Research and Library Service
Briefing Note

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Operational aspects of the Northern Ireland Assembly

1   Introduction

This briefing paper has been prepared in conjunction with the Business Office and Central Committee Office. It explains how key aspects of the Northern Ireland Assembly operate, including Plenary, business programming, parliamentary language and behaviour and the role of the statutory committees.
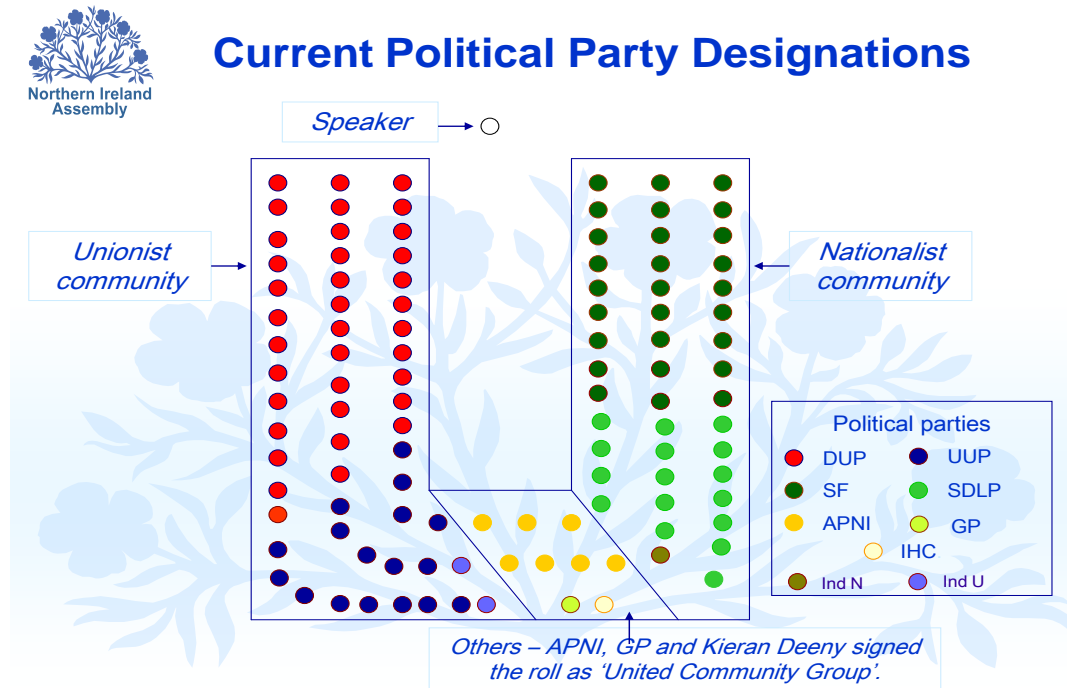
The following resources may also be of interest:

- Standing Orders of the Northern Ireland Assembly:
  http://www.niassembly.gov.uk/sopdf/2007mandate/standingorders.htm
- 'The Northern Ireland Assembly Companion – Rulings, Conventions and Practice':
  http://www.tsoshop.co.uk/bookstore.asp?Action=Book&ProductId=9780339401471

The information provided in this paper is accurate as of 14 December 2010.

2   Seating arrangements

The following diagram illustrates the seating arrangements in the Assembly Chamber.

Current Political Party Designations

Northern Ireland Assembly

Speaker →

Unionist community →

← Nationalist community

Political parties
- DUP
- UUP
- SF
- SDLP
- APNI
- GP
- IHC
- Ind N
- Ind U

Others – APNI, GP and Kieran Deeny signed the roll as 'United Community Group'.

APNI – Alliance Party Northern Ireland   Ind U – Independent Unionist

IHC – Independent Health Coalition   Ind N – Independent Nationalist

GP – Green Party

Prior to the first plenary session following an Assembly election, parties agree an allocation of seats within the Assembly Chamber. Front and second-row seats are allocated broadly in line with party strength. As the Business Committee for the new mandate will not exist at that point, the details of the seating arrangements are agreed by Party Whips at a meeting chaired by the Speaker at which the practical and procedural arrangements for the first sitting are considered.

A member of staff sits at the Table on each side of the Speaker/Deputy Speaker. The most senior Clerks in the Assembly normally undertake this role, providing procedural and administrative support to the Chair. By convention, the Party Whips of the two largest parties sit at the front row seats on either side of the Speaker.

3   Plenary

Plenary refers to a meeting of the Assembly that takes place in the Assembly Chamber. Plenary sessions are open to members of the public. The quorum of the Assembly (the minimum number of Members required to allow a Plenary to proceed) is ten members including the Speaker.

