



**Northern Ireland  
Assembly**

## **Committee on Procedures**

Room 247

Parliament Buildings

Tel: +44 (0) 28 9052 1678

[emer.boyle@niassembly.gov.uk](mailto:emer.boyle@niassembly.gov.uk)

---

**From: Emer Boyle, Clerk to the Committee on Procedures**  
**To: Shane McAteer, Clerk to the Assembly & Executive Review Committee**  
**Cc:**  
**Date: 17 September 2021**  
**Subject: COMMITTEE RESPONSE TO THE REPORT ON THE  
STATEMENT OF ENTITLEMENTS FOR AN OFFICIAL  
OPPOSITION**

---

At its meeting on 15 September 2021, the Committee on Procedures considered and agreed a draft response to the report on the Review of the Adequacy and Effectiveness of the Statement of Entitlements for an Official Opposition at the Northern Ireland Assembly.

Please find enclosed the Committee's response.

**Emer Boyle**  
**Enc.**

**RESPONSE: From the Committee on Procedures to Recommendations made in Mr. Trevor Reaney’s report: “Review of the Adequacy and Effectiveness of the Statement of Entitlements for an Official Opposition at the Northern Ireland Assembly”.**

1. The Committee on Procedures (Committee) welcomes the opportunity to review and respond to the recommendations made in this review, either where the implementation of which would fall within its remit or where it has a particular interest. This response focuses specifically on recommendations 4, 6, 7, 8 10 and 11 and notes recommendation 5 which states *“That all recommendations should be implemented in a timely manner and that all Standing Orders should ideally be in place before the end of the current Assembly mandate.”*
  
2. Committee members acknowledge that at the heart of assessing the adequacy and effectiveness of the Statement of Entitlements is understanding the role of the official opposition within the structures of the Assembly and its establishment under the Belfast (Good Friday) Agreement and notes the three possible approaches to the issue of an official opposition at the NI Assembly which the report from Mr Reaney describes:
  - I. Follow consociationalism theory and adopt structures which exclusively facilitate power sharing; or
  - II. Move to a more traditional majoritarian model such as operates at Westminster in the UK or Congress in the USA; or
  - III. Pursue a hybrid model by developing the consociational model of the Belfast (Good Friday) Agreement by adding to it features of a more traditional majoritarian system.
  
3. The Committee also notes that the political approach that has developed since the introduction of provisions for an official opposition in 2016, is that of **a hybrid model and that NDNA continues this approach** and further understands that whilst there are elements of entitlements that can be adapted from other institutions, the review recognises that they do not make for a straightforward fit to the Assembly.

4. The Committee further notes that the absence of meaningful international comparisons has meant that the benchmarking comparisons used in the report have focused on parliaments in the UK and Ireland. The Committee understands that the absence of meaningful data specifically on ***the adequacy and effectiveness of opposition entitlements*** has meant that a greater degree of judgement has been used by Mr Reaney than might otherwise have been the case in similar review.
5. It is apparent from the consultation responses received during the review that **respondents expressed a strong desire to strengthen the entitlements amongst the smaller parties represented in the Assembly** with representations also being made to significantly increase the financial support available to the official opposition and a desire to strengthen aspects of the procedural entitlements. The Committee also notes that representations were made about the role and entitlements of those parties and independent members **who do not reach the threshold for recognition** as part of the official opposition.
6. The review report recommends that the following principle be adopted to underpin the range and scale of entitlements available to the official opposition -

*“That the resources, profile and status provided to the official opposition should not of themselves be an incentive or a disincentive to opt for official opposition.”*

The Committee on Procedures notes and supports this as an underpinning principle of the entitlements available to the official opposition. The paragraphs which follow focus on the individual recommendations in the review which are specifically within the remit of the Committee.

#### **Recommendation 4**

7. **If the official opposition comprises more than one party, that the parties involved should develop and publish operating procedures for their voluntary grouping in relation to the business of the Assembly. This should be done at the commencement of the**

**operation of the official opposition and be a condition of accessing funding under the FAPP Scheme.**

The Committee notes this recommendation but would suggest that, should the Assembly accept the recommendations of the review, implementation of this recommendation may not require a change to Standing Orders. It is the Northern Ireland Assembly Commission which has responsibility for bringing forward any revisions to the FAPP scheme. Committee could therefore liaise with the Assembly Commission on whether an amendment to SOs would be required or whether this recommendation could be accommodated as an element of the review of the FAPP. Committee notes that recommendations 12-16 of the report refer to other revisions to the FAPP scheme as part of this review.

#### **8. Recommendation 5**

**That all recommendations should be implemented in a timely manner and that all Standing Orders should ideally be in place before the end of the current Assembly mandate.**

Although not a recommendation specific to the Committee on Procedures, the Committee accepts the need for expediency in terms of progressing the changes associated with the review in good time and prior to the next Assembly election.

