



**NORTHERN IRELAND
ASSEMBLY**

COMMITTEE ON PROCEDURES

19 November 2024

TO ALL MLAs

**PROVISION IN STANDING ORDERS FOR THE WINDSOR FRAMEWORK
DEMOCRATIC SCRUTINY COMMITTEE**

The Committee on Procedures is bringing forward a motion seeking agreement for a new Standing Order to make provision for the Windsor Framework Democratic Scrutiny Committee and to provide for substitute members for that Committee.

To inform the debate on the motion, which is scheduled to take place on [insert date], the Committee agreed to write to all MLAs setting out the background to the proposed Standing Order and providing further information on what it covers and the issues considered during its development.

The Windsor Framework Democratic Scrutiny Committee (DSC) wrote to the Committee on Procedures on 8 March 2024 highlighting that, while it has been established as a Standing Committee under the Windsor Framework (Democratic Scrutiny) Regulations 2024, it is not provided for in Standing Orders unlike other Standing Committees. The DSC asked the Committee on Procedures to consider taking forward the drafting of a Standing Order to address this matter. Given its statutory functions and associated timeframes, the DSC also asked the Committee to consider undertaking exploratory work to identify options that would provide, in Standing Orders, for substitute members for the DSC, rules on substitution and for proxy voting.

The Committee on Procedures agreed that consideration of provision in Standing Orders for the DSC to include substitute members and/or proxy voting should be one of a number of key priority areas of work to be progressed this year. The work undertaken on this issue has included a briefing from Assembly officials on the detail of Schedule 6B of the Northern Ireland Act 1998, consideration of detailed legal advice on a range of issues including the provision of substitute members and the provision of proxy voting and liaison with the DSC by way of correspondence and a meeting with its Chairperson and Deputy Chairperson to discuss the potential provisions of the Standing Order.

On 13 November 2024 the Committee on Procedures agreed the final wording of the Standing Order to be brought to the Assembly for approval and a copy is attached to this letter together with the explanatory notes.

The Standing Order:


- recognises the establishment of the DSC and its purpose and functions as set out in Schedule 6B of the Northern Ireland Act 1998.
- references the DSC's Section 44 powers.
- outlines that the membership of the DSC will be determined in accordance with Standing Order 52 which is the process applied to establish the DSC in this mandate.
- provides for each member of the DSC to appoint a substitute member and sets out the requirements for substitute members.
- provides for a substitute member to attend meetings of the DSC when the nominating member is absent and undertake the full functions of the nominating member including voting during committee proceedings.
- Sets out the arrangements for chairing a meeting in the absence of the Chairperson and the Deputy Chairperson.

The arrangements regarding how substitute membership is to operate, including the process to be followed when nominating a substitute member, will be set out in guidance to be agreed by the DSC.

The DSC had also requested the provision of proxy voting and the Committee on Procedures gave careful consideration to this issue. However, in light of the legal advice received that set out potential risks associated with proxy voting for the DSC the Committee agreed not to include provision for proxy voting in the Standing Order. The Committee does however intend to undertake a review, in conjunction with the DSC and approximately 12 months after introduction of the Standing Order, of the provision of substitute members and whether these arrangements, together with the availability of remote attendance facilities for committee meetings, are sufficient to enable the DSC to effectively discharge its statutory functions.

I look forward to Members' participation in the debate next week.

Yours sincerely



Kellie Armstrong MLA
Chairperson, Committee on Procedures

59A. Windsor Framework Democratic Scrutiny Committee

- (1) This order supplements section 56B and Schedule 6B to the Northern Ireland Act 1998.
- (2) There shall be a standing committee of the Assembly to be known as the Windsor Framework Democratic Scrutiny Committee ('the committee') to assist with the observation and implementation of Articles 13(3a) and (4) of the Windsor Framework.
- (3) The committee shall exercise the functions set out in Schedule 6B to the Northern Ireland Act 1998.
- (4) The committee may exercise the power in section 44(1) of the Northern Ireland Act 1998, read with paragraph 5(2) of Schedule 6B to that Act.
- (5) Membership of the committee shall be determined in accordance with Standing Order 52.
- (6) Each member of the committee ('M') may appoint as a substitute a person who is—
 - (a) a member of the same political party as M;
 - (b) a member of the Assembly;
 - (c) not a member of the committee; and
 - (d) not a substitute for any other member of the committee.
- (7) A substitute may attend any meeting of the committee from which M is absent.
- (8) A substitute may participate in the proceedings of the committee as though the substitute were a member of the committee.
- (9) If the chairperson is absent, the committee shall be chaired by the deputy chairperson.
- (10) If both the chairperson and the deputy chairperson are absent, the committee shall be chaired by the oldest member present at the meeting who is not a substitute.
- (11) In this Standing Order, 'Windsor Framework' has the same meaning as in paragraph 1(6) of Schedule 6B to the Northern Ireland Act 1998.