Timing of plenary

Plenary sessions take place on Mondays and Tuesdays. However, the Assembly may sit on additional days if necessary and Standing Orders 10 and 11 make provision for the circumstances where this may occur.

On Mondays, plenary commences at 12 noon. On Tuesdays, plenary begins at 10.30am. Monday sittings normally end at around 6pm, although they can be extended depending on the amount of business.

Tuesday sittings are usually suspended from 12.30pm to 2pm to allow the Business Committee to meet.

Periods of recess

The Assembly year runs from the start of business following a summer recess to the end of the following summer recess. Other periods of recess include Halloween, Easter and Christmas. The recess dates for 2010-11 are:

Summer 2010	3 July 2010 to 5 September 2010 (Business Committee - 7 September 2010) (First Plenary Sitting - 13 September 2010)
Halloween 2010:	23 October 2010 to 31 October 2010 (Plenary Sitting - 1 November 2010)
Christmas 2010	18 December 2010 to 9 January 2011 (Business Committee - 11January 2011) (First Plenary Sitting - 17 January 2011)
Easter 2011:	16 April 2011 to 1 May 2011 (Easter Sunday - 24 April 2011) (Plenary Sitting – Tues 3 May 2011) Note: Mon 2 May 2011 is a public holiday
Summer 2011	To commence 2 July 2011

4   Programming of business

Under Standing Orders 10(2), 12, and 55(1), the Business Committee makes arrangements for the business of the Assembly. The Committee is chaired by the Speaker and its members include the Chief Whips of the five main parties represented

in the Assembly. The Northern Ireland Executive is not represented on the Committee, although two junior Ministers attend as observers. The Committee agrees the Order Paper, the allocation of time for certain items, and the broad speaking arrangements for debates for every plenary sitting. Executive business is notified to the committee clerk and will be scheduled by the committee in the order requested by the Executive.

Statutory and Standing Committee business is also notified to the clerk and will be scheduled after Executive business has been arranged. The Business Committee may also decide to schedule private Members' business (motions and adjournment debates) to fill any available time on sitting days. Private Members' business is proposed by each of the parties represented on the committee on a rota basis. The Business Committee meets weekly and schedules provisional business two weeks in advance, finalising the provisional business at the subsequent meeting.

Allocation of time to business and speakers

These matters are dealt with by the Business Committee when it is considering all the items of business to be scheduled (Standing Orders 12 and 17). Generally, there is no time limit applied to primary or sub-ordinate legislation. The Business Committee does however agree the total time to be allocated to all other debates, as well as individual speaking times. Certain conventions now apply. For example, Executive motions and take note debates on expenditure plans tend to be allocated at least four hours. Statutory and Standing committee motions are normally allocated 90 minutes, unless longer is requested by the committee. Only rarely would longer than two hours be allocated to these items of business.

For 90 minute debates, the convention in terms of speaking times is – 10 minutes to move, 10 minutes to wind, 15 minutes for a Minister to respond, and five minutes for all other speakers. Where a motion relates to a report by a statutory or standing committee, 15 minutes is allowed for moving and 15 for winding. Where two or more amendments have been selected to a motion, the Business Committee has agreed that Speaker may, at his discretion, extend the time allocated to the debate by 15 minutes, Adjournment debates are dealt with in Standing Order 10(2)(b) which states that 'one hour' may be set aside for them. The practice to date has been that only one adjournment debate is scheduled each week. The Speaker announces the agreed timings for all debates prior to their commencement.

The order of calling Members to speak in debates is regulated by a 'speaking list' based on party strengths. Each of the five main parties is called in order for the first 'round' of contributions. Thereafter, the order of speaking is set by applying the D'Hondt formula to party strengths. Independents and single member parties will be called at the Speaker's discretion.

Amendments

In accordance with Standing Order 15(5), the Speaker decides which amendments should be selected and in which order they will be called during debate. The Speaker's decision is final in this regard and he does not give reasons for non-selection of amendments.

Carrying over business

If a Bill has not completed its passage by the end of an Assembly session it can be carried into the next session. However, a Bill cannot be carried over into a new mandate. Any Private Members motions that are tabled during a session stay on a 'No Day Named List', until they are selected for debate. Any motion that has not been selected for debate falls at the end of every session. Adjournment debates are tabled on a week to week basis and any that are not selected fall each week after the Business Committee meets.

5   The Speaker

The Speaker has wide-ranging powers to control the business of the Assembly and the Speaker's ruling is final on all questions of procedure and order. The Speaker may order a Member who is disorderly from the Chamber, or may name the member and put the question that he or she be suspended from the Assembly for up to five days. The Speaker may also order the public gallery to be cleared and may take any action necessary to prevent conduct that may constitute a criminal offence or a contempt of court.

