

Assembly and Executive Reform (Assembly Opposition) Bill

[AS INTRODUCED]

CONTENTS

Purpose

1. Purpose

Assembly Opposition

2. Formation of the Opposition
3. Timing of formation of the Opposition
4. Membership of the Opposition
5. Dissolution of the Opposition
6. Leader and Deputy Leader of the Opposition
7. Topical questions from Leader and Deputy Leader of the Opposition
8. Enhanced speaking rights for the Opposition
9. Opposition right to chair Public Accounts Committee
10. Membership of Business Committee for the Opposition
11. Financial assistance for Opposition parties
12. Salary for office holders of the Opposition

Assembly and Executive Reform Motion

13. Assembly and Executive Reform Motion
14. Tabling of Assembly and Executive Reform Motion
15. Reports by the AERC

Technical groups within the Opposition

16. Formation of technical groups within the Opposition
17. Membership of Business Committee for technical groups

Topical questions

18. First topical question to Minister from chairperson of statutory committee

Budget committee

19. Establishment of Budget Committee

Office of the First Ministers

20. Renaming of the Office of the First Minister and deputy First Minister

Northern Ireland departments

21. Departments to be single legal entity

General

22. Interpretation
23. Commencement
24. Short title

Schedule Content of Assembly and Executive Reform Motion

A

B I L L

TO

Provide for the formation of an Assembly Opposition; to provide for the passing of an Assembly and Executive Reform Motion; to reform the Assembly and the Executive; and to provide that all Northern Ireland departments are a single legal entity.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Purpose

Purpose

1. The purpose of this Act is—

- 5 (a) to provide for the formation of an Assembly Opposition (“the Opposition”) to scrutinise the work of the Executive Committee, Ministers and departments and hold them to account,
- (b) to confer on the Opposition certain rights and benefits within the Assembly,
- 10 (c) to promote constitutional change to facilitate the development and enhancement of the role of the Opposition, and
- (d) to reform the Executive.

Assembly Opposition

Formation of the Opposition

15 2.—(1) Standing orders must make provision for the formation of an Opposition in accordance with this section.

(2) The Opposition may be formed by—

- (a) one or more qualifying parties, or
- (b) one or more technical groups.

(3) In this Act—

Assembly and Executive Reform (Assembly Opposition)

“qualifying party” means a political party which does not have a member who is a Minister, but which was entitled to nominate a person to Ministerial office under section 18(2) to (6) of the Northern Ireland Act 1998, at the time when those nominations were made, and

5 “technical group” means any group of members comprising 5% or more of the total number of members of the Assembly, none of whom are Ministers or members of a political party which has a member who is a Minister.

Timing of formation of the Opposition

10 **3.**—(1) Standing orders must make provision for the timing of the formation of the Opposition in accordance with this section.

(2) The Opposition may be formed by one or more qualifying parties at the time when a Ministerial office is to be filled by applying section 18(2) to (6) of the Northern Ireland Act 1998 following—

- 15 (a) the first meeting of the Assembly in accordance with section 16A of the Northern Ireland Act 1998,
- (b) all Ministers ceasing to hold office in accordance with section 18(1) of the Northern Ireland Act 1998, or
- (c) the application of section 18(10) of the Northern Ireland Act 1998 where a Ministerial office is vacant for any other reason but the nominating officer of the party on whose behalf the previous incumbent was nominated does
20 not nominate a person to hold that office.

(3) The Opposition may be formed by one or more technical groups within such period of time as standing orders may provide of all Ministerial offices being filled by applying section 18(2) to (6) of the Northern Ireland Act 1998 following—

- 25 (a) the first meeting of the Assembly in accordance with section 16A of the Northern Ireland Act 1998,
- (b) all Ministers ceasing to hold office in accordance with section 18(1) of the Northern Ireland Act 1998.

Membership of the Opposition

30 **4.**—(1) Standing orders must make provision for the membership of the Opposition in accordance with this section.

(2) If the Opposition is formed, the following are automatically part of it—

- (a) all members of political parties which do not have a member who is a Minister, and
- 35 (b) in the case of members who are not in a political party, all members who are not Ministers.

(3) If a member falls within subsection (2)(a) or (b) subsequent to the formation of the Opposition, that member automatically becomes part of the Opposition at that time.

40 (4) Subsection (2) does not apply to the Speaker.

Dissolution of the Opposition

5. Standing orders must make provision that, if all Ministers cease to hold office in accordance with section 18(1) of the Northern Ireland Act 1998, the Opposition is dissolved.

5 **Leader and Deputy Leader of the Opposition**

6.—(1) Standing orders must make provision for the offices of the Leader and Deputy Leader of the Opposition in accordance with this section.

(2) Where the Opposition is formed by one qualifying party, then the nominating officer of that party must nominate—

- 10 (a) a person to be the Leader of the Opposition,
(b) a person to be the Deputy Leader of the Opposition.

(3) Where the Opposition is formed by two or more qualifying parties, then—

- (a) the nominating officer of the largest party must nominate a person to be the Leader of the Opposition,
15 (b) the nominating officer of the second largest party must nominate a person to be the Deputy Leader of the Opposition.

