



Northern Ireland  
Assembly

Committee on Procedures

# Report on Members' Statements

Ordered by the Committee on Procedures to be printed 23 June 2021

Report: NIA 109/17-22 Committee on Procedures.

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# Powers and Membership

## Powers

The Committee on Procedures is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Order 54.

The Committee has power:

- Consider and review, on an ongoing basis, the Standing Orders and procedures of the Assembly;
- Initiate inquiries and publish reports;
- Republish Standing Orders annually; and
- Call for persons and papers.

## Membership

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

Ms Carál Ní Chuilín (Chairperson) <sup>2,4,5</sup>

Mr Tom Buchanan (Deputy Chairperson)

Ms Rosemary Barton

Ms Sinead Bradley

Ms Nicola Brogan <sup>3</sup>

Ms Joanne Bunting<sup>10</sup>

Mr Gerry Carroll

Ms Linda Dillon <sup>6,7</sup>

Mr William Humphrey<sup>1,8,9,11</sup>

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<sup>2</sup> Mr John O'Dowd joined the Committee on Monday 21 September 2020

<sup>4</sup> Ms Carál Ní Chuilín replaced Mr John O'Dowd as a member of the Committee on Monday 18 January 2021

<sup>5</sup> From 20 January 2021 Ms Carál Ní Chuilín replaced Ms Linda Dillon as the Chairperson of the Committee

<sup>3</sup> Ms Catherine Kelly left the Committee on Tuesday 3 November 2020 and was replaced by Ms Nicola Brogan on Monday 30 November 2020

<sup>10</sup> Ms Joanne Bunting replaced Mr Maurice Bradley as a member of the Committee on 21 June 2021

<sup>6</sup> Ms Linda Dillon resigned as Chairperson of the Committee on Procedures on 20 January 2021

<sup>7</sup> Ms Linda Dillon rejoined the Committee on Monday 1 February 2021

<sup>1</sup> Mr Harry Harvey left the Committee on 17 February 2020 and was replaced by Mr Gary Middleton.

<sup>8</sup> From 22 February 2021 Ms Paula Bradley replaced Mr Gary Middleton as a member of the Committee

<sup>9</sup> From 22 March 2021, Mr Gary Middleton replaced Ms Paula Bradley as a member of the Committee

<sup>11</sup> Mr William Humphrey replaced Mr Gary Middleton as a member of the Committee on 21 June 2021

# List of Abbreviations and Acronyms used in this Report

The Assembly	Northern Ireland Assembly
the Committee	Committee on Procedures
MLA	Member of the Legislative Assembly
ToRs	Terms of Reference
SO	Standing Order

# Executive Summary

The Committee on Procedures has carried out an inquiry into the need to introduce a new category of business to allow Members to raise topical issues in the Assembly. This report details the Committee's considerations and conclusions. The report concludes that new provision should be made, within the NI Assembly's Standing Orders, for a category of business, entitled **Members' Statements**, which would be scheduled routinely, by the agreement of the Business Committee.

The Committee examined the potential to introduce a procedure, based on the existing Standing Order 24 for managing Matters of the Day, which would facilitate Members being able to make statements on topical issues, within defined parameters.

To inform its decision making the Committee commissioned research on arrangements at other legislatures, consulted with stakeholders and considered written responses.

The Committee found that there were no procedures already in place in any of the UK parliaments but that similar arrangements do exist to facilitate Members raising topical issues of concern or note in the parliaments of Canada and Australia and in Dáil Eireann.

The Committee's work on this subject was paused during the second wave of the Covid pandemic when Committee agreed that it was not an appropriate time to consider adding additional categories of business to the work carried out by the Assembly.

Consideration of the issues recommenced in late March 2021 and this report details all of the Committee's considerations, concluding that new provision for Members' Statements should be made in Standing Orders. The Committee will therefore bring forward a new Standing Order 24A for the Assembly's consideration and agreement, which is attached at Annex A of the report.

