

An Ceann Comhairle

Seomra 39
Foirgnimh na Parlaiminte
Baile Lios na Scáth
Cnoc an Anfa
Béal Feirste, BT4 3XX

Guthán: +44 (0) 28 9052 1130
r-phost: speakersoffice@niassembly.gov.uk



The Speaker

Room 39
Parliament Buildings
Ballymiscaw
Stormont
Belfast, BT4 3XX

Tel: +44 (0) 28 9052 1130
email: speakersoffice@niassembly.gov.uk

Carál Ní Chuilín MLA
Chairperson of the Committee on Procedures
C/O Room 247
Parliament Buildings

22 March 2021

Caról a chonaic

Thank you for your letter of 26 February 2021 in relation to a number of issues which form part of the Committee's strategic planning.

I want to cover a range of subjects below and I apologise that as a result this is a long letter. Before I do so, I want to thank the Members of the Committee for the work they have done over the last year which has shown how important the Committee is. Without the reforms the Committee has brought forward, Assembly business could not have continued as smoothly as it has. This experience has also proven the potential the Committee has as an engine to reform how the Assembly operates and there is still plenty of scope for that. I am therefore delighted to see that the Committee is meeting frequently and dealing with so many issues.

Private Members' Bills

I would still welcome the Committee's input in relation to Private Members' Bills (PMBS) going forward. It was clear from previous mandates that there was an appetite amongst Members for the provision of greater support for PMBs and it was important that I acted quickly to put new arrangements in place when the Assembly resumed business. However, the Committee is right that it is going to be extremely challenging for the full number of PMB proposals to get through the Assembly in the time remaining in this mandate. There are a number of issues which need considered if interest in PMBs is going to remain at a high level for the future. The Committee should also be mindful that in the next mandate, the Speaker will have to again determine the PMB arrangements within the first few weeks. Therefore, now would be the opportune time for the Committee to express what the best system is going forward.

The Committee could consider how best to balance the interest amongst Members in PMBs and the number of PMBs the Assembly can realistically scrutinise in a mandate while also considering the Executive's legislative programme. This would allow the Committee to give its view on what the appropriate level of support for PMBs is and how the situation can be fairly managed between Members if demand exceeds that level. The Committee might also consider how Assembly time is allocated to PMBs. Currently, the Business Committee schedules them on a first come, first served basis, taking account of the time remaining after Executive Business is scheduled. However, with the increased

numbers, it is easy to imagine a bottleneck emerging when difficult decisions may be required.

In my original letter of 16 September 2020, I set out a more detailed range of issues which the Committee could consider. If the Committee was willing to look at the PMB system in detail, I would be happy to provide fuller views and also arrange for officials to provide a fuller briefing, including on how the new arrangements are working.

One remaining PMB issue from that letter continues to be of concern to me. In the past year, a number of PMBs have been submitted by Members independent of using Bill Office support. They are able to do that and I have facilitated them. However, there is an issue of equity. There are Members who go through the rigours of the Bill Office PMB process in order to have access to the drafting service but there are others who have access to external assistance and present their own ready-drafted PMBs. There is also an issue that this Assembly should be concerned about conducting effective scrutiny and following best practice in producing legislation. Executive bills go through a statutory consultation. I have also included a consultation stage in the requirements for any Member who wishes to access the PMB drafting service but a Member who submits their own pre-drafted Bill does not have to have conducted any consultation. I also understand that over the years a high proportion of those pre-drafted Bills which have been submitted have had to be resubmitted as a number of issues have been identified which they then have to address. That does not happen with Executive Bills or PMBs which have been developed with the assistance of the Bill Office. There is therefore the danger that a Member who goes through the Bill Office PMB process, which is designed to ensure legislative proposals are well developed, and which is of benefit to the Assembly, is disadvantaged by those who have the external means available to work around that process. With a growing trend of submitting PMBs via this route the Committee's views on this category of PMBs would be timely.