(4) Where the Opposition is formed by one or more technical groups, it is for the technical groups to nominate—

- (a) a person to be the Leader of the Opposition,
20 (b) a person to be the Deputy Leader of the Opposition.

(5) For the purposes of this section—

- (a) the size of a party is to be determined by reference to the number of seats in the Assembly which were held by members of the party on the day on which the Assembly first met following its election, but
25 (b) if two or more parties are taken by virtue of paragraph (a) to be of the same size, the respective sizes of those parties is to be determined by reference to the number of first preference votes cast for the parties at the last general election of members of the Assembly.

Topical questions from Leader and Deputy Leader of the Opposition

30 7. Standing orders must make provision that the first and second questions put to the First Minister and deputy First Minister during topical questions come from the Leader and Deputy Leader of the Opposition.

Enhanced speaking rights for the Opposition

35 8.—(1) Standing orders must make provision for enhanced speaking rights for the Opposition in accordance with this section.

(2) In this section, “enhanced speaking rights” means more speaking rights than a member of the Opposition would otherwise be entitled to on the basis of numerical party size in the Assembly, and includes a minimum of 15 days per year set aside for Opposition business.

Assembly and Executive Reform (Assembly Opposition)

Opposition right to chair Public Accounts Committee

9.—(1) Standing orders must make provision for the rights of the Opposition to chair any committee established to consider accounts and reports on accounts laid before the Assembly, in accordance with this section.

5 (2) The chairperson of the committee is to be nominated by the Leader of the Opposition.

(3) The deputy chairperson of the committee is to be nominated by the Deputy Leader of the Opposition.

Membership of Business Committee for the Opposition

10 **10.** Standing orders must make provision for membership for the Opposition in any committee established to look after the business of the Assembly.

Financial assistance for Opposition parties

11.—(1) Section 1 of the Financial Assistance for Political Parties Act (Northern Ireland) 2000 is renumbered as subsection (1) of that section.

15 (2) After that subsection (as renumbered) insert—

“(2) If there is an Assembly Opposition (within the meaning of the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2015), the scheme shall provide for additional payments to be made to political parties in the Opposition.”.

20 **Salary for office holders of the Opposition**

12. In section 12(2) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 (different salaries and allowances payable in different cases) after “Ministers” insert “, officer holders of the Opposition”.

25 *Assembly and Executive Reform Motion*

Assembly and Executive Reform Motion

13.—(1) An Assembly and Executive Reform Motion is a motion, passed by the Assembly, requesting that the Secretary of State bring forward legislation (being legislation which is beyond the legislative competence of the Assembly)—

- 30 (a) to facilitate the establishment of an Opposition, and
(b) to reform the Assembly and Executive.

(2) The Schedule makes further provision in respect of the content of an Assembly and Executive Reform Motion.

35 (3) If the Assembly passes an Assembly and Executive Reform Motion the Speaker must send a copy of it to the Secretary of State.

Tabling of Assembly and Executive Reform Motion

14.—(1) The AERC must ensure that an Assembly and Executive Reform Motion is tabled for debate as soon as is possible, and in any event not later than five sitting days after this section comes into operation.

40 (2) In this section and section 15—

Assembly and Executive Reform (Assembly Opposition)

“the AERC” means the committee established in accordance with section 29A of the Northern Ireland Act 1998 (committee to review functioning of Assembly and Executive Committee), and

“sitting day” means a day on which the Assembly sits in plenary.

5 **Reports by the AERC**

15.—(1) This section applies where the Assembly has passed an Assembly and Executive Reform Motion.

(2) Standing orders must provide for the AERC to make reports to the Assembly on progress made by the Secretary of State in bringing forward the legislation referred to in section 13, in accordance with this section.

(3) The AERC must ensure that these reports are laid before the Assembly at least every three months until the legislation has been made.

Technical groups within the Opposition

Formation of technical groups within the Opposition

15 **16.**—(1) Standing orders must make provision allowing for technical groups to be formed even if the Opposition is formed by one or more qualifying parties, in accordance with this section.

(2) A person cannot be a member of a technical group if the person is a member of a qualifying party.

20 **Membership of Business Committee for technical groups**

17. Standing orders must make provision, where the Opposition is formed by one or more qualifying parties, for membership for technical groups in any committee established to look after the business of the Assembly.

Topical questions

25 **First topical question to Minister from chairperson of statutory committee**

18.—(1) Standing orders must make provision that the first question put to a Minister during topical questions comes from the chairperson of the committee established to advise and assist the Minister in the formulation of policy with respect to matters within the Minister’s responsibilities, in accordance with this section.

(2) But this section is subject to section 7 (topical questions from Leader and Deputy Leader of the Opposition).

Budget Committee

Establishment of Budget Committee

35 **19.**—(1) Standing orders must make provision for the establishment of a committee to scrutinise the draft budget laid before the Assembly under section 64 of the Northern Ireland Act 1998, in accordance with this section.

(2) That committee is to have powers under section 44 of the Northern Ireland Act 1998 (power to call for witnesses and documents).

