



**Northern Ireland
Assembly**

**Committee on Procedures
Room 247
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX
Tel: 028 90521205**

committee.procedures@niassembly.gov.uk

First Minister and deputy First Minister
The Executive Office
SD03 Stormont Castle
Stormont Estate
Belfast BT4 3TT

16 February 2021

Dear Arlene and Michelle,

LEGISLATIVE CONSENT MOTIONS AND THE EXECUTIVE'S LEGISLATIVE TIMETABLE

I write to you again on the issue of the Committee on Procedures Inquiry into the current procedures for Legislative Consent Motions (LCMs).

To date the Committee has received five responses to its consultation, although none from TEO at the time of writing this follow-up letter. I have enclosed the Terms of Reference for the Committee's Inquiry. The Committee has agreed to write again to seek your specific input on the particular issues for the Executive relating to LCMs.

As previously advised, following a quadrilateral meeting in Edinburgh of the Speakers and Presiding Officers in 2020, the Speaker wrote to the Committee on the issue of Legislative Consent Motions. From discussions at the quadrilateral meeting, the Speaker informed the Committee that it is clear that the context created by Brexit has created pressure on LCM procedures in all of the devolved legislatures.

Since my last letter it has become apparent that on a number of occasions Executive Ministers have not complied with Standing Order 42A. This has meant that Parliament has considered and passed legislation on devolved matters without the Assembly having been informed in advance about the devolved provisions within those Bills or that the UK Government had sought legislative consent. More generally, the Committee is also advised that there can be a lack of information coming to relevant Assembly Statutory Committees from departments in terms of forthcoming LCMs.

A number of the Assembly Committees have further expressed concern that there has been insufficient time for them to undertake their essential scrutiny role in relation to the LCMs which have been referred to them. The Committee is aware that UK Government Ministers may not be liaising in good time with Executive Ministers to allow for adequate engagement with relevant Statutory Committees.

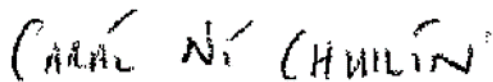
When SO 42A was drafted and agreed in 2009, the then Office of the First Minister and deputy First Minister was a significant stakeholder and contributor to the discussions which led to the Assembly being able to underpin this important area of work in Standing Orders. The Committee therefore recognises the

importance of taking account of the Executive's views when considering any amendments to SO42A and would therefore welcome your input.

Finally, you will be aware that section 15(3) of the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016 provides that the Assembly's Standing Orders must make provision for an annual debate on the Executive legislative timetable. The Committee will be considering this issue and would welcome your views both on how these arrangements might work and whether such a debate might also provide an opportunity to consider forthcoming LCMs.

Any queries should be directed to the Committee Clerk at emer.boyle@niassembly.gov.uk or by telephone on 02890 521205.

Yours sincerely,

A handwritten signature in black ink that reads "CARÁL NÍ CHUILÍN". The letters are slightly slanted and connected in a cursive style.

**Carál Ní Chuilín MLA
Chairperson, Committee on Procedures.
Enc.**

Terms of Reference

- a) review the circumstances in which use of a Legislative Consent Motion is considered appropriate;**
- b) review the processes through which Legislative Consent Motions are introduced to the Assembly;**
- c) review the mechanisms by which the Assembly specifically gives, or does not give, its consent;**
- d) review the arrangements for consultation with and consideration and reporting by committees of the proposed legislation and its out workings;**
- e) to consider the need to introduce a Standing Order/amendments to Standing Orders to address the issues identified within the inquiry.**