Northern Ireland Assembly

Committee on Procedures

Report on Petitions of Concern

Ordered by the Committee on Procedures to be published 14 October 2026

This report is embargoed until the commencement of the debate in the Assembly.

Report: NIA 196/22-27 Committee on Procedures.

Contents

Powers and Membership 3

List of Abbreviations and Acronyms used in this Report 5

Executive Summary 6

Introduction 8

Committee Consideration 9

Links to Appendices 29

Appendix 1: Draft Standing Orders 29

Appendix 2: Minutes of Proceedings 29

Appendix 3: Correspondence 29

Powers and Membership

Powers

The Committee has power to:

- Consider and review, on an ongoing basis, the Standing Orders and procedures of the Assembly;
- Initiate inquiries and publish reports; and
- Call for persons and papers.

Membership

The Committee has 9 members, including a Chairperson and Deputy Chairperson, and a quorum of five members. The membership of the Committee is as follows:

- Kellie Armstrong MLA (Chairperson)
- Órlaithí Flynn MLA[1] (Deputy Chairperson)
- Andy Allen MLA[2]
- Danny Baker MLA[3]
- Cheryl Brownlee MLA[4]
- Trevor Clarke MLA
- Danny Donnelly MLA
- Cara Hunter MLA[5]

[1] Órlaithí Flynn replaced Sinéad Ennis as Deputy Chairperson on 3 February 2025

[2] Andy Allen replaced Robbie Butler as a Member on 15 September 2026, Robbie Butler replaced John Stewart as a Member on 5 March 2024

[3] Danny Baker replaced Aoife Finnegan as a Member on 20 January 2026, Aoife Finnegan replaced Sinéad Ennis as a Member on 17 February 2025

[4] Cheryl Brownlee replaced William Irwin as a Member on 23 September 2025, William Irwin replaced Gary Middleton as a Member on 8 April 2024

[5] Cara Hunter replaced Matthew O'Toole as a Member on 28 May 2024

- Philip McGuigan MLA[6]

[6] Philip McGuigan replaced Maolíosa McHugh as a Member on 24 November 2025

List of Abbreviations and Acronyms used in this Report

The Committee: Committee on Procedures

The 1998 Act: the Northern Ireland Act 1998

NDNA: New Decade, New Approach

The 2022 Act: Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022

The Agreement: The Belfast Agreement

Executive Summary

1. Section 42 of the Northern Ireland Act 1998[7] (the 1998 Act) provides for a procedure known as a petition of concern that enables 30 or more MLAs to ensure that a decision in the Assembly is approved on a cross-community basis. The New Decade, New Approach[8] (NDNA) agreement, published in 2020, proposed a number of reforms to the petition of concern mechanism.

2. The Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022[9] (the 2022 Act) implemented some of the reforms contained in NDNA by amending Section 42 of the 1998 Act. The Assembly's Standing Order 28 also makes provision for the procedures to be followed regarding petitions of concern but as drafted, it no longer accurately reflects Section 42.

3. In November 2024, the Committee on Procedures began its consideration of how Standing Order 28 may need to be revised to take account of the amendments made to section 42. It considered each sub section of section 42, the relevant text of NDNA and some optional provisions relating to the procedures on Bills at amending stages. After taking both legal and procedural advice, it developed draft illustrative Standing Orders that it consulted on with the political parties in the Assembly, independent Members and the Speaker. With the feedback that it received, it refined the draft illustrative Standing Orders and after further discussion in the Committee, agreed four draft Standing Orders to go to the Assembly for approval on a cross community basis.

    - Draft Standing Order 28 Petition of Concern - will replace the current Standing Order 28 and will apply the provisions of amended section 42 of the 1998 Act which largely reflects the proposals in NDNA. It has one optional paragraph that provides that a statement may accompany the presenting of a petition. It provides for different deadlines than those in

[7] Northern Ireland Act 1998 Section 42

[8] New Decade, New Approach

[9] Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022

Standing Order 28 as drafted. This draft Standing Order was agreed unanimously by the Committee.