In addition to ad hoc rulings in the Chamber, the Speaker also issues more detailed written rulings about procedural matters, for example, in relation to major matters of order, or the approach he will take when Standing Orders are amended to give him discretion in relation to specific matters. In debates, all speeches are addressed to the Speaker and his choice of Members to speak is not open to dispute. The Speaker cannot be criticised in a debate or by any form of proceedings except a substantive motion.

In respect of any motion or Bill under consideration in the Assembly, the Speaker has the power to select the new clauses, schedules or amendments.

Subject to the particular arrangements outlined above that apply to speaking arrangements in the Assembly no member may speak in a debate unless he or she is called by the Speaker. The choice of supplementary questions at Question Time is also at the discretion of the Speaker.

6   Parliamentary language and behaviour

The convention is for Members to address each other in the Chamber as 'the Member for *(name of constituency)*'.

Standing Order 65 relates to 'Order in the Assembly' and outlines the steps the Speaker may take in dealing with unparliamentary language or disruptive behaviour, including the removal of a Member who engages in such behaviour.

Speakers of the Assembly have ruled on issues of parliamentary language, gestures and behaviour, based largely on Standing Orders and guidance laid down in Erskine May. It is ultimately the decision of the Speaker as to what constitutes unparliamentary language. Given the political nature of Northern Ireland, the Speaker has at times been required to rule on serious allegations and accusations.

Other acts, such as the reading of newspapers and magazines in the Chamber, have been ruled out of order by the Speaker and the use of electronic devices is prohibited. In addition the Speaker has ruled that:

- visual aids are not allowed in the Chamber
- briefcases or other packages should not be brought into the Chamber
- Members may not pass in front of another Member when he or she is addressing the Speaker
- men are expected to wear a jacket and tie during proceedings

Recent developments

On Tuesday 24 November 2009 (OR page 81), the Speaker ruled that he intended to take a different approach to the language that will, and will not, be permitted in the Chamber. Rather than making judgements on the basis of particular words or phrases that have been ruled here or elsewhere as unparliamentary language, the Speaker indicated that he intended to judge Members' remarks against the standards of courtesy, good temper and moderation. In making judgements, the Speaker will consider the nature of the remarks and the context in which they are made. While engagement in robust debate is acceptable, what is not acceptable is where the tone or nature of remarks becomes so ill-tempered or bad-mannered that they are closer to discourtesy and disorder than to debate. In that instance, Members will be interrupted and asked to moderate their remarks. Should they not comply, they will be asked to resume their seats. In addition, the Speaker may impose a sanction preventing the Member concerned from speaking in debate for a time. The ruling also applies to remarks from a sedentary position (see Annex B for a copy of the ruling).

On 22 March 2010, the Speaker reminded the Assembly of the standards expected. The Speaker also clarified that, where he judged remarks to have fallen short of the expected standard, he may ask for the remarks to be moderated or withdrawn, or he may ask the Member to resume his or her seat and call the next Member. Failure to

comply with a request to withdraw comments would be considered a challenge to the Chair and, in addition to the available sanction of removal from the Chamber and its precincts, the Member might not be called to speak for some time.

Then, on 10 May 2010, the Speaker wrote to all Members setting out some observations emerging from the initial period of operation of the ruling. The Speaker also clarified in the letter that attacks on personal integrity would be judged as falling well below the standards expected, whether or not particular words are used, and would warrant sanctions. Furthermore, putting remarks in the words of another or in the form of a question, or the use of remarks that are considered in order in other places but that fall short of the standards expected by the Speaker, would not be permitted.

7   Voting arrangements

The current procedure for voting is as follows:

- the Speaker judges whether the question be carried or not by collecting voices ('ayes' or 'noes')
- if it is unclear whether the motion has been carried or if a challenge is made to the Speaker's judgement, the lobbies are cleared and the division bells sounded
- three minutes after this direction, the Speaker puts the question again. If, in the opinion of the Speaker, his judgement has been unnecessarily challenged, he may take the vote of the Assembly by calling upon the Members who support and who challenge his judgement successively to rise in their places. The Speaker may reach a judgement on this basis without needing to take further steps
- however, if it is still unclear if the motion has been carried or if a challenge remains to the Speaker's judgement, the Speaker will call for the nomination of two tellers for each side of the question
- if, within a reasonable time two tellers for one side but not the other have been nominated, the determination of the Assembly will be for the side that has nominated two tellers
- if two tellers for each side are not nominated, the question will not be carried
- after tellers have been nominated, the Speaker directs the Assembly to divide, with 'ayes' to the right and 'noes' to the left, with the division bells sounded again
- four minutes after giving this direction, the Speaker directs that the doors from the corridors to the Chamber and lobbies are secured.
- when all the members in the lobbies have voted, the tellers bring the division lists to the table clerks who will announce the result.
- a member can vote in a division even if they didn't hear the question
- a member does not have to vote