# Introduction

1. When the Assembly resumed in early 2020, one of the first tasks for the Committee on Procedures was to identify its strategic priorities and agree a forward work programme for the remainder of the 2017-2022 mandate.
2. Collation of topics for consideration on the forward work programme was ongoing when, on 19 February 2020, the Speaker wrote to the Committee setting out his desire to have a short period in Plenary during which Members would have the opportunity to put issues briefly on the record without requiring him to judge them against any particular criteria (Members' Statements).
3. The Committee subsequently agreed for Members' Statements to be included in the top two priorities for the Committee to take forward. Minutes of all of the Committee's discussions are included at Appendix 1. The Committee then wrote to all parties and independent Members to seek their views on the potential arrangements and commenced its work.
4. When the second wave of the Covid pandemic led to the re-imposition of restrictions in the Autumn of 2020, the Committee decided to focus on the issue of Hybrid proceedings. The Committee agreed to return to the issue of Members' Statements at a future date later in the mandate.
5. In March 2021 the Committee received further correspondence from the Speaker, which acknowledged the downward trend with regard to Covid figures and the fact that the scheduling of Assembly business was returning to its normal processes. The March 2021 correspondence asked whether the Committee would now be able to return to its consideration of Members' Statements, making the point that; *"An item of business for Members' Statements would address the issue of the Assembly being unable to note such topical matters and might reduce the need to give thirty minutes of Assembly time to an individual issue under a Matter of the Day or an Urgent Question."*

# Committee Considerations

## Background

6. Following Committee agreement to prioritise Members' Statements as one of the top two work priorities, research on Members' Statements was commissioned from the Assembly's RaISe team and draft Terms of Reference (ToRs) for the Inquiry were developed.
7. A briefing was received by the Committee from RaISe at its meeting in September 2020. The full research paper can be found at Appendix 5 or can be reviewed via the following link:  
<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2017-2022/2020/procedures/4720.pdf>
8. The Committee then sought the views of all of the Political Parties and Independent MLAs of the Assembly on the agreed Terms of Reference which are set out below:

## Terms of Reference

- Review how frequently Members should have the opportunity to make statements;
- Review how long any period for statements should last;
- Review at what point during a sitting Members' statements should be scheduled, as well as whether it should be at a set time for each sitting or flexible;
- Review the process by which Members are chosen to make a statement;
- Review what time limit there should be on each individual statement;
- Review whether there should be any formal restrictions on what Members might say in their statements; and
- Report to the Assembly making recommendations, as necessary, on the findings of the Committee on Procedures.

9. All of the consultation responses are attached at Appendix 4. A summary of the main issues highlighted in the responses is set out in the paragraphs which follow:

#### **A more flexible space to put topical issues of concern on the record**

10. The Committee was keen to identify a procedural mechanism which could act as a more flexible space for Members to make statements in the Assembly chamber. In light of the strict criteria which apply to Matters of the Day and Urgent Oral Questions, there was recognition that the introduction of an additional category of business, during which MLAs could more easily raise issues of concern to their constituents, would be beneficial. Consultation feedback expressed an interest in the approaches adopted in the Australian House of Representatives and the Canadian House of Commons, which make provision for Members to raise issues in the chamber in a strictly time-limited way.
11. A minority of the responses received reflected a lack of support for the introduction of a procedure for Members' Statements, emphasising that these should be explicitly restricted to matters of code of conduct or ministerial resignations. In addition, a number of the responses made the point that the current arrangements around Urgent Oral Questions and Matters of the Day offer adequate opportunity for Members' Statements.

#### **Concerns about Repetition**

12. A number of the consultation responses were more welcoming of the concept of the introduction of Members' Statements, provided that they did not lead to repetition of items of business and could be time-controlled, emphasising the need for any standing order to be "precise and clearly defined."

#### **Covid Priority**

13. A number of the responses focussed on the reality in Autumn 2020, which was that there were greater priorities on Assembly business, given the pressures on Assembly time as a result of the COVID-19 crisis. There was a general consensus that the Committee could return to the issue for further discussion at a more appropriate time.



## Members' Statements Re-Visited

14. Following consideration of the consultation responses, the topic of Members' Statements was placed "on hold" as COVID-19 rates accelerated and the Committee needed to focus its attention on other priorities. When re-visited in April 2021 the Committee agreed that the issues for further consideration should be categorised as follows:

- Whether provision should be made in Standing Orders
- Selection and Management of Members' Statements
- Frequency
- Scheduling
- Duration and Time Limits, and
- Restrictions

Each of these issues is addressed in the paragraphs which follow.