Assembly and Executive Reform (Assembly Opposition)

Office of the First Ministers

Renaming of the Office of the First Minister and deputy First Minister

20.—(1) The Office of the First Minister and deputy First Minister is renamed as the Office of the First Ministers.

5 (2) Accordingly, in any statutory provision or other document passed, made or issued before the coming into operation of this section, any reference to the Office of the First Minister and deputy First Minister is to be construed, except where the context otherwise requires, as a reference to the Office of the First Ministers.

Northern Ireland departments

10 **Departments to be single legal entity**

21.—(1) Northern Ireland departments shall cease to be separate bodies corporate and shall instead be constituted as a single body corporate.

15 (2) The Department of Finance and Personnel may by order make such supplementary, incidental, consequential or transitional provision as it considers necessary or expedient for the purposes of, or in consequence of, or for giving full effect to, this section, including provision amending the Departments (Northern Ireland) Order 1999.

(3) No order may be made under this section unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

20 *General*

Interpretation

22. In this Act—

“Minister” means a Northern Ireland Minister within the meaning of the Northern Ireland Act 1998,

25 “nominating officer” has the same meaning as it does in the Northern Ireland Act 1998,

“the Opposition” means the Assembly Opposition referred to in section 1,

“qualifying party” has the meaning given in section 2, and

“technical group” has the meaning given in section 2.

30 **Commencement**

23. This Act comes into operation one month after the day it receives Royal Assent.

Short title

35 24. This Act may be cited as the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2015.

SCHEDULE

Section 13.

CONTENT OF ASSEMBLY AND EXECUTIVE REFORM MOTION

Scope of Assembly and Executive Reform Motion

5 1. An Assembly and Executive Reform Motion may include, but is not limited to, the provisions set out in this Schedule.

2. The motion may depart from the precise provisions set out in this Schedule.

Replacement of cross-community support with weighted majority voting

10 3. The motion may request that the concept of community designation is removed from the Northern Ireland Act 1998.

4. The motion may request that the concepts of cross-community support and petitions of concern be removed from the Northern Ireland Act 1998 and be replaced with a weighted majority vote mechanism.

15 5.—(1) In this Schedule, a weighted majority vote mechanism means a mechanism providing that if—

(a) 30 or more members request it, and

(b) those requesting it are from three or more different political parties,
a vote must pass a weighted majority threshold.

20 (2) For the purposes of sub-paragraph (1), if a person is not a member of a political party, the person is to be considered as being in a different political party from the other persons requesting that a vote must pass a weighted majority threshold.

6. The threshold referred to in paragraph 5 is 60% of the members present and voting, or such higher percentage as the Assembly may agree.

25 *Speaker*

7. The motion may request—

(a) that the Speaker be elected in a secret ballot under a weighted majority vote,

30 (b) that upon being elected as Speaker, the Speaker ceases to be a member of all political parties and is ineligible to join them for so long as the Speaker is the Speaker,

(c) that upon being elected as Speaker, the Speaker ceases to be the elected representative for the constituency for which the Speaker was returned,

35 (d) that the nominating officer of the political party of which the Speaker was a member upon being elected to the Assembly may nominate a person to fill the vacancy arising for that constituency,

(e) that the Speaker not be subject to the direction or control of any political party or any person in the Assembly,

40 (f) that the Speaker is not eligible to stand for election in the next Assembly elections subsequent to becoming Speaker,

- (g) that the Speaker is a member of that next Assembly after those elections, and is designated as outgoing Speaker, being eligible to be elected as Speaker again, and failing that ceasing to be both Speaker and a member of the Assembly.

5 *First Minister and deputy First Minister renamed as First Ministers*

8. The motion may request that the First Minister and deputy First Minister are renamed as the First Ministers.

Collective Ministerial responsibility

- 10 9. The motion may request that the Ministerial Code referred to in section 28A of the Northern Ireland Act 1998 includes provision that Ministers uphold the principle of collective responsibility.

Threshold for nomination of Minister

- 15 10. The motion may request that a political party must have a minimum of 16.6% of the total number of members of the Assembly before that party is eligible to nominate a person to hold Ministerial office under section 18(2) to (6) of the Northern Ireland Act 1998.

Nomination of Ministers and chairpersons of statutory committees

- 20 11. The motion may request that members are nominated to serve as chairpersons and deputy chairpersons of statutory committees as part of the same process for members being nominated to Ministerial office under section 18(2) to (6) of the Northern Ireland Act 1998, with nominating officers selecting either Ministerial office or committee offices when called to nominate.

Leaving the Opposition and re-joining the Executive

- 25 12. The motion may request that a member may leave the Opposition and be nominated for Ministerial office in accordance with section 18(2) to (6) of the Northern Ireland Act 1998.

Programme for government

- 30 13. The motion may request that political parties are required to establish a programme for government and budget outlines before their members take up Ministerial office and not later than four weeks after the election of a new Assembly.

Function of statutory committees

- 35 14. The motion may request that the function of statutory committees ceases to be to advise and assist Ministers in the formulation of policy and instead becomes to scrutinise Ministers.

Simple majority for budget approval

15. The motion may request that any budget under section 64 of the Northern Ireland Act 1998 may be approved by a simple majority.