- if the votes in a division are equal the question is not carried
- if any member is present within the precincts of the Assembly but cannot reach the lobby due to a disability, the party whip can inform the lobby clerks and tellers of that Member's voting intention

There is currently no provision for electronic voting in the Northern Ireland Assembly. A survey of Members was carried out in 2007 to gauge support for electronic voting and the results showed marginal support for its introduction. However, to date this has not been taken forward. However, the Assembly does have a bespoke computerised lobby voting system. A guidance paper for Whips and Tellers is attached (see Annex A) which explains how the process operates.

Timing of votes

There is no set time for voting. The question is put at the end of each debate. However after a motion has been proposed any Member who has not spoken to it, or to any amendment which has been proposed, can move that 'the question be now decided'. To date this device has not been used. Unless it appears to the Speaker that any of the parties present has not had a reasonable opportunity to contribute to the debate, or if the motion is an abuse of standing orders, the question that 'the question be now decided' is put and decided without amendment or debate.

In the 2007 survey on electronic voting, Members were also asked if they would support the introduction of a 'decision time', where votes would be taken together at a set time. A clear majority were against this proposal.

Majority voting and cross-community support

Decisions of the Assembly are taken by a simple majority of those voting except:

- where the Northern Ireland Act 1998 or Standing Orders provide otherwise
- on a vote, resolution or Act which appropriates a sum out of the Consolidated Fund of Northern Ireland or increases a sum to be appropriated or imposes or increases a tax.

These exceptions require cross-community support through parallel consent or weighted majority, as defined in section 4(5) of the Northern Ireland Act 1998.

However, if 30 members present a petition of concern (as provided for by section 42 of the Northern Ireland Act 1998) about a matter that is to be voted on, the vote on that matter will be on a cross-community basis.

Cross-community support can be determined because Members are required to designate themselves as 'Unionist', 'Nationalist' or 'Other' at the beginning of each new mandate.

Not every piece of business is voted on. Adjournment debates, Matters of the Day, Ministerial Statements, Question Time, Urgent Oral Questions, First Stage of Bills and

Further Consideration Stage of Bills (unless amendments have been tabled) are not put to the vote.

8   Question time

Format

Questions for oral answer by Ministers are taken between 2.30pm and 3.30pm on Mondays and 2.00pm and 3.00pm on Tuesdays.

A rota, agreed by the Business Committee, determines which Minister will answer questions on a particular day. The rota also includes a period for questions to the Assembly Commission (the corporate body) every twelve weeks. In the Chamber, a member with a listed question will automatically be called to ask a supplementary question. Further supplementary questions may be asked at the discretion of the Speaker. In allowing supplementaries, the Speaker will take account of the need to ensure party balance, whether the matter relates to a particular constituency, and whether a member has expressed a particular interest to the Speaker in being called. Chairpersons of committees will also be given precedence for a supplementary question. Members must indicate their interest in being called by rising in their places. Standing Orders now require that a supplementary question may contain no more than one enquiry.

Answers (including those to supplementary questions) may be no longer than two minutes. This period may be extended at the discretion of the Speaker, but the Speaker has ruled that no answer may be longer than three minutes. Ministers may decide to group related questions and answers these together. In which case, all those members whose questions have been grouped will automatically be allowed to ask a supplementary question.

Generally, six to eight listed questions will be answered in each 30 minute period. The remainder will receive written answers. The first question to each Minister may not be from a Member of the same Party as the Minister. If a Member is not present in the Chamber when his/her question is asked, the question will be passed over and will receive a written answer. This question and answer will be published in the Official Report (Hansard). No question can be taken outside the time allocated for questions except a question which has not been answered as a result of the absence, in exceptional circumstances, of the Minister or member representing the Assembly Commission to whom it is addressed.

Selection of questions

Members who wish to table a question for oral answer must submit their name to the Business Office by Tuesday at 1pm. Members' names are then put into a random ballot and 15 Members are selected to ask questions of the Minister at Question Time. The

15 successful Members will then have until Thursday at 1pm to submit the text of their question. The 15 questions submitted are then put into a random shuffle on Thursday afternoon to determine the order in which they will be taken during Question Time.

The questions for oral answer are published every Friday and will be answered in the Chamber on the Monday (11 days later) and Tuesday (12 days later). Therefore, Ministers have slightly less than two weeks to prepare answers.

