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Assembly

# Committee on Procedures

## Minutes of Proceedings

19 January 2022

**Meeting Location:** Room 29 and Starleaf

**Present by Video-Conference:**

Ms Carál Ní Chuilín MLA (Chairperson)

Mr Thomas Buchanan MLA (Deputy Chairperson)

Mrs Rosemary Barton MLA

Ms Sinéad Bradley

Mr Gerry Carroll MLA

Ms Ciara Ferguson MLA

**Apologies:**

Ms Nicola Brogan MLA

Ms Joanne Bunting MLA

Mr William Humphrey MLA

**In Attendance:**

Emer Boyle (Committee Clerk)

Paul Gill (Clerk Assistant)

Sohui Yim (Assistant Assembly Clerk)

Jonathan McMillen (Head of Legal Services) – for agenda item 4

Frank Geddis (Clerk Assistant) – for agenda item 5



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James Gilsonan (Bill Clerk) – for agenda item 5

The meeting commenced at 2.30pm in open session.

**1. Apologies**

As above.

*The Clerk advised the Committee that Nicola Brogan had delegated authority to the Chairperson (Carál Ní Chuilín) and that Joanne Bunting and William Humphrey had delegated authority to the Deputy Chairperson (Tom Buchanan).*

**2. Draft Minutes**

**Agreed:** The Committee agreed the minutes of the meeting held on Wednesday, 15 December 2021.

**3. Matters Arising**

There were no Matters Arising.

The Chairperson proposed that the Committee move into closed session for consideration of the legal advice on Official Opposition (agenda item 4) and Private Members' Bills Inquiry Report (agenda item 5).

**Agreed:** The Committee agreed to move into closed session for agenda items 4 and 5.

*The Committee moved into closed session at 2.33pm.*



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#### 4. Official Opposition: Legal Advice

*Ciara Ferguson joined the meeting at 2.34pm.*

The Committee noted a briefing note from the Clerk, legal advice from Legal Services and draft amendments to Standing Orders.

Mr Jonathan McMillen, Assembly Head of Legal Services, joined the meeting at 2.34pm.

Mr McMillen briefed the Committee on the legal advice which was followed by a question and answer session.

**Agreed:** The Committee agreed the revision of Standing Order 20(7) to provide that the 1<sup>st</sup> Oral Question to Ministers comes from the Official Opposition.

**Agreed:** The Committee agreed the revision of Standing Order 45A which relates to the formation of the Opposition, including qualification.

**Agreed:** The Committee agreed that the relevant provisions of the existing Standing Order 45A adequately address the requirements of Section 3 of the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016 (The 2016 Act).

**Agreed:** The Committee agreed that it will return to the issue of provisions in Standing Orders for the dissolution of Opposition, if required, following the passage of the Northern Ireland (Ministers, Elections and Petitions of Concern) Bill (the NI Bill).

**Agreed:** The Committee agreed a revision to Standing Order 45A to make provision for the title of the office in the leadership of the Opposition to be "Leader of the Opposition/Deputy Leader of the Opposition".

**Agreed:** The Committee agreed the revision of Standing Order 20(A) to provide that both the 1<sup>st</sup> and 2<sup>nd</sup> questions put to the First Minister and deputy First Minister during Topical Questions should come from the leadership of the Opposition.



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**Agreed:** The Committee agreed that it is content that the existing entitlement for the Opposition per Standing Order 20A(6) remain and that the new Standing Orders to give effect to Section 15 of the 2016 Act should not be prepared.

**Agreed:** The Committee agreed that the existing provisions in Standing Orders 17(4) and (5) is sufficient for the purposes of giving effect to Section 7 of the 2016 Act.

**Agreed:** The Committee agreed that it is content to proceed with bringing forward the various revisions to Standing Orders to make provision for the enhanced speaking rights for the Opposition.

**Agreed:** The Committee agreed that it is content that, in relation to Executive Business (specifically the Budget, Programme for Government and legislation), that no amendments to Standing Orders are required, but that the Speaker should be asked to use discretion when calling members to give effect to this policy proposal.

**Agreed:** The Committee agreed the revision of Standing Order 56 to provide for the rights of the Opposition to nominate the Chair (and Deputy Chair where appropriate) of PAC.

**Agreed:** The Committee agreed the revision of Standing Order 55 to provide for membership for the Opposition on the Business Committee.

**Agreed:** The Committee agreed the revision of Standing Order 49(2) to provide procedural certainty that when an Official Opposition is operational it should have the opportunity to be represented on all statutory committees.

**Agreed:** The Committee agreed that it is content that, as a result of the changes to Standing Orders, there is a consequential need to make an associated change to Standing Order 81(10).

**Agreed:** The Committee agreed that a draft motion to make the above revisions to Standing Orders be considered at the next Committee meeting.



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## 5. Inquiry into Private Members' Bills – Draft report

The Committee noted a briefing note from the Clerk, a draft report on the Private Members' Bills (PMB) Inquiry and correspondence from the Ministers for Health, the Economy, Infrastructure and Justice in relation to the Inquiry.

Members discussed the written and oral evidence that the Committee gathered on the Inquiry and came to an initial view on the following: retention of the PMB Unit in the Assembly; requirements for "pre-drafted" legislation submissions to the Speaker; deadlines for Introduction of PMBs; including a PMB sponsor as an ex-officio member of a Committee and an Executive legislative timetable.

**Agreed:** The Committee agreed to consider the draft conclusions and recommendations section of the Report, at a future meeting, detailing the Committee's views on the above.

The Chairperson proposed to move the meeting back into public session to consider the remainder of the agenda items.

**Agreed:** To move into public session.

*The Committee moved into public session at 3.47pm.*

## 6. Legislative Consent Motions Inquiry: Correspondence Update

*Gerry Carroll left the meeting at 3.48pm.*

The Committee noted a briefing note from the Clerk, a letter from the Speaker on the LCM in relation to the Subsidy Control Bill and a letter from the Executive Office on LCMs.

**Agreed:** The Committee agreed to consider a draft report on the Legislative Consent Motions Inquiry at the next Committee meeting.



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**7. The Northern Ireland (Ministers, Elections and Petitions of Concern) Bill 2021-22 – Update**

The Committee noted a briefing note from the Clerk, a list of amendments from the House of Lords to be moved, and a running list of all amendments from the House of Lords.

**Agreed:** The Committee agreed to consider this item again when there is a further change in status of the passage of the Bill.

**8. Forward Work Programme**

The Committee noted the Committee's Forward Work Programme.

The Committee discussed the possibility of scheduling extra Committee meetings in order to complete the necessary work before the end of the mandate.

**Agreed:** The Committee agreed to proceed with the existing scheduled meetings, with the knowledge that the length of the meetings may be longer to accommodate the level of business that the Committee must cover. If needed and appropriate, the Committee will consider and agree items by correspondence as well.

**9. Correspondence**

The Committee noted correspondence from the Business Committee regarding the temporary provisions in Standing Orders.

**Agreed:** The Committee agreed to consider the options for the continuation of the temporary Standing Order provision at the next Committee meeting.



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#### **10. Chairperson's Business**

There was no Chairperson's Business.

#### **11. Any Other Business**

There was no other business.

#### **12. Date and Time of Next Meeting**

The Committee noted that next meeting of the Committee would take place on Wednesday, 2 February 2022 at 2.30pm.

The meeting was adjourned at 3.55pm.

**Carál Ní Chuilín MLA**  
**Chairperson, Committee on Procedures**  
**2 February 2022**