

An Ceann Comhairle

Seomra 39
Foirgnimh na Parlaiminte
Baile Lios na Scáth
Cnoc an Anfa
Béal Feirste, BT4 3XX

Guthán: +44 (0) 28 9052 1130
r-phost: speakersoffice@niassembly.gov.uk



The Speaker

Room 39
Parliament Buildings
Ballymiscaw
Stormont
Belfast, BT4 3XX

Tel: +44 (0) 28 9052 1130
email: speakersoffice@niassembly.gov.uk

To: All Assembly Members

27 May 2022

Dear Member,

At the first sitting of the Assembly on Friday 13 May I was asked, via a point of order, about arrangements for the formation of an Opposition by qualifying parties. I want to take the opportunity to write to all Members to clarify the position.

I can confirm that the SDLP is now a qualifying party for the purposes of forming an Opposition. This is because (a) the SDLP declined to nominate to fill the vacancy in the office of Minister for Infrastructure that arose when Nichola Mallon was not returned as a Member at the election; and (b) the party's members comprised 8% or more of the total number of members of the Assembly at the end of the day on which the Assembly first met (i.e. Friday 13 May 2022).

In previous mandates the Opposition could not be formed before all ministerial offices had been filled following the election of the Assembly. Upon the filling of these offices the Speaker would then invite any qualifying parties whether they wished to form (part of) the Opposition.

However, in this mandate the position is different. The Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 means that Ministers continue to hold office. Given this, and the relevant provisions of the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016 and the current Standing Order 45A, I am satisfied that a qualifying party may now choose to form the Opposition at any time.

I wish to clarify that if the SDLP chooses to form the Opposition now, this would not preclude any future qualifying party from forming part of the Opposition, in line with the relevant provisions in Standing Orders.

As this is the first time that the issue of the timing of the formation of the Opposition has arisen since the enactment of the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022, I consider that this is a matter that an incoming Committee on Procedures may wish to consider further.

Yours sincerely,

**ALEX MASKEY
SPEAKER**