- Draft Standing Order 28A Petition of Concern: Consideration Period - is a new Standing Order providing for section 42(6)(b) & (c) of the 1998 Act. Section 42(6)(a) provides that an ad hoc committee may be established during the 14-day consideration period to look at a specific petition. Section 42(6)(c) is in connection with allowing reports on the petition to be provided to the Assembly during the 14-day consideration period. The DUP and UUP Members of the Committee indicated that they did not agree with the provisions in this draft Standing Order.

- Draft Standing Order 36A Petition of Concern: Consideration Stage – this is an optional provision commissioned by the Committee. It is in connection with petitions on Bills and Bill related matters at Consideration Stage and prevents the use of successive or multiple petitions to create a chain of 14 day consideration periods which would affect the scheduling of Plenary Business, the order of debate and the effective use of Plenary time. The DUP Members of the Committee reserved their position on this draft Standing Order.

- Draft Standing Order 40A Petition of Concern after Consideration Stage – this is an optional provision commissioned by the Committee in connection with petitions on Bills and Bill related matters at Further Consideration Stage, Exceptional Further Consideration Stage and Reconsideration Stage. It prevents the use of multiple or successive petitions to create a chain of 14 day consideration periods which would affect the scheduling of Plenary Business, the order of debate and the effective use of Plenary time. The DUP Members of the Committee reserved their position on this draft Standing Order.

Introduction

4. A petition of concern is a mechanism that allows 30 MLAs to request that a decision in the Assembly be approved on a cross-community basis rather than by a simple majority. It is one of the safeguards set out in Strand One of the Belfast Agreement[10] and was designed to ensure that key Assembly decisions receive cross-community support. It is provided for in Section 42 of the 1998 Act and in the Assembly's Standing Order 28.

5. However, concerns were expressed by some of the political parties that it was being used in a manner that departed from its original purpose. NDNA proposed a number of reforms to petitions including:-

   - that a petition must be signed in person;
   - that a petition must be accompanied by a statement setting out the grounds and rationale for tabling the petition;
   - introducing a 14-day consideration period between the submission of a valid petition and the related Assembly vote;
   - requiring that petitions be supported by Members from at least two political parties;
   - prohibiting the Speaker and Deputy Speakers from signing a petition; and
   - preventing the mechanism from (i) blocking a Bill from progressing beyond Second Stage; (ii) being used on Standard Motions; and (iii) being used on motions and questions with no legal or procedural effect.

6. As the legal provision for the petition of concern mechanism is in Section 42 of the 1998 Act, the UK Government brought forward The 2022 Act to give effect to these and other changes arising out of NDNA.

7. The Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 therefore amends the 1998 Act and makes new provisions for petitions of

[10] The Belfast Agreement

concern as well as for Ministerial appointments, extraordinary Assembly elections and the Ministerial Code of Conduct.

8. As drafted, Standing Order 28 makes provision for procedures to be followed in respect of the tabling of a petition of concern and is based on the 1998 Act as enacted. However, it no longer reflects Section 42 of the 1998 Act as amended.

9. The previous Committee on Procedures in the 2017 – 2022 mandate, had noted the amendments to the 1998 Act and was aware that consequentially, the Assembly's Standing Order 28 would also require to be amended. It had sought input from the political parties represented in the Assembly and the independent Assembly Members to enable the policy options to be developed which would then enable revised Standing Orders to be drafted. It had insufficient time to complete this work before the end of the 2017 - 22 Mandate. In its Legacy Report it referred this matter to this Committee.