### Whether Provision for Members' Statements should be made in Standing Orders

15. Evidence received from the Speaker outlined that his office was receiving "*many applications for Matters of the Day*" on a regular basis which were considered by MLAs to be important matters but which did not meet the necessary criteria for Matters of the Day (SO 24). The Speaker explained that consideration and processing of these applications was time-consuming and had led to sense of frustration amongst MLAs who were repeatedly unable to raise important constituency matters in the Chamber.
16. The Committee was therefore content to agree that provision should be made in Standing Orders for Members to be able put issues briefly on the record. This was agreed on the basis that a 30 minute period would be strictly time-managed.

### Selection and Management of Members' Statements

17. The rationale for the Committee's Inquiry was to try to identify a procedural mechanism to accommodate MLAs raising topical issues of importance in a timely manner. It was agreed that, if MLAs could be afforded this opportunity on a scheduled basis, then it could also serve as a pressure valve to allow different issues to be aired which may otherwise have been "shoe-horned" into a less directly relevant item of business or even repackaged as a Point of Order.

18. A potential approach was discussed in terms of feasibility, based on the approach currently taken to managing Matters of the Day. The proposed approach was on the basis of:

- the maximum period of time available for Members' Statements being 30 minutes;
- The Speaker would invite Members who wish to speak to rise in their places in the Chamber
- The Speaker would seek to ensure that Members from a wide range of parties were called
- Members would have a maximum of three minutes to make their contribution

19. The Committee agreed this proposal by consensus and acknowledged that it specifically addressed a number of the ToRs of its inquiry, specifically the duration period for statements, the process by which Members are chosen to make a statement; and a specific time limit being applied to each individual statement. Defining the parameters of the remaining three issues of frequency, scheduling and restrictions were the focus of a number of the discussions in the series of Committee meetings in May and June 2021.

### Frequency of Statements

20. There were two broad options for consideration in terms of the frequency with which Members' Statements could be scheduled:

- **routinely, with an agreed frequency** (e.g. at each sitting; at one sitting per week, at one sitting per month etc). The benefits of this approach were noted as providing certainty about when Members' Statements would be scheduled.

OR

- **the Business Committee could determine how frequently Members' Statements were scheduled.** Like other items of business such as Private Members' motions or Adjournment Debates, it was noted that the advantage of this approach is that it allows for greater flexibility and if the Business Committee considered that, due to the volume of other business, it was not appropriate to schedule Members' Statements it could decide not to do so.

21. When considering these options, Members acknowledged that the latter approach could address some of the concerns raised in the consultation about creating additional unnecessary business. For the most part it was considered that, if Members' Statements were to be managed within a strict 30 minute window, then they should be able to be scheduled weekly, without elongating the business of the day to any significant extent. The Committee discussed this at length and voted on whether the Business Committee should have discretion with regard to frequency. After further debate, Committee agreed that it should be for the Business Committee to determine whether to schedule Members' Statements. However, in agreeing this, the Committee also expressed its view that it would expect the Business Committee to schedule Members' Statements usually on at least a weekly basis (unless the Business Committee considered that there were particular reasons why, on any given week, they should not be scheduled).

#### **Scheduling (when, during a sitting, Members' Statements are scheduled)**

22. In terms of scheduling, there were also two broad options for consideration:

- whether a **fixed time should be set out in Standing Orders**, or
- whether scheduling should remain a matter **for the Business Committee to determine**.

23. In considering these two options the Committee considered the arrangements for other items of business. The only other item of business that has a fixed time is Question Time and Members noted that, whilst the time being fixed has certain advantages as far as those participating is concerned, it also causes a number of issues. Firstly, if for some reason Question Time does not take place at those fixed times, it is necessary for Standing Orders to be suspended. Secondly, the effect of having Question Time at a fixed time is that it is necessary to suspend whatever unfinished business directly precedes it which can be disruptive in practice.

