



Northern Ireland  
Assembly

## Research and Information Service Briefing Note

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# The new Assembly – what next?

### **Election of the Speaker**

The first sitting of the new Assembly will take place on Thursday 12 May 2016<sup>1</sup>. The first item of business will be to elect a new Speaker. Although the outgoing Speaker, Mitchel McLaughlin, has retired, he will take the Chair to oversee the process for electing the new Speaker. If for any reason Mr. McLaughlin is unavailable, then an Acting Speaker will take his place. This would be the oldest member present at the meeting. A Principal Deputy Speaker and two Deputy Speakers will also be elected.

The DUP and Sinn Féin as the largest and second largest parties will have the opportunity to nominate for the First Minister and deputy First Minister (FMdFM) respectively. This could be done on 12 May or following the discussions around the Programme for Government.

### **Roll of Membership**

Members take their seats by signing the Assembly's Roll of Membership. This can be done before the election of the Speaker or at any time during a sitting of the Assembly<sup>2</sup>. A member cannot participate in proceedings until they have signed the Roll of Membership. The process for the new mandate is somewhat different than previous years due to the provisions of the Northern Ireland (Stormont Agreement and

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<sup>1</sup> This is subject to change.

<sup>2</sup> See Standing Orders of the Assembly: <http://www.niassembly.gov.uk/assembly-business/standing-orders/standing-orders/>

Implementation Plan) Act 2016 (the 2016 Act). This adds an undertaking to the Pledge of Office that members are already required to take by inserting the following into Schedule 4 of the Northern Ireland Act 1998:

“I undertake:

- to support the rule of law unequivocally in word and deed and to support all efforts to uphold it;
- to work collectively with the other members of the Assembly to achieve a society free of paramilitarism;
- to challenge all paramilitary activity and associated criminality;
- to call for, and to work together with the other members of the Assembly to achieve, the disbandment of all paramilitary organisations and their structures;
- to challenge paramilitary attempts to control communities;
- to support those who are determined to make the transition away from paramilitarism;
- to accept no authority, direction or control on my political activities other than my democratic mandate alongside my own personal and party judgment.”

A member cannot sign the Roll of Membership until they have given this undertaking.

It is up to the Speaker to determine the procedure for giving the undertaking. Ministers will also have to give the undertaking as part of their Pledge of Office<sup>3</sup>.

## Programme for Government

As a result of commitments in the Stormont House Agreement and subsequent Fresh Start Agreement<sup>4</sup>, the UK Government legislated to extend the time taken to form an Executive from seven days to 14 days<sup>5</sup>. This will allow for more detailed discussions around a Programme for Government and provide an opportunity for parties who would be entitled to a Ministerial seat to consider the desirability or otherwise of going into Opposition.

Discussions are due to begin on 10 May. The parties could reach agreement before the 14 days expire – they don't have to use the full two weeks. If, after this period expires and no nominations are made for ministerial posts, then the Secretary of State would set a date for a new election.

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<sup>3</sup> Section 7 of the Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016:

<http://www.legislation.gov.uk/ukpga/2016/13/section/7/enacted>

<sup>4</sup> See paragraph 61 of the Fresh Start Agreement: [https://www.northernireland.gov.uk/sites/default/files/publications/nigov/a-fresh-start-stormont-agreement\\_0.pdf](https://www.northernireland.gov.uk/sites/default/files/publications/nigov/a-fresh-start-stormont-agreement_0.pdf)

<sup>5</sup> See section 6 and Schedule 1 of the 2016 Act: <http://www.legislation.gov.uk/ukpga/2016/13/section/6/enacted> and <http://www.legislation.gov.uk/ukpga/2016/13/schedule/1/enacted>

## Appointment of Ministers

Once the programme for Government is agreed, the Assembly will meet to nominate the First Minister, deputy First Minister (if this has not already been done) and the other Northern Ireland Ministers to the new departmental structure which has been reduced from 12 to 9 Departments.

The position of Minister of Justice will be filled before the other Ministerial posts as provided for in the Northern Ireland (Miscellaneous Provisions) Act 2014. This was done so that the party of which the Justice Minister is a member will no longer have an 'extra' Ministerial position – it will be factored into the D'Hondt calculations but is still filled using a different procedure: the Justice Minister is nominated by one or more members of the Assembly and is to be approved by a resolution of the Assembly passed by a cross-community vote<sup>6</sup>.

The party entitlement under D'Hondt is:

- DUP – 3 (first, third and sixth picks)
- Sinn Féin – 2 (second and fifth picks)
- UUP – 1 (fourth pick)
- SDLP – 1 (seventh pick)

The above figures assume that none of these parties will be able to secure a cross-community vote should they choose to nominate a member to take the position of Justice Minister. If any of the parties was successful in achieving cross-community support and took the Justice post, then this will be factored into the D'Hondt calculations as per the 2014 Miscellaneous Provisions Act.

It also assumes that all parties entitled to a Ministerial post will take their entitlement. This could change depending on the outcome of the Programme for Government discussions.

### *Nominating Ministers*

The Speaker will call on the nominating officer of the relevant party to select a Ministerial office and nominate a person to hold it. The nomination and acceptance by the prospective Minister must be done within 15 minutes, unless an extension is asked for by the nominating officer, nominee or another Assembly member and this is approved by the Assembly.

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<sup>6</sup> See Explanatory Note to the Northern Ireland (Miscellaneous Provisions) Act 2014:  
<http://www.legislation.gov.uk/ukpga/2014/13/notes/division/3/11>