



Northern Ireland  
Assembly

## Research and Information Service Briefing Paper

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# Procedure when a Member is not present in the Chamber to ask their question

## 1 Key points

There appear to be several options available to legislatures if a Member is not present in the Chamber to ask an oral question:

- If a Member is not present, an answer will be printed in the Official Report
- Another Member may ask the question on his or her behalf
- The question will not be answered

Furthermore, it would appear reasonable that if a Member makes a decision to withdraw a question, then he or she does not want that question to be answered at that time. Current procedure in the Assembly is in line with that of the House of Commons and Scottish Parliament.

## 2 Background

This briefing paper has been prepared to inform the Committee on Procedures work on Standing Order 20(9) of the Northern Ireland Assembly. Standing Order 20(9) states:

Where –

- (a) the member who submitted the question is not present to ask it; or
- (b) the question is not reached in the time allocated for questions

The Minister or member representing the Assembly Commission to whom the question is addressed shall give a written answer. This question and answer shall be published in the Official Report (Hansard)<sup>1</sup>.

Therefore if a Member is not in the chamber when their question is called from the Order Paper, they must receive a written answer. However, if a Member withdraws a question out of courtesy to the House to indicate that they will not be present to ask it, then they do not receive a reply. This paper looks at practice in other legislatures when similar circumstances arise.

### **The 1973 Northern Ireland Assembly**

It is useful to compare current practice in the Assembly with the 1973 Northern Ireland Assembly. Standing Order 17(10) of the 1973 Assembly states:

If any Member does not distinguish his question by an asterisk or in the case of a question for oral answer, if he is not present to ask it or it is not reached by a quarter past three o'clock, the Member of the Executive to whom it is addressed shall cause an answer to be printed in the Official Report of Debates unless in the case of a question which was intended for oral answer, the Member has, before four o'clock, signified to the Clerk his desire to postpone the question to another day<sup>2</sup>.

The Progress Report for the Committee on Standing Orders (October 1998) contained this Standing Order. By the time the Committee reported in March 1999 the relevant Standing Order read:

SO19(11) Where a question is intended for oral answer but –

- (a) the Member who gave notice of the question is not present to ask it, or
- (b) on a day when the time for taking questions is between 2.30pm and 4.00pm, the question is not reached by 4.00pm, or
- (c) on a day when additional time is allocated for taking questions by the Speaker under paragraph (5), the question is not reached by the end of the time so allocated,

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<sup>1</sup> Standing Orders of the Northern Ireland Assembly February 2012

<sup>2</sup> Standing Orders of the Northern Ireland Assembly 1973

the Member who gave notice of the question may before the end of the time for taking questions signify to the Clerk his/her desire to postpone the question to another day.

If the Member does not signify such a desire to the Clerk, the Member of the Executive Committee or representative of the Commission to whom the question is addressed shall cause an answer to be printed in the Official Report of Debates.

### 3 Practice in Great Britain and the Republic of Ireland

#### House of Commons

Erskine May provides the following guidance on answers to oral and written questions:

If a question is for written answer, or, in the case of a question for oral answer, the Member is not present to ask it, or if it is not reached by the end of question time, the Minister to whom it is addressed causes an answer to be printed in the Official Report, unless the Member has signified his desire to postpone or withdraw the question. Questions are answered in writing at 9.30am or, in the case of oral questions not reached, at the end of question time<sup>3</sup>.

There is therefore some similarity between the Standing Order of the 1973 Assembly and the current procedure in the House of Commons.

#### Scottish Parliament

Standing Orders of the Scottish Parliament address the issue of a Member not being present in the Chamber to ask his or her question:

13.3.5 A question may be withdrawn by the member who lodged it at any time before it is answered by notifying the Clerk. A question which is withdrawn shall not receive an answer.

13.7.10. A question which is taken but which is not asked and has not been withdrawn, shall be treated as a written question and an answer shall normally be lodged on or before the next day when the office of the Clerk is open.

13.7.11. Where a member is not in the Chamber at the time the question that member had lodged is due to be asked, the Presiding Officer shall not call the question. Such a question shall be treated as a written question and an answer shall normally be lodged on or before the next day when the office of the Clerk is open<sup>4</sup>.