24. It was also noted that there is no fixed time for other scheduled items of business on the order paper such as debates. Neither is there a fixed time for additional items of business such as Matters of the Day or Urgent Oral Questions. Having considered this, there was Committee consensus to **not** propose a specific, fixed timeslot for Members' Statements. However, in agreeing this, the Committee expressed the view that there would be merit in Members' Statements being managed much like Matters of the Day, and

that they would therefore anticipate them being scheduled towards the start of plenary business. The Committee acknowledged, however, that this would be for the Business Committee to determine and that, on occasions, it may wish to exercise some flexibility around this.

## Restrictions

25. Drawing on the experience from other parliaments which make provision for business analogous to Members' Statements, it was acknowledged by all Members, both in the Committee and in the consultation responses, that any future proposals to accommodate these types of statements in plenary would also need to clearly articulate what would **not** be permitted in a Members' Statement.
26. The Committee noted that Standing Order 73 (1) already provides that a Member shall not, in any proceedings of the Assembly, refer to any matter in respect of which legal proceedings are active (within the meaning of section 2 of the Contempt of Court Act 1981) except to the extent permitted by the Speaker. The Committee acknowledged that this provision would therefore automatically apply to any new item of business for Members' Statements.
27. A range of the "types" of restrictions in place in other legislatures were considered as examples of appropriate, practical and relevant conditions. These included the following:
- Statements:
- Shall be brief, factual and not subject to debate
  - Shall be confined to one matter;
  - Shall not revive discussion on a matter which has been discussed in the same Session;
  - Shall not anticipate a matter which has been previously scheduled for discussion
  - Shall not raise a question of privilege, and
  - The Speaker may order a member to resume his or her seat if, in the opinion of the Speaker, improper use is made of this standing order (Canadian House of Commons)
28. Having considered examples of restrictions elsewhere, the Committee considered what restrictions would be appropriate at the Assembly. Its considerations are set out in further detail below.

### **Whether Members' Statements may be used to return to a matter on which the Assembly had resolved**

29. One of the proposed restrictions considered was whether Members' Statements could be used to return to a matter on which the Assembly had resolved. Examples of issues on which the Assembly has already spent a considerable amount of time debating and voting on amendments were discussed. The Committee is clear that it does not want Members to be able to use Members' Statements to be able to revisit those matters where the Assembly has already made its position clear. However, the Committee also wanted to ensure that any restriction did not also have the effect of restricting MLAs from making statements which relate to continuing matters which may have previously been debated but which might legitimately be addressed during Members' Statements (e.g. developments in relation to COVID-19 or EU Exit related matters).
30. The Committee gave very careful consideration to striking the right balance between restricting statements from revisiting previous resolutions while not unnecessarily limiting Members from addressing recurring matters of public interest. After considering various options, the Committee decided that any restriction should only apply to Members specifically addressing questions that have been decided by the Assembly within the previous 6 months.

### **Reference to Members and Political Parties**

31. Members were agreed on the need to ensure that a statement should not be used to "*impugn or attack another member*". The Committee is clear that it would be an improper use of Members' Statements if Members attempted to use them in this way. In agreeing this, however, the Committee was also satisfied that this provision would in no way prevent a Member from criticising the actions of a Minister. The ability to do this is, of course, a vital function of a legislature and its Members. However, there is a clear difference between this sort of legitimate comment and impugning or attacking another Member. There was more careful consideration on whether or not a statement could be used to impugn or to attack another political party. It was considered that adding "political party" to the proposed restriction could have the effect of being too restrictive as far as legitimate political comment in the Chamber was concerned. Accordingly, the Committee agreed that it was unnecessary to do so.