Committee Consideration

Committee approach

10. The Committee on Procedures began its consideration of the amended Section 42 of the1998 Act and possible amendments for Standing Orders on 27 November 2024. It considered a range of issues relating to the provisions in Section 42 as well as the relevant text of NDNA and some optional provisions. After due consideration, it developed draft illustrative Standing Orders and consulted on these with the political parties and independent Member of the Assembly as well as the Speaker. Based on the comments and feedback received it refined the draft illustrative Standing Orders bringing its final agreed versions as a motion to the Assembly for approval by a cross community vote.

11. In undertaking this work, the Committee was informed by briefings from Assembly Officials on procedural matters pertaining to Plenary business and to Bills introduced to the Assembly. The Committee also received detailed legal and drafting advice from the Assembly's Legal Services. It also wrote to the Speaker regarding duties that would fall to his office and would like to take this opportunity to express its appreciation for his helpful responses (Appendix 3).

Committee Consideration of Section 42 of the Northern Ireland Act 1998

12. The Committee considered each paragraph of Section 42 in detail, taking into account the legal and procedural advice received. After each paragraph was considered, the Committee took a preliminary position that enabled the draft illustrative Standing Orders to be prepared. It was noted that certain paragraphs of Section 42 are free standing provisions in that they are already law and must be complied with whether or not they are provided for in Standing Orders.

13. The Committee decided that for clarity and to avoid Members and other interested parties having to refer to two documents (the 1998 Act and Standing Orders), it would make provisions in Standing Orders for those paragraphs of Section 42 that were already in law.

14. The Committee considered **Section 42(1)**

If a petition expressing concern about a matter which is to be voted on by the Assembly is—

(a) presented to the Assembly by 30 members, and

(b) on the day after the consideration period, confirmed by 30 members,

the vote on that matter requires cross-community support.

15. This requires 30 Members to present a petition, and on the day after the consideration period, 30 Members to confirm the petition. The 30 Members confirming the petition can be the same or different Members. The consideration period is defined in Section 42(8) as a period of 14 days beginning with the day on which the petition is presented. Section 42(7) provides that if the day after the consideration period is not a working day, the petition is to be confirmed on the next day that is a working day.

16. The Committee agreed that provision for Section 42(1) should be included in the draft illustrative Standing Order.

17. The Committee considered **Section 42(2)**

If such a petition is presented, the vote on the matter to which it relates may not take place until after the day mentioned in subsection (1)(b)

18. The Committee noted that this provided that a vote on a matter subject to a petition may not take place until the day after the confirmation day (which is one day after the 14-day consideration period concludes). The Committee further noted that this would be at least the 16th day after a petition was presented.

19. The Committee agreed that provision for Section 42(2) should be included in the draft illustrative Standing Order.

20. The Committee considered **Section 42(3)**

The members presenting or confirming a petition must include—

(a) one member who belongs to a political party and one member who belongs to a different political party,

(b) one member who belongs to a political party and one member who does not belong to a political party and did not belong to a political party when returned as a member of the Assembly, or

(c) two members who do not belong to a political party and did not belong to a political party when returned as members of the Assembly.

21. This establishes criteria relating to the party affiliation of Members presenting and / or confirming a petition. It requires the Members presenting or confirming to demonstrate cross party support (support from Members of two or more political parties) or independent support (support from one independent and one political party or from two independents).

22. The Committee agreed that provision for Section 42(3) should be included in the draft illustrative Standing Order.

23. The Committee considered **Section 42(4)**

A matter may not be the subject of a petition if it—

(a) concerns a sanction in relation to the conduct of a Minister or other member of the Assembly;

(b) concerns the vote on the general principles of a Bill referred to in section 13(1) (a);

(c) is a matter specified in standing orders made under subsection (6)(c).

24. This paragraph identifies certain matters that may not be subject to a petition. The Committee noted that sub-paragraphs (a) & (b) are relatively self-explanatory in that a petition may not be presented in respect of motions concerning the imposition of sanctions on Members or Ministers, nor can a petition be presented on the second stage of a Bill. However, (c) refers to further restrictions that can be found in Section 42(6)(c).