Following the AERC's consideration of responses and the Assembly's subsequent consideration of the AERC report, Committee will prioritise any work associated with progressing the amendments required to the Standing Orders, as agreed by the Assembly. Whether it will be possible to complete this work by the end of the mandate will depend upon a number of factors, not least the timing of any agreement by the Assembly.

#### **9. Recommendation 6**

**The following provisions for enhanced speaking rights should continue as set out in the Statement of Entitlements:**

- **Question Time**
- **Executive Business - Budget and Programme for Government (PfG) debates**
- **Executive Business – Legislation**

- **Ministerial Statements**
- **Matters of the Day**
- **Opposition Debates**

The Committee notes that this recommendation is not new, but rather a recommendation to “continue” the current arrangements for enhanced speaking rights. A number of changes to Standing Orders were made in 2016, along with amendments made by the then Business Committee and Speaker. It would therefore be possible that, should the Assembly approve the recommendation, that the arrangements could be continued without requiring a change to Standing Orders.

#### **Recommendation 7**

10. **An additional facility to strengthen the questioning of the Executive should be provided to the official opposition by amending Standing Order 20(7) to provide that the first Oral Question to Ministers should come from the official opposition.**

An amendment to SO 20(7) could be accommodated, should the Assembly accept this recommendation of the review report.

#### **Recommendation 8**

11. **That all the Standing Orders required under the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016 be developed and implemented. In summary, the sections of the Act specifically relating to the official opposition are:**

- **2 – Formation of the Opposition**
- **3 – Timing of formation of the Opposition**
- **4 – Dissolution of Opposition**
- **5 – Leadership of the Opposition**
- **6 – Topical Questions from the Leadership of the Opposition**
- **7 – Speaking Rights in the Assembly**
- **8 – Enhanced speaking rights for the Opposition**
- **9 – Opposition right to chair Public Accounts Committee**
- **10– Membership of Business Committee for the Opposition**
- **15(1&2) – Topical questions**

12. The Committee notes that this recommendation is not new, but rather a recommendation to enshrine in Standing Orders the relevant listed sections of the AER (Assembly Opposition) Act (NI) 2016.

13. Whilst there are no procedural barriers to making any agreed change to Standing Orders, a previous Committee on Procedures undertook a review of all of the relevant considerations for it arising from the AER (Assembly Opposition) Act 2016. That review – which explored various options for how these matters might be addressed but which had not completed when the Assembly was dissolved in 2017 - had not been able to establish that there would be cross-community support to introduce some of the Standing Orders necessary to give this recommendation effect.
14. The Committee therefore notes that, should the Assembly support this recommendation, it would need to give further consideration to and reach agreement on the implementation of the following sections of the 2016 Act;
  - The Formation of the Opposition, including qualification
  - Timing of the formation of the Opposition
  - Dissolution of Opposition
  - Leadership of the Opposition
  - Topical Questions from the Leadership of the Opposition
  - Speaking Rights in the Assembly
  - Enhanced Speaking Rights for the Opposition
  - Opposition Right to chair Public Accounts Committee
15. Any recommendation made by the Committee to give effect to some or all of these matters through relevant provision in Standing Orders would require cross-community support in the Assembly.

#### **Recommendation 10**

**When an official opposition is operational, it should have the opportunity to be represented on all Statutory Committees.**

16. Given current provision in standing orders and the proportional representation formula applied to allocating seats on statutory committees, it is likely that any official opposition already would have the opportunity to be represented on all statutory committees. All members who do not hold Ministerial or junior Ministerial office are offered at least one statutory committee place. Therefore, based on current arrangements, where there are nine statutory committees and nine seats on each statutory committee, the only circumstance where

there is a risk that the official opposition would not be represented on a statutory committee was if the opposition had fewer than nine members.

17. Should the Assembly accept this recommendation then the Committee could seek to bring forward an amendment to Standing Orders. Any amendment would need to be consistent with the requirement in the Northern Ireland Act 1998 that standing orders shall include provision for ensuring that, in appointing members to committees, regard is had to the balance of parties in the Assembly.

### **Recommendation 11**

**That consideration be given to facilitating the creation of political or technical groups which may have the potential to meet the criteria for recognition as part of the official opposition.**

18. The Committee advises that consideration of this recommendation is more appropriate for AERC consideration in the first instance, following which the Committee would be able to provide advice in terms of any (likely) procedural implications associated with the creation of either political or technical groups.
19. The Committee can confirm that there are no procedural obstacles to making provision for political or technical groups via a change / changes to Standing Orders. Should the Assembly accept this recommendation, and should the outcome of such consideration be that the Assembly wishes to facilitate the creation of such political or technical groups (which may have the potential to meet the criteria for recognition as part of the official opposition) the Committee would be of the view that further and detailed information and research would be required in order to inform the development of appropriate procedures to ensure that new standing orders are relevant and would effectively support their operation.
20. The Committee also considers that, should this recommendation be agreed by the Assembly, engagement with the Business Committee with regard to any implications new groups would have on the existing

working arrangements for items of Assembly business would also be helpful.