Urgent oral questions

A Member can table an Urgent Oral Question to a Minister. Under Standing Order 20A, a question for urgent oral answer may be taken if, in the opinion of the Speaker, it is of an urgent nature and relates to a matter of public importance.

9   General debate

Under Standing Order 24, a member may seek leave of the Speaker to make a statement to the Assembly on a 'Matter of the Day'. This provision avoids members resorting to raising spurious points of order and allows the House to comment on a matter of exceptional public interest, or which directly affects the people of Northern Ireland, which has occurred since the Assembly last sat. However, while representatives from every party may be called to speak on a matter of the day, it is not an opportunity for debate, and there is no Ministerial response or vote. Private members' motions and adjournment debates provide the principal opportunities for the House to debate general or topical matters.

10   Committees

There are four types of committees within the Assembly:

- statutory (scrutinising the work of Government Departments)
- standing (permanent committees of the Assembly and have specific roles assigned to them within Standing Orders)
- ad hoc (established from time to time to deal with any specific time-bound terms of reference that the Assembly may set)
- joint (established to examine issues that cut across two departments)

The information below relates generally to statutory committees.

Developing policy

The statutory committees have a statutory role in the formulation and development of policy. Paragraph nine of Strand One of the Belfast (Good Friday) Agreement states that 'the Committees will have a scrutiny, policy development and consultation role with

respect to the Department with which each is associated, and will have a role in initiation of legislation'.

Section 29 of the Northern Ireland Act 1998, which gave effect to the Belfast Agreement, states that the committees will 'advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister'. Committees should therefore be consulted on any major policy development or initiative so that they can have an opportunity to influence and shape the policy.

Two examples of committees performing this role are the Culture, Arts and Leisure Committee's report on museums, which recommended an overarching museum policy for Northern Ireland. The Department accepted the Committee's recommendations and is currently in the process of developing a museums strategy.

In addition, the Health Committee recently published a report on childhood obesity and noted that a number of strategies to tackle obesity existed across Northern Ireland under the responsibility of various agencies. The Committee recommended that a single childhood obesity strategy be developed and this was accepted by the Department.

Initiating legislation

Committees in the Assembly have the power to initiate legislation. For example, during the current mandate, the Standards and Privileges Committee initiated a Bill to enable an independent panel to be established which will determine the salaries, pensions and financial support for MLAs. Once passed, the Bill will also set out the role of Northern Ireland Assembly Commissioner for Standards. However, when a committee sees the need for a legislative solution, it is more likely to try and persuade the relevant department to bring forward the legislation. This was the case in the first mandate with the establishment of the Children's Commissioner, which followed an inquiry by the Committee of the Centre (now know as the Committee of the First and deputy First Minister). Although the bill for the Children's Commissioner did not pass because of the suspension of the Assembly, the Direct Rule Ministers honoured the intention and created legislation to allow for the creation of the Children's Commissioner.

Scrutinising legislation

The Committees perform a vital task in scrutinising legislation in the absence of an opposition. At the Second Stage of a Bill being agreed, the Bill is referred to the appropriate statutory committee, unless the Assembly orders otherwise. The relevant statutory committee, may, within the period of 30 working days from date of referral[1], consider and take evidence on the provisions of the Bill, and report its findings to the Assembly following clause by clause scrutiny.

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[1] 90% of Bills exceed the 30 working days.

A report made to the Assembly may include proposals for amendments to the Bill that may be proposed at Consideration Stage. Due to the legislative drafting resources available to the Departments, the committee normally persuades the relevant Minister and department officials to draft and table the amendments sought by it. However, where the department won't draft the amendment, the committee can and will table its own amendments. This was the case the Sunbeds Bill currently before the Assembly. Committee members were concerned at the lack of licensing provision contained in the Bill and recommended a number of amendments, which the Minister subsequently brought forward.

Committee Chairs are also allocated under the D'Hondt method and as per Standing Order 48 may not be from the same party as the Minister.

Holding the executive to account

It is important to note that the committees hold individual Ministers to account, not the Executive as a whole.

The Committees play a vital role in holding Ministers to account and scrutinising the work of the Government Departments. This is because the nature of the political settlement in Northern Ireland means that there is no political opposition to the Government in the traditional sense. Membership of the Executive is an automatic entitlement based on party strength, with Ministerial seats allocated via the D'Hondt method. Currently, the Democratic Unionist Party, Sinn Féin, Ulster Unionist Party, Social Democratic and Labour Party and Alliance Party are all represented in the Executive (although the Alliance Party, which holds the Policing and Justice portfolio, was not appointed via D'Hondt).