Therefore in the Scottish Parliament an oral question which has been withdrawn will not receive an answer. But an oral question will receive a written answer in circumstances where there has been insufficient time to ask the question **or** where a

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<sup>3</sup> Erskine May 'Parliamentary Practice', 24<sup>th</sup> edition 2011

<sup>4</sup> Standing Orders of the Scottish Parliament

Member has not been present to ask the question. This mirrors the position in the Northern Ireland Assembly.

### **National Assembly for Wales**

Standing Orders make the following reference to oral questions not reached:

12.68 Where any oral question is not reached, the Member must receive a written answer on the same day. The written answer must be published in the report of plenary proceedings<sup>5</sup>.

No reference is made to Members not being present in the Chamber to ask their question.

### **Dail Eireann**

In its Programme for Government, the Fianna Fail/Labour coalition announced a package of parliamentary reforms, one of which addressed the format of oral questions:

To make the oral question process more effective, we propose to increase the time allocated to oral question. To provide balance there will be a reduction in the number of oral questions being submitted to one per member. A member must be present in the chamber when his or her question is reached, although they may defer to another member the right to ask a supplementary question<sup>6</sup>.

The Opposition voiced its concern when this issue was raised on the floor of the House:

We strongly object to the proposed rule that a Member must be present when a question bearing his or her name is called. This would undermine the effective operation of accountability on the part of Opposition spokespersons and would ignore the impact which other representative business can have on Deputies at short notice<sup>7</sup>.

There is no reference to the Government's proposal in Standing Orders.

## **4 International examples**

### **Stortinget (Norwegian Parliament)**

The Rules of Procedure of the Stortinget state:

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<sup>5</sup> Standing Orders of the National Assembly for Wales

<sup>6</sup> Programme for Government, March 2011

[http://www.taoiseach.gov.ie/eng/Publications/Publications\\_2011/Programme\\_for\\_Government\\_2011.pdf](http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/Programme_for_Government_2011.pdf)

<sup>7</sup> HC OR 2 June 2011

The questions to be dealt with during Question Time are reproduced and distributed to the Members before Question Time begins. Questioners speak in turn and may, without stating any grounds for their question, request a reply from the Minister. If the questioner is not present, another Member may take the question up. If that is not done, the question is considered dropped<sup>8</sup>.

### **Canadian House of Commons**

Standing Orders (Chapter 6, Process of Debate) state:

(1) Questions put by Members and notices of motions not taken up when called may (upon the request of the government) be allowed to stand and retain their precedence; otherwise they will disappear from the Order Paper. They may, however, be renewed<sup>9</sup>.

### **New Zealand House of Representatives**

Standing Order 381 states:

(1) When a question for oral answer is called by the Speaker, the member in whose name it stands indicates the Minister or member to whom it is addressed and reads it to the House.

(2) A member may ask a question for oral answer on behalf of a member who is absent when authorised by that member to do so<sup>10</sup>.

### **German Bundestag**

The Bundestag addresses the issue of absent members in the following manner:

During Question Time the President (Speaker) calls the question and name of the questioner. Where the latter is not present, his or her question is answered in writing if he or she has submitted a corresponding request to the President before the beginning of Question Time. Otherwise the Federal Government does not reply to the question. However, questioners may also withdraw their question and table it again for the next week of sittings, if they are unable to present in the plenary when it is likely to be called<sup>11</sup>.

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<sup>8</sup> Rules of Procedure of the Norwegian Parliament:

[http://www.stortinget.no/Global/pdf/Diverse/Stortingetsforretningsorden2011\\_engelsk.pdf](http://www.stortinget.no/Global/pdf/Diverse/Stortingetsforretningsorden2011_engelsk.pdf)

<sup>9</sup> Standing Orders of the Canadian House of Commons [http://www.parl.gc.ca/About/House/StandingOrders/chap6-e.htm#TOCLink\\_42\\_1](http://www.parl.gc.ca/About/House/StandingOrders/chap6-e.htm#TOCLink_42_1)

<sup>10</sup> Standing Orders of the New Zealand House of Representatives [http://www.parliament.nz/NR/rdonlyres/65E97824-9EED-447E-832A-E4A4418EAEA2/206415/standingorders2011\\_1.pdf](http://www.parliament.nz/NR/rdonlyres/65E97824-9EED-447E-832A-E4A4418EAEA2/206415/standingorders2011_1.pdf)

<sup>11</sup> S. Linn and F. Sobolewski, 'The German Bundestag: Functions and Procedures: Organisation and working methods, the legislation of the Federation', 2010, NDV