## Purpose of Members' Statements

32. Although there was clarity amongst Members on the restrictions which should be prescribed, it became clear that any new Standing Order should also prescribe or direct Members as to what the purpose of Members' Statements actually is, that is, **what a Members' Statement may be used for** as well as what it may **not** be used for.
33. When agreeing the Terms of Reference for its Inquiry, Members were agreed that they were keen to examine whether provision could be made for MLAs to make statements on topical matters which cannot currently be selected as Matters of the Day because they are not necessarily matters meeting the strict criteria of "*exceptional public interest*" which "*directly affect(s) the people of Northern Ireland*".
34. Acknowledging that the spirit or intent of the gap underpinning this inquiry was to accommodate MLAs being able to make statements on issues which are of importance in their constituency, the Committee considered that any new Standing Order should properly clarify that any statement should be **about a topical matter of public interest**. It was acknowledged that such a clarification would ensure that Members could still make statements on all the different types of issues that the Committee has previously noted cannot be selected as Matters of the Day, whilst also limiting the potential for statements to be abused by being used for issues which are of no public interest.
35. In reaching its conclusion on the extent of the clarification required, the Committee agreed that it would also be prudent if the Standing Order further provided that **a statement should be on a single matter rather than on multiple matters**.
36. Given that it could be reasonable to assume that a degree of "testing" could be associated with the introduction of new arrangements in Standing Orders, the Committee considered whether it might be useful for the Standing Order to explicitly prescribe that the Speaker would have the authority to introduce further restrictions if considered necessary for good order. This was considered unnecessary. However, in taking this view, the Committee noted that the Speaker already has the general authority to clarify, through Speaker's Rulings and the provision of guidance, how he will manage business within the parameters of Standing Orders. The Committee noted that there is guidance and rulings from the Speaker on various matters such as Matters of the Day. The Committee considered that guidance and/or rulings from the Speaker on Members' Statements

might be helpful, particularly if he wishes to clarify how he will manage or interpret specific aspects.

37. The Committee considered whether or not the proposed new arrangements should be trialled on a pilot basis and then reviewed after a year or at the end of the mandate. The Committee did not consider that this was necessary and agreed that any change or review of the new arrangements would be a matter for the next Committee on Procedures to consider.

## Conclusions

38. The Committee on Procedures has concluded that provision should be made to allow for Members' Statements in the NI Assembly's Standing Orders, in line with the parameters detailed in i-ix below:
- i. A maximum period of 30 minutes would be permitted for Members' Statements
  - ii. The Speaker will invite Members who wish to speak to rise in their places in the Chamber
  - iii. The Speaker will seek to ensure that Members from a wide range of parties are called
  - iv. Members will have a maximum of three minutes each to make their contribution
  - v. Members' Statements will be added to the business of the Assembly weekly (subject to the agreement of the Business Committee)
  - vi. The timing of Members' Statements will be for the Business Committee to determine but will be expected to be taken towards the start of business
  - vii. Members shall not be able to use statements to anticipate a matter scheduled for debate;
  - viii. Members shall not be able to use statements to address a question that has been decided by the Assembly within the previous 6 months;
  - ix. Members shall not be able to use statements to make allegations about or attack another Member.
39. In light of this, the Committee agreed to prepare a new Standing Order that reflects these conclusions.
40. The Committee has therefore prepared a draft new Standing Order, SO 24A, which can be found at Annex A. The Committee is satisfied that this draft Standing Order reflects its conclusions. The Committee will therefore bring forward a motion setting out this new Standing Order and will recommend its approval to the Assembly. It is the Committee's hope that the new Standing Order might be agreed in sufficient time to allow the business of Members' Statements to be scheduled from the start of the next session in September 2021.



# ANNEX A

1. In Standing Order 10(1)—

In paragraph (i) leave out “and”

In paragraph (j) leave out “.” and insert “; and”

After paragraph (j) insert-

“(k) Members' Statements.”

2. After Standing Order 24 insert—

**“Standing Order 24A: Members' Statements**

- (1) This order shall apply in any period set aside for members' statements.
- (2) A member who wishes to make a statement must rise in his or her place, and may be selected by the Speaker.
- (3) When selecting a member to make a statement, the Speaker shall have regard to the balance of opinions in the Assembly.
- (4) No member may intervene during a statement.
- (5) No vote will be taken, and there shall be no questions, following a statement.
- (6) A statement must relate to a [topical] matter of public interest and must not:
  - (a) exceed three minutes in duration;
  - (b) relate to a matter scheduled for debate in the Assembly;
  - (c) address a question that has been decided by the Assembly within the previous 6 months; or
  - (d) be used to impugn or to attack another member.”.

## Links to Appendices

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Appendix 1 - Minutes of Proceedings can be viewed *here*

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Appendix 3 - Committee Correspondence can be viewed *here*

Appendix 4 - Written submissions can be viewed *here*

Appendix 5 - Research Paper can be viewed *here*

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