Executive response to Committee reports

Upon completion of an inquiry, a committee will publish its report and table a motion on the report which will be debated in Plenary. The relevant Minister has always responded to a committee report on the floor of the House and gives his or her opinion on the recommendations contained in the report. If a committee report contains recommendations impacting on more than one Department, it will usually be the Minister normally associated with that committee that responds on the floor of the Chamber.

Furthermore, the Minister will, eight to ten weeks after the publication of the report, submit a formal written response outlining the position on the report's recommendations. The committee will monitor the progress of the implementation or otherwise of its recommendations on an ad hoc basis, for example by calling Departmental officials to give evidence.

The Public Accounts Committee, which is a standing committee, performs a cross-cutting role by holding all the Departments to account for their resource expenditure, does not have its individual reports debated. Rather, the PAC's reports are subject to a

general debate (a 'take-note' session) where the Committee Chair gives an overview of the Committee's work.

The PAC's reports still however receive a formal response from the relevant Department to which a particular report relates.

11   Backbenchers

There are a number of ways in which MLAs can influence proceedings, both in Plenary and Committee. They participate in debates in plenary, ask oral and written questions of Ministers, and scrutinise and call to account the work of the Executive through membership of Committees.

Members have the opportunity to introduce Private Members Bills and there are currently nine PMBs before the Assembly (five of these have been carried over from previous sessions).

The Assembly has a dedicated Research and Library Service to assist members in carrying out their duties. This includes answering research requests from members, compiling information packs to inform plenary debates and sourcing Library material for members and their staff. Research staff also present their research papers to Committees and answer any questions that Committee members may have.

12   Public participation

There are a list of activities currently ongoing aimed at making the work of the Assembly more accessible and facilitating engagement between the Assembly and the public. More information can be found in the Assembly's Engagement Strategy:

http://www.niassembly.gov.uk/corporate/EngagementStrategy.pdf

Public petitions

Standing Order 22 allows for the submission of public petitions. Requests to present public petitions are notified to the clerk of the Business Committee, and considered for scheduling on the Order Paper along with all other items of business. When presenting a petition to the Assembly, the Member concerned makes a short statement about the issue to which the petition refers, the number of signatures attached to it, and the action that the petitioners are seeking. The Speaker will then accept the petition at the Table and indicate to the House that he will forward it to the Minister responsible for the matter, who is required to respond in due course. A copy of the petition will also be sent to the Chairperson of the relevant Statutory Committee.

Petitions are a useful method for members of the public to bring to the attention of the Assembly a matter of particular concern.

Public evidence sessions

Over 70% of Committee meetings are held in public and members of the public are free to observe proceedings from the public gallery. A number of committee meetings are also broadcast live or can be listened to via the Assembly's website. Committees publish forward work programmes outlining several months' worth of work and members of the public can and do contact Committees with specific issues after viewing the forward work programme. A Committee may decide to allow a member of the public to appear before it if the issue is deemed to be within the remit of the Committee, although they try to avoid taking up specific complaints that would more properly be dealt with elsewhere.

Furthermore, targets have been agreed with Committee Chairpersons in relation to holding committee meetings outside Parliament Buildings (currently two per session).

Annex A

Guidance for party Whips and Tellers on the conduct of divisions

Introduction

This Guide, which has been produced by the Business Office, is made up of a series of questions and answers that we hope will be of practical help to Party Whips, Members carrying out the role of Tellers and other interested parties.

The Guide is intended to complement the relevant Standing Orders of the Assembly and the information on voting procedures that is provided in the Members' Handbook.

Who specifically is the Guide for?

The Guide should be of assistance to Party Whips who have key party-management responsibilities during divisions. These responsibilities include the nomination of Members as Tellers for specific divisions. Whips are also responsible for ensuring that those who are nominated actually come forward when Tellers are sought by the Speaker[2]. The Guide will also help Members who are nominated as Tellers to fully understand their duties, and to carry them out.

When do Members vote in the Lobbies?

There will be occasions in the Assembly when it is not possible for the Speaker to determine the outcome of a 'question' on a motion (or an amendment) simply by a 'collection of voices' in the Chamber, or when the Speaker's opinion on the outcome is challenged by Members. When this happens, division bells are rung and, after 3 minutes, the Speaker puts the question again. If the outcome remains unclear, or the Speaker's opinion is again challenged, the Assembly 'divides' on the question at issue, and voting takes place in the Division Lobbies that are situated on either side of the Assembly Chamber.

Which side votes in which Lobby?

Those Members in favour of the question are said to be voting 'Aye' while those against vote 'No'. The 'Aye' Lobby is to the Speaker's Right. The 'No' Lobby is to the Speaker's Left.

Why do we have Tellers and how many are needed?

