to an annual amount based on the number of members of the Parliament who are connected to the party, and the Order made provision for an annual increase of this amount. For the year ending March 2010, the Scottish Parliamentary Corporate Body paid out £519k under the scheme.

National Assembly for Wales

Section 24 of the Government of Wales Act 2006 places a duty on the Assembly Commission (following approval by the Assembly) to make payments to political groups to assist Members belonging to those groups to perform their functions as Assembly Members¹. Currently, groups of three or more Members are entitled to an allowance to assist them in the discharge of their Assembly work – the allowance is usually known as the Party Leaders' Allowance. The legislation is reflected in Standing Order 1.3 of the Assembly.

In March 2011 the recently established National Assembly for Wales Remuneration Board (the Board) made its first determination on financial assistance to Assembly Members. Chapter 8 of the Board's report dealt with support for political groups (comprising three or more members). The allowances were broken down as follows:

- A group of three or more Members, which **is** represented by a Member in the Welsh Government, is entitled to £127,390; or
- A group of between three and 10 Members, which is **not** represented by a Member in the Welsh Government, is entitled to £199,048; and
- A group of more than 10 Members, which is **not** represented by a Member in the Welsh Government, is entitled to £199,048 and an additional £30,866 for each additional five members of the group (or part thereof)

3 Parliamentary time

Issue to consider: The Commons, Scottish Parliament and National Assembly for Wales guarantee time for non-Government business. How much Assembly business would have to be given over to non-Executive/Opposition business?

House of Commons

House of Commons Standing Order 14 (2) states that 20 days of business must be determined by opposition parties:

¹ Getting It Right For Wales 2009

Twenty days shall be allotted in each session for proceedings on opposition business, seventeen of which shall be at the disposal of the Leader of the Opposition and three of which shall be at the disposal of the leader of the second largest opposition party; and matters selected on those days shall have precedence over government business².

Apart from this provision, there is no formal mechanism for opposition parties to determine the agenda of the House. Standing Order 14 (1) makes it clear that apart from the 20 days allotted to the Opposition, 'government business shall have precedence at every sitting³'.

At PMQs, the Leader of the Opposition is permitted three or four supplementary questions and the leader of the next largest opposition party is allocated two.

Scottish Parliament

Section 97 of the Scotland Act 1998 is the only explicit reference to the 'opposition' in the Scottish Parliament. However, Standing Orders outline the requirement to provide parliamentary time to the opposition and the Parliamentary Bureau must ensure that:

- 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;
- **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; and**
- at each meeting of the Parliament there is a period of up to 45 minutes for any Members' Business at the end of the meeting following Decision Time⁴.

The Scottish Parliament has produced guidance on the process to be followed for Parliamentary Questions and Answers. Section 4 of the document outlines the approach taken by the Presiding Officer to Question Time:

<p>16. The Presiding Officer balances the following criteria when selecting these questions:</p>	<ul style="list-style-type: none"> • preference is given to topical questions and questions suitable for supplementary questions; • reasonable political balance between the parties in their share of questions is maintained over time; • questions from non-Executive group leaders or representatives are taken first but otherwise "diary" questions on the lines of "To ask the First Minister when he last met X" are avoided; • unnecessary duplication with questions already
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² House of Commons Standing Orders January 2011

³ As above

⁴ Standing Orders of the Scottish Parliament, June 2009

	<p>lodged to be asked at General or Themed Question Time on the same day is avoided;</p> <ul style="list-style-type: none"> • subject to the above, account is taken of individual Members' previous record of selection for First Minister's Question Time.
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National Assembly for Wales

New Standing Orders for the upcoming Fourth Assembly were agreed in Plenary shortly before dissolution. No explicit reference is made to the 'Opposition' but a number of Standing Orders are relevant in respect of references to party groups not serving in the executive and the management of business.

Standing Order 11.17 states that the aggregate of time allocated as between government and Assembly business in plenary meetings in an Assembly year must, so far as is reasonably practicable, be in the proportion of 3:2. Furthermore, SO 11.21 states that time must be made available in each Assembly year for debates on, among other items, the following items of business:

- motions proposed on behalf of political groups who are not political groups with an executive role (and the time allocated to each political group for motions proposed by it must so far as possible be in proportion to the group's representation in the Assembly)
- motions proposed by any Member who is not a member of the government

There is no published guidance or protocol that entrenches the role of the Opposition in the Chamber. Plenary operates with reference to the Chamber Handbook **which is an internal document only** and states that the timing and structures are agreed by the Presiding Officer according to the structures outlined below. The length of time allowed for a debate is ultimately a matter for the Presiding Officer's discretion during Plenary. **This may also be subject to change during the Fourth Assembly.**

The Leader of the largest opposition party is not described as 'the Leader of the Opposition' in the Record of Proceedings but as 'the Leader of the Welsh Conservatives'.

4 Committees

Issue to consider: Would it still be desirable/necessary to continue to employ D'Hondt to select the Chairpersons and Deputy Chairpersons of Assembly Committees? One consequence of this is that it prevents statutory Committee Chairpersons belonging to the same party that the relevant Minister belongs to. This contrasts with the situation in the House of Commons where the majority of Committee Chairpersons are drawn from the governing party.

