



**Northern Ireland  
Assembly**

## **Business Committee**

Room 33

Parliament Buildings

Tel: +44 (0) 28 9052 1534

[Alex.McGarel@niassembly.gov.uk](mailto:Alex.McGarel@niassembly.gov.uk)

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**From:** Alex McGarel, Clerk to the Business Committee  
**To:** Emer Boyle, Clerk to the Committee on Procedures  
**Cc:** Paul Gill, Clerk Assistant  
**Date:** 16 November 2021  
**Subject:** Committee on Procedures Inquiry into Private Members' Bill

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1. Thank you for inviting the views of the Business Committee (the Committee) on your inquiry into Private Members' Bills. The Committee considered this matter on [12 and 19 October 2021].
2. The Committee agreed that its response should focus specifically on the areas of the terms of reference that fall under its remit, as outlined in Standing Orders. Members of the Committee wishing to express views on other areas of the terms of reference will do so via their party or the Chairpersons' Liaison Group.

### **Background to scheduling plenary time**

3. Standing Orders make provision for two plenary sessions each week; on a Monday between 12 noon and 6pm and on a Tuesday from 10.30am to 6pm. They give authority to the Committee to allocate time for business within these times but also provide flexibility for the Committee to extend sittings beyond them and to arrange additional sittings. Experience to date indicates that it has always been possible to ensure that there is sufficient plenary time for Executive business.
4. The Committee endeavours to schedule all business requested by the Executive on the day required. From time to time during a mandate and more frequently towards the end, it may become apparent that there is insufficient plenary time for Executive business to be completed within the times outlined above. On these occasions, the Committee may select a number of approaches to increase the amount of sitting time in a planned way through a combination of later sittings and additional sitting days.

5. Occasionally, later sittings result from business taking more time than expected when time limits have not been applied to debates and estimated timings do not reflect the debates taking place. The number of occasions when this occurs also tends to increase towards the end of the mandate.
6. Should they be required, additional sittings would typically be scheduled for a Wednesday. However, such sittings would overlap with the scheduling of Committee meetings and consequently would require relevant Members to have to choose which proceedings to attend.
7. Once all Executive business requested for a sitting has been scheduled, the Committee considers what time remains for scheduling additional business, from either Committees or private members. Similar to Executive business, the Committee will endeavour to meet the needs of a Committee, including requested Committee business even when it is anticipated that it may extend the sitting beyond 6pm. However, the Committee does not generally tend to extend plenary time or schedule additional sittings to accommodate private members' business.
8. When scheduling private members' business the Committee differentiates between private members' motion, adjournment debates and PMBs. The Committee will always prioritise bills and when time is limited will, in accordance with Standing Order 12(6)(c), give precedence to those bills which are the furthest advanced in their passage through the Assembly.

**(i) – To examine whether the system of support currently in place for PMBs is .... a good use of public resources**

9. The Business Committee is not involved in the scheduling of the first stage of a PMB. Once a PMB has been approved for introduction by the Speaker, the sponsor may request it takes place as soon as possible thereafter. Only after a PMB has been introduced will the Committee become involved in the scheduling of its subsequent stages. The Committee therefore has no control over the number of bills introduced even though it may be aware that plenary time is unlikely to be available for that bill's subsequent stages.
10. The Committee on Procedures may wish to consider whether, rather than allow an unlimited number of PMBs to be introduced throughout the mandate, it may be more efficient to introduce measures that would provide a reasonable expectation of a PMB having sufficient time to complete its passage through the

Assembly. In the previous two full mandates, Executive Business has escalated towards the end of a mandate resulting in little or no time for scheduling PMBs. There is therefore a real risk that PMBs submitted in the final session before an election may not be able to complete their Assembly passage. Introducing a final date by which Members may submit a PMB to the Speaker, based on a time that would provide a realistic expectation of the bill completing its Assembly passage. For example, during the last session before an election, may provide greater certainty that there would be sufficient time to allow that PMB to complete its passage while ensuring that it is subject to appropriate scrutiny.

**(v) a – Whether there should be scheduled / dedicated plenary days for PMBs**

11. As outlined above, the Committee will schedule additional time and or sitting days to ensure there is sufficient plenary time for the passage of Executive bills but this is not extended to PMBs. The introduction of scheduled / dedicated plenary days for PMBs would therefore undoubtedly provide a greater opportunity for more PMBs to complete their passage through the Assembly. However, if allocating dedicated days resulted in a reduction in the amount of plenary time available for Executive bills, the number of late and additional sittings would inevitably increase if the Committee adhered to its commitment to make sure there is sufficient time for all Executive business to be concluded.
12. Selecting non-sitting days for dedicated PMB days would be likely to have implications for other areas Assembly business, in particular committee business.

**(vi) How Assembly plenary time might be maximised and prioritised towards the end of the mandate, when the level of PMBs and Executive legislation are likely to create significant pressures on Assembly business**

13. As outlined in the introduction, the Committee already has an established approach to maximising and prioritising business towards the end of the mandate which includes longer sittings and additional sitting days. During this period private members' business, other than PMBs, is unlikely to be scheduled but all Executive business, including motions to approve subordinate legislation, LCMs and oral statements, will be prioritised over and above PMBs.

14. Whenever possible the Committee schedules business on a two-weekly basis, outlining anticipated business two-weeks in advance on provisional order papers and finalising order papers the week before. This timeframe is dependent on notification of business from the Executive and the Committee's ability to maximise the scheduling of plenary time would be improved if it received notification of business further in advance.
15. The Committee is aware that the requirement of sub-section 15(3) of the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016 for Standing Orders to make provision for an annual debate on the Executive legislative timetable has not yet been delivered.
16. Implementation of this would make a significant contribution to the Committee's ability to prioritise and maximise the effective scheduling of plenary time and has written to the Executive on several occasions to assist in this regard.

Kind regards,

**Alex McGarel**