The direct involvement of Tellers (counters) representing both sides of the question is a long-standing parliamentary practice designed to ensure that the division is conducted fairly, by Members themselves, and that votes are registered correctly. A division cannot proceed unless there are two Tellers for each side of the question - two for the Ayes and two for the Noes. If one side is unable to produce two Tellers within a

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[2] References to the 'Speaker' in this Guide shall include a Deputy Speaker acting as Speaker

reasonable period of time then the Speaker will announce that the decision of the Assembly is in favour of the side which has nominated two Tellers.

When are Tellers Sought?

After the Speaker has put the question a second time, and the result remains unclear, or the Speaker's opinion is again challenged, the Speaker will ask: "Do we have Tellers?" Those Members nominated to act as Tellers should come forward at this point.

What do Tellers do during a Division?

When the Speaker has called for Tellers, procedures are as follows:

The nominated Tellers should approach the Table. The Chamber Clerk will, as part of the process of initialising a division on the computer system, log Tellers' names, asking Members whether they are for the 'Ayes' or the 'Noes' and for their preferred Lobby.

One 'Aye' and one 'No' Teller (as agreed at the Table) will then enter each Lobby, via the door on each side of the Chamber nearest the Speaker's Chair, where they will be met at the 'telling point' by a Division Lobby Clerk, who may be accompanied by other Assembly officials. The Lobby Clerk's role is to operate the computerised vote-recording system on behalf of Tellers.

When this has been done, the Speaker will announce the appointment of Tellers and will name the Tellers for the 'Ayes' and those for the 'Noes'. The Speaker will then say: "The House will divide; Ayes to my right, Noes to my left".

The computer screen at the telling point will display a photograph of each Teller, and will show which Member is Teller for the 'Ayes' and which is for the 'Noes'. Each Teller should confirm that the photograph and information are correct, and then authorise the Lobby Clerk to click on the "Correct" button. Only when this is done is it possible for Members' votes to be registered, and tellers might communicate this fact to Members if they are becoming impatient.

The Lobby Clerk will register votes as Members (who will have entered the Lobbies via the doors on either side of the Chamber furthest away from the Speaker's Chair) proceed through the Lobby and file past the telling point. It is for <u>Tellers</u> to satisfy themselves that the vote accurately reflects the passage of Members through each Lobby. Tellers should do this by checking the Member's name against the name entered by the Lobby Clerk (and the Member's photograph that appears on the computer screen) and ensuring that the Member's vote is registered, which is signified by the sound of a bell.

Once voting has begun, it is helpful to the Clerks if Members call out their surname as they reach the telling point, and Tellers can encourage Members to do this.

Tellers may also help maintain the flow of Members through their Lobby by ensuring that Members proceed beyond the telling point as soon as, <u>but not before</u>, their votes have been registered.

Tellers should be aware that, in accordance with Standing Orders, a party whip may communicate to them the name of a party Member who is present within the precincts of the Assembly and disabled by infirmity from passing through the Lobby. In such circumstances, both Tellers should agree to the Member's vote being recorded on the system by the Lobby Clerk.

Tellers should not enter into discussion with Members about how they have voted.

What if a Member tries to vote twice?

The computerised system will not allow a Member's vote to be registered more than <u>once</u> in any Lobby. If a Member's name is entered again the system will show the following message:

   "This Member has already voted in this [*Yes or No*] Lobby. This Vote will not be recorded! Please select another voter."

However, it is in order for a Member to vote in both Lobbies. The Lobby Clerk, in the second Lobby, will be prompted by the system (see wording below) and may enquire if it is indeed the Member's intention to vote in this way. If that intention is confirmed, Tellers should ensure that the second vote is registered. The system prompt is as follows:

   "This Member has already voted in the [*Yes or No*] Lobby. Do you want to record this [*No or Yes*] Vote also?"

Are Tellers able to Vote?

Yes. When both Tellers in a Lobby indicate their satisfaction that they have been correctly identified as Tellers, their votes are the first ones to be registered, automatically, in the appropriate Lobby. If a Lobby Clerk attempts to register a further vote in the name of any of the Tellers, the screen will display a warning and will not register the vote. The Teller allocated to the 'nominated' Lobby (e.g. the 'Aye' teller in the 'Aye' Lobby) will, after the Lobby is closed, be able to see from the computer printout (see below) that his/her vote, and that of his/her colleague who was Teller in the 'opposite' Lobby, have been registered.

When is the Teller's job finished?

When the relevant Tellers are satisfied that all other Members who wish to vote in their particular Lobby have done so, they should instruct the Lobby Clerk to close the Lobby (this should never be before 4 minutes has elapsed since the lobbies were opened nor before the Speaker has called "secure the doors"). When both Lobbies have been closed, the Tellers should take delivery of the computer printout from the Lobby Clerk.

