Appendix 3

Correspondence from the Speaker

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Ms Kellie Armstrong MLA
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9 December 2025

Dear Kellie,

Thank you for your letters of 15 October and 26 November 2025 in which you ask for feedback and comment on three draft standing orders relating to petitions of concern.

I note that the new draft Standing Order 28 takes account of comments that I previously made to the Committee in May 2025. I therefore welcome that it provides:

- that it is for the Speaker to determine whether a motion or question has express legal or procedural effect;
- that the usual deadline for the presentation of a petition to the Business Office is not later than 4:00pm on the last working day before the day on which the vote on the matter subject to the petition is due to take place.
- that in exceptional circumstances, the Speaker may permit the petition to be presented to the Business Office up to 2 hours before the time at which the vote on the matter subject to the petition is due to take place.

On the question of whether a petition should be accompanied by a statement to the Business Office setting out the grounds upon which it is being presented, while I can understand the potential merits in the rationale being set out by those signing the petition to give clarity to other Members and the public, on many occasions it may be self-explanatory based on the business the petition is attached to. Therefore, I think the decision on that is a political judgement for the Committee and Assembly to decide.

I note that the new draft Standing Orders 36A and 40A provide that the usual deadline for presenting a petition in respect of any provision of a Bill, or any amendment to that Bill at the relevant stage, is no later than 4.00pm on the last working day before the first day on which the relevant stage is scheduled. This approach is welcome as it is broadly consistent with the usual deadline in the new draft Standing Order 28 (albeit I note that different language is used).

I also note that the new draft Standing Orders 36A and 40A provide that, in exceptional circumstances, the Speaker may permit a petition to be presented after this deadline. This is welcome as it recognises that, as per the provision in the new Standing Order 28, exceptionally there may be circumstances where it is not possible for Members to have tabled a petition within the usual deadline because of the time at which notice of the matter to be voted on was made available.

I note, however, that the deadline in the new draft Standing Orders 36A and 40A for presenting a petition in these exceptional circumstances is different to the deadline in the new draft Standing Order 28. Unless the Committee has a particular reason for this, it may wish to consider whether taking a consistent approach to both deadlines may be more helpful to Members who might otherwise conflate them.

From my perspective, I had suggested that a deadline of up to 2 hours before the time at which the vote on the matter subject to the petition is due to take place was necessary in Standing Order 28 to capture circumstances where a relevant amendment submitted under Standing Order 15(2) or 15(3) had been selected for debate. In these circumstances it is unlikely that a petition of the relevant amendment could be presented much earlier than 2 hours before the time at which the vote on it was due to take place.

I would point out to the Committee that, during an amending stage of a Bill, there may be a number of separate debates on grouped amendments. If the Committee is minded to retain its deadline for exceptional circumstances in the new draft Standing Orders 36A and 40A, it may also wish to consider whether there might be any ambiguity about whether the deadline applies to the first debate or, where appropriate, to a later debate in which the matter to be petitioned will be considered. Any ambiguity might be avoided by making reference to the relevant stage being moved rather than the debate taking place.

Finally, I note that the new draft Standing Orders 36A and 40A provide that no petition may be presented after the first day on which the relevant stage of a Bill is scheduled. I note the Committee's rationale for this provision and welcome the Committee taking steps to prevent potential abuse around the use of petitions of concern.

I hope the Committee finds this feedback helpful.

Yours sincerely



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Ms Kellie Armstrong MLA
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20 February 2026

Dear Kellie,

Thank you for your correspondence of 29 January 2026 in relation to petitions of concern in which you shared illustrative draft Standing Orders 28, 36A and 40A. I note that many of the stakeholder responses on these drafts expressed agreement with the provisions, while others raised concerns. I set out below further information in relation to the specific areas of concern which you have drawn to my attention.

Motions and questions which have no express legal or procedural effect

If the Assembly agrees the provision made in draft Standing Order 28(6)(c), as required by section 42 of the Northern Ireland Act 1998, then a matter may not be the subject of a petition if it concerns a vote on a motion or a question which has no express legal or procedural effect. It would be for me as Speaker to determine whether the motion or question had express legal or procedural effect.

It has been suggested that I should develop, consult upon and publish guidance on the interpretation of this test, what constitutes a motion or decision with express legal or procedural effect, before any new Standing Order is tabled for debate. Such an approach would create dangerous precedent in relation to how Speaker's rulings are made and would be inappropriate in terms of the independence, impartiality and authority of the Speaker. The role of the Speaker, as set out in the Northern Ireland Act 1998 and Standing Orders is not affected by these changes and it would be for the Speaker to rule on the matter on the basis of the Act, Standing Order and the wider procedures and conventions of the House

However, I am happy to indicate to the Committee what the key considerations from the perspective of the Speaker are likely to be. The Committee is correct that often these decisions will be relatively clear cut. While it is impossible to produce a definitive list of all such questions and motions, generally speaking it will be self-evident whether the passing of a vote on a matter will have a legal or procedural effect.

For example, I can confirm that, if agreed, the following would all have legal or procedural effect:

- any question put which asks the Assembly to agree to a clause or an amendment to a Bill;
- any motion that a Bill pass its final stage;
- any motion which asks the Assembly to approve, confirm or annul a statutory rule;
- a legislative consent motion;
- any motion which provides for a statutory decision of the Assembly;
- any motion which affects or alters how the Assembly carries out its business (e.g. a motion to extend the committee stage of a Bill); and
- any motion which by established convention means that I, as Speaker, am required to take follow up action (e.g. writing to external bodies to set out the Assembly's position).