House of Commons

The composition of departmental select committees reflects that of the House. A majority of the members of a select committee belong to the governing party, while the others are drawn from opposition parties. The proportions will vary according to the total number of seats each party has in the House. For smaller parties, this means that they will not have a member on each select committee. The size of a departmental select committee varies between 11 and 14 Members.

The names of Members to serve on each committee is proposed by another committee called the Committee of Selection at the start of each Parliament and agreed by the House. Changes in membership can only occur with the approval of the House. As a rule this only takes place when the status of the Member changes. The membership of select committees is confined, as a matter of practice, to back-bench MPs. Ministers, opposition front-bench spokesmen and party whips do not normally serve on departmental select committees.

By convention, the allocation of chairmanships is divided among the political parties, also based on the overall composition of the House. This means that while most committee chairmen are members of the governing party, some committees are chaired by an opposition MP...Although the parties decide between them which chairmanships will go to a member of which party, the committees themselves decide who their chairmen will be.

Scottish Parliament

In proposing membership of committees, the Parliamentary Bureau of the Scottish Parliament must have regard to the balance of the parties within the Parliament.

In practice, the number of seats for each party on each committee is decided on a roughly proportional basis. This gives the larger parties a share of seats on each committee that matches their share of seats in the chamber, while smaller parties may have a single seat on some committees and none on others. It is then primarily for each business manager to advise the Bureau which members of his or her party are to take up the committee places allocated to that party. In this way, most discussions about committee membership take place within the Bureau and, if they are resolved successfully, it may be possible to have a single, unopposed motion for Parliamentary approval. However, it is also possible for any member to propose amendments to the Bureau motion when it is taken by the chamber.

The only procedural limitation on committee membership is Standing Orders Rule 6.7.2, which prohibits any Minister or junior minister from being a member of the Audit Committee. In practice, no member appointed as a minister or junior minister has also served as a member of a committee at the same time, and members newly appointed as ministers have immediately resigned any committee memberships they hold.

National Assembly for Wales

Section 29 of the Government of Wales Act 2006 legislates for the composition of committees. The membership of each committee must reflect (so far as is reasonably practicable) the balance of the political groups to which Assembly members belong. If a proposal for the composition of a particular committee is not supported by two-thirds of the Assembly in a vote, then the d'Hondt formula will be used to determine the membership of that Committee. SO 17.4 states that in deciding the chairs of committees the Business Committee must have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong. SO 17.6 states that no motion to agree the membership of a committee can be passed unless the membership reflects (so far as is reasonably practicable) the balance of the political groups to which Members belong; and (if the motion for it is passed on a vote), at least two-thirds of the Members voting support it.

In addition SO 17.18 says that no sub-committee may consist only of Members from the political group or groups with an executive role and every sub-committee must contain at least one Member from a political group with an executive role.

5 Speaker/Presiding Officers and Deputies

Issue to consider: Despite the consociational nature of the Northern Ireland Assembly, there does not appear to be any requirement for Unionist/Nationalist balance in the election of the Speaker and the three deputy Speakers (although nominees require cross-community support). This is in contrast to the Commons, Scottish Parliament and National Assembly for Wales, where Standing Orders require a party balance.

House of Commons

The Speaker of the House is elected by secret ballot. MPs are given a list of candidates and place an x next to the candidate of their choice. If a candidate receives more than 50 per cent of the votes, the question is put to the House that he or she takes the chair as Speaker. If no candidate does so, the candidate with the fewest votes, and those with less than five per cent of the vote, are eliminated. In addition, any candidate may withdraw within 10 minutes of the announcement of the result of a ballot. MPs then vote again on the reduced slate of candidates and continue doing so until one candidate receives more than half the votes.

Three Deputy Speakers are elected by the House of Commons. The principal Deputy Speaker is the Chairman of Ways and Means. The other two Deputy Speakers are Deputy Chairmen of Ways and Means and are known respectively as First and Second Deputy Chairman of Ways and Means. Once elected, the Chairman of Ways and Means and the two Deputy Chairmen all withdraw from an active political role.

The election of the Deputy Speakers must operate under the following constraints, as outlined in Standing Orders:

- two candidates shall come from the opposite side of the House to that from which the Speaker was drawn the first of the candidates will be Chairman of Ways and Means and the second, Second Deputy Chairman of Ways and Means
- one candidate shall come from the same side of the House as that from which the Speaker was drawn and shall be First Deputy Chairman of Ways and Means and
- at least one man and at least one woman shall be elected across the four posts of Speaker and Deputy Speakers

Scottish Parliament

Standing Orders state that 'where there are two elected deputy Presiding Officers who represent the same political party, a member representing that party is not eligible for nomination as a candidate for appointment as Presiding Officer. The person chairing the meeting shall reject any such nomination as being invalid'

National Assembly for Wales

Section 25 (7) of the Government of Wales Act 2006 provides that the Presiding Officer and the Deputy Presiding Officer must not belong to the same political group, or different political groups both of which are political groups with an executive role. However, this can be disapplied by section 25 (9) if agreed by a two-thirds majority of the Assembly.