Both Tellers should sign the printout in the space provided, signifying their satisfaction with the conduct of the division in their Lobby, and then present the printout to the Table. Tellers may then retire to their places in the Chamber, after which the Speaker will instruct the Chamber Clerk to read the result into the record.

Tellers should ensure that no votes are recorded in either Lobby in the absence of a Teller from each side. They should therefore remain in their respective Lobbies **at all times** until the Lobby has been closed and they have taken delivery of the printout. This is particularly important if problems arise with the division. In such situations, the Lobby Clerk will consult with the Table and will keep Tellers fully informed of developments. Tellers, in turn, should brief Members within their Lobby, as information becomes available.

What happens if the computerised system fails?

There may be occasions when it is necessary to conduct a 'Manual Vote', possibly because of some technical fault in the computerised system. On such occasions, the Speaker will make an announcement on the procedures to be followed. These are virtually the same as those for computerised vote recording. The only difference, as far as Tellers are concerned, is that the Lobby Clerks will record votes manually on a form dedicated to the particular Lobby. Tellers in the 'nominated' Lobby should ensure that their own vote, and that of their colleague in the 'opposite' Lobby, are recorded first.

 After voting is concluded, and the Lobby closed, Tellers will take delivery of this form, signing it when they are satisfied that it has been completed correctly. This manual record replaces the printout from the computerised system, and Tellers deliver it to the Table as before.

Conclusion

Tellers play an essential role in ensuring transparency and fairness of voting during divisions. It is important that they understand this role, and their responsibilities within it, and Whips should encourage Members who are likely to be nominated to act as Tellers to make them familiar with this guidance.

Any enquiries about the role of Tellers or about Divisions generally, can be made to Clerks in the Business Office (Room 32).

Annex B

Speaker's ruling on standards of debate

– As delivered on Tuesday 24 November 2009

Order. Before we proceed, I wish to make some remarks in relation to the standards that I expect of debates in this Chamber.

In doing so, I wish to refer to Points of Order raised during last week's sittings in relation to Unparliamentary Language. The two Points of Order referred to remarks made by Mr Mervyn Storey, and his use of the terms "hypocrisy" and "hypocrite". I am aware that on a previous occasion that term has been ruled as being "unparliamentary".

The term "Unparliamentary Language" means different things in different places, and to different members, at different times. In some places the list of words and phrases that are deemed "unparliamentary" runs to several pages. I do not believe it would be helpful for us to adopt such an approach here.

I know that it sometimes strikes Members as odd that some words and phrases are deemed unparliamentary, while others are permitted as being part of "the cut and thrust of debate". The context in which particular words are used can affect their meaning, making them more, or less, acceptable to those to whom they refer.

It is for these reasons that, from now on, I intend to take a different approach to the language that will, and will not, be permitted in this chamber.

Rather than making judgments on the basis of particular words or phrases that have been ruled, here or elsewhere, as "unparliamentary language", I will judge Members' remarks against the standards of courtesy, good temper, and moderation. These are what I consider to be the standards of parliamentary debate. This Assembly, and the people who elect it, would be better served if its Members were to adhere to those high standards. In making my judgments, I will consider the nature of Members' remarks, and the context in which they are made.

I have acknowledged that, at times, Members will wish to express their views forcefully, and to engage in robust debate. That is acceptable. Let me make it absolutely clear that what is

not acceptable, is where the tone or nature of remarks becomes so ill-tempered or bad mannered that they are closer to discourtesy and disorder, than to debate.

Where that happens I will interrupt Members and ask them to moderate their remarks. If a Member refuses such requests from the Chair they will be asked to resume their seat, and I may rule that they should not be called to speak for some time in this Chamber, on any debate. Remarks made from a seated position will be treated in exactly the same way. As always, the Chair's ruling on such matters will not be open to challenge.

On other occasions, as in the past, Members may make remarks or allegations that fall so far short of the standards I have outlined, that I will ask them to withdraw them. I sincerely hope that Members do not place themselves, and the Chair, in that position. Where they do so, I hope that they will see the merit in respecting the ruling of the Chair, and withdraw them, as some Members have done in recent months.

Turning to the specific Points of Order raised last week about Mr Storey's use of the words hypocrite and hypocrisy, I have examined the Official Reports. In my view, Mr Storey could, and should, have expressed his views in a more moderate way. I trust that he will take this morning's ruling on board, and temper his future remarks accordingly.

Indeed, I would ask all Members to study my remarks when they are published in the Official Report, to reflect upon them, and to take account of them when they exercise the privilege - and responsibility - of speaking in this chamber.