NDNA Commitments in Relation to the Use of Irish and Ulster Scots and Assembly Business

It has been entirely logical for the Committee to seek to progress the New Decade New Approach (NDNA) commitment to allow Assembly business to be conducted in Irish or Ulster Scots alongside the expected introduction of legislation on issues of language in order to identify where there may be overlaps. However, the Committee will be aware that there is no requirement in NDNA for the development of new Standing Orders to enable a Member to conduct Assembly business in Irish or Ulster Scots to await the legislation which is expected to be introduced. I make that point purely because if there is a further delay in looking at this issue there is a possibility that there would be insufficient time to introduce and implement new Standing Orders in this area before the next election.

You were correct when you said in your letter that the changes that could be brought forward might impact on a wide range of aspects of Assembly business and that they would also require the Assembly Commission to undertake actions within its responsibilities. Since the Assembly returned, the Commission has been prepared to consider these issues. However, without any indication of the changes the Committee and the Assembly intend to make, both to business inside and outside of the Chamber, the Commission cannot determine the changes to systems and services, or the resources, which will be required.

The Committee could consider that it would be sensible to conduct this work in stages. For instance, the Committee could firstly look at issues around enabling Members to speak in the Chamber in Irish or Ulster Scots, including introducing simultaneous translation, in order to have made progress for the next mandate the next mandate. Those issues which are likely to require more detailed consideration such as the handling of handling of the

legislative process, could be looked at once initial progress is made. . As Speaker, I am conscious that the Assembly was re-established on the basis of NDNA and that a failure to implement it may impact upon the integrity of the Assembly as a whole.

Members' Statements

Your predecessor as Chairperson wrote to me in November 2020 in relation to the issue of Members' Statements. I was pleased to read that a majority of those who had responded to the Committee had indicated a need for a period of time in plenary for Members to put issues briefly on the record.

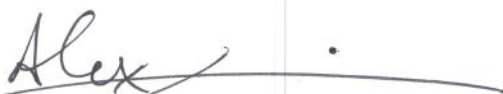
I noted the Committee's decision at that time to put its further consideration of Members' Statements on hold, to return to it at a more appropriate time and then to move quickly when that time comes. Thankfully, the downward trend of COVID-19 infections is continuing, the scheduling of Assembly business has returned to normal and we look forward to restrictions being eased in due course. I would therefore respectfully suggest that now might be an appropriate time for the Committee to return the issue of Members' Statements.

Over recent months I have received many applications for Matters of the Day that did not meet the necessary criteria but were still important matters if a Member had an appropriate opportunity to raise them. I would also note that considering requests for Matters of the Day and Urgent Questions involves significant time for Assembly officials and myself.

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. It may also serve as a pressure valve to allow Members to air different issues which they will otherwise attempt to shoehorn into a less directly relevant item of business or try to repackage as a Point of Order. I do not anticipate that Members' Statements would have a significant impact on the timing of other Assembly business, particularly as they may also reduce the need for Matters of the Day to be submitted or accepted. This approach would also allow a greater diversity of topical issues to be raised by Members at a single sitting.

I do not think the Committee would need to spend a long time on this proposal as it could be based on existing arrangements. The approach I currently take to calling Members on a Matter of the Day is not prescribed in Standing Orders. My approach is to invite Members who wish to speak to rise in their places in the Chamber. I then seek to ensure that Members from a wide range of parties are called. Members have a maximum of three minutes for their contribution and I provide a maximum period of 30 minutes in which Members might be called. I recommend to the Committee that using the same approach for Members' statements would give the Chair and Members maximum flexibility to respond to the circumstances of any given week while also ensuring that diverse voices are heard.

There is a high degree of synergy between the work of the Committee on Procedures and the work of the Speaker. I want the Committee to be clear that my door is open to it and that I am always keen to engage and provide the Committee with information to be as helpful as I can. Therefore, I am happy to write further to the Committee on any of the issues above that it prioritises in its work programme. I will also continue to highlight areas which could be improved but which might require less time for the Committee to consider.



ALEX MASKEY MLA