Conversely, any motion which if passed required no further action to be taken by the Assembly (e.g. a Private Member's motion which called on an Executive Minister to take action as an expression of the political will of the Assembly) would be treated as having no express legal or procedural effect. This would encompass most Private Members' motions.

Deadlines for the presentation of a Petition of Concern

I note the concerns that have been expressed by some parties in relation to the deadlines set out in the draft Standing Orders in relation to the presentation of a petition. The normal deadline would be not later than 4:00pm on the last working day before the day on which the vote on the matter subject to the petition is due to take place. This means a deadline of 4.00pm on a Friday (in respect of any business to be considered at a Monday sitting beginning at 12pm), and a deadline of 4.00pm on a Monday (in respect of any business to be considered at a Tuesday sitting beginning at 10.30am).

As previously explained, the purpose of these proposed deadlines is to ensure that the Speaker has sufficient time to receive appropriate advice on whether a petition is valid. The deadlines set out in the draft Standing Orders therefore strike a balance between the time needed to ensure that Members have sufficient opportunity to present a petition and the time that I would need to have advice prepared in advance of my consideration and decision.

I recognise that, occasionally, there may be exceptional circumstances where these deadlines would not allow Members sufficient time to present a petition. An example of this might be in respect of an amendment where the publication of a marshalled list had been delayed.

First, I should point out that this rarely happens. A marshalled list of amendments for business on a Monday is usually published before the end of the day on a Thursday. A marshalled list of amendments for business on a Tuesday is usually published before the end of the day on a Friday. This leaves sufficient time to ensure that a petition could be presented prior to the relevant 4:00pm deadlines.

However, if for whatever reason a marshalled list was not published in line with these usual timescales, or if other exceptional circumstances arose which resulted in delayed notification of business, it may not be reasonable to expect that Members could present a petition before the relevant 4.00pm deadline. In these circumstances, the provisions of draft Standing Order 28(5) would apply. This means that as Speaker I could permit the petition to be presented to the Business Office up to 2 hours before the time at which the vote on the matter subject to the petition was due to take place.

I am satisfied that it would always be appropriate to rely on Standing Order 28(5) where any late notification of business meant that Members would not have had a reasonable opportunity to present a petition. I hope this therefore provides the Committee with the necessary reassurance that the proposed deadlines (for both usual and exceptional circumstances) are fair, balanced and practical.

I note the other concern expressed in relation to the difficulties in determining the exact scheduled time of a vote in any given plenary sitting. I accept that it is often difficult to predict when a vote might take place and that this may lead to uncertainty. However, in response I would make two points. First, this is not something that I have devised – it reflects how the current Standing Order 28 makes reference to the deadline (i.e. that a Petition of Concern shall be submitted at least one hour before the vote is due to occur) and has operated during the lifetime of the Assembly. Secondly, if the Committee considers that such ambiguity is unhelpful then I would have no difficulty with the deadline for exceptional circumstances being the time at which the sitting in question begins. This would provide the Assembly with a clear and definite practical deadline.

Confirmation Day

I am content that, where a valid petition of concern is presented, the Business Office can inform Members of the specific day on which that petition is to be confirmed.

Standing Orders 36A & 40A (Petitions of Concern on relevant Bill Stages)

The deadlines provided for in Standing Orders 36A and 40A broadly reflect the deadlines provided for in draft Standing Order 28. My reassurances provided above about these proposed deadlines (for both usual and exceptional circumstances) being fair, balanced and practical apply equally to the deadlines in Standing Orders 36A and 40A.

However, I have previously noted the deadline in the new draft Standing Orders 36A and 40A for presenting a petition in exceptional circumstances is slightly different to the deadline in the new draft Standing Order 28. I repeat my point that unless the Committee has a particular reason for this, it may wish to consider whether taking a consistent approach to both deadlines may be more helpful to Members who might otherwise conflate them.

My suggestion that an alternative deadline for exceptional circumstances might be the time at which the sitting in questions begins therefore also applies in respect of Standing Orders 36A and 40A

I have previously noted that the new draft Standing Orders 36A and 40A provide that no petition may be presented after the first day on which the relevant stage of a Bill is scheduled. I noted the Committee's rationale for this provision and welcomed the Committee taking steps to prevent potential abuse around the use of petitions of concern.

I note the concern that has been expressed "*that barring the presentation of a petition after Consideration stage has started would remove any discretion political parties have to watch the course of debate and respond accordingly. For example, two amendments selected for debate could have opposing aims or outworkings and a party or parties may wish to petition against a proposal if their own proposal falls".*

I do not accept the premise of this position. As has been the longstanding position, it would remain open to 30 Members, should they wish, to petition any clause or any amendment to a Bill (in line with either the usual or exceptional deadlines) prior to a Consideration Stage beginning. It would also remain open, following Consideration Stage, to petition any amendment selected for debate at Further Consideration Stage. I would continue to exercise my functions to ensure that Members would have the opportunity to petition any amendment to legislation within the proposed deadlines.

The only difference that arises now is that, as a result of a petition of concern, an amending stage would need to take place over two different sitting days (which are more than two weeks apart). An explicit restriction on presenting a petition in these circumstances after the first day is consistent with the other proposed deadlines. It is also consistent with practice in the past insofar as the amending stage would have taken place on one day and therefore any petition could not therefore have been presented after that day.

In order to ensure that the Assembly retains the ability to legislate effectively (disposing of amending stages in a timely manner), it is necessary to ensure that there can be no abuse of the use of petitions of concern.

I hope the Committee finds this feedback helpful.

Yours sincerely



EDWIN POOTS MLA

SPEAKER