25. Section 42(6)(c) provides that Standing Orders must specify further matters that may not be subject to a petition for the purposes of implementing paragraph 2.2.4 of Annex B of part 2 of NDNA. Paragraph 2.2.4 refers to standards motions under Standing Order 69B and to motions and questions that have no express legal or procedural effect. The Committee noted that the restriction on standards motions is already provided for in Section 42(4)(a).

26. The second restriction concerns motions and questions that have no express legal or procedural effect. The Committee received detailed legal and procedural advice on this matter and spent considerable time discussing this restriction. It noted that this restriction would cover most private Members motions. It also sought to understand the types of motions and questions that would have express legal or procedural effect. It received legal advice that such would be underpinned by a statutory obligation and considered some examples including:-

- A motion to remove the Northern Assembly Commissioner for Standards ('the Commissioner') from office under section 21 of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 ('the 2011 Act'). Section 21(2) of the 2011 Act provides that the Assembly may dismiss a person from office as the Commissioner by passing a resolution;
- A motion to remove the Comptroller and Auditor General for Northern Ireland ('C&AG') from office under section 65(2) of the 1998 Act. Section 65(2)(a) of the 1998 Act provides that a recommendation shall not be

made to His Majesty for the removal of the C&AG from office unless the Assembly so resolves; and

- A motion to remove the Northern Ireland Public Services Ombudsman ('the Ombudsman') from office under Schedule 1 paragraph 9 of the Public Services Ombudsman Act (Northern Ireland) 2016 ('the 2016 Act'). Schedule 1 paragraph 9 of the 2016 Act provides that the Assembly may pass a resolution recommending the removal of the Ombudsman from office to His Majesty on the ground of ill health or misconduct.

27. The Committee also noted that, if a petition was presented on a matter, the Speaker would be required to rule on whether the motion or question had express legal or procedural effect. In many, if not most instances, it would be clear whether a motion or question had express legal or procedural effect. However, on occasions, the decision may not be clear and the Speaker may need to seek advice, assess and make his decision. The Committee therefore agreed to write to the Speaker on this aspect. His response can be found in Appendix 3.

28. The Committee agreed that the draft illustrative Standing Orders should include provision for Section 42(4)(a) & (b) & (c) and for the Speaker's role in deciding whether a motion or question had express legal or procedural effect.

29. The Committee considered **Section 42(5) -**

A petition under this section may not be presented or confirmed by the Presiding Officer or a deputy Presiding Officer.

30. The Committee considered this to be self-explanatory in that neither the Speaker, Principal Deputy Speaker nor Deputy Speakers can present or confirm a petition.

31. The Committee agreed that provision for Section 42(5) should be included in the draft illustrative Standing Order.

32. The Committee considered **Section 42(6)** noting that it states that provision must be made in Standing Orders for the requirements of its sub sections 6(a)

to (d). The Committee noted the use of the words 'must' and 'may' within section 42(6).

(6) Standing orders must—

(a) make provision with respect to the procedure to be followed in presenting and confirming a petition under this section (which may include provision specifying a minimum period between the presentation of the petition and the time when the vote on the matter to which it relates would take place if not postponed by the petition);

(b) provide that the matter to which a petition under this section relates may be referred, in accordance with paragraphs 11 and 13 of Strand One of the Belfast Agreement, to the committee established under section 13(3)(a);

(c) specify further matters that may not be the subject of a petition under this section, for the purposes of fully implementing paragraph 2.2.4 of Annex B of Part 2 of The New Decade, New Approach Deal;

(d) make provision for such steps to be taken during the consideration period as may be necessary for the purposes of fully implementing paragraph 2.2.7 of Annex B of Part 2 of The New Decade, New Approach Deal.

33. In its consideration of Section 42(6)(a), the Committee considered the deadline for presenting a petition with reference to when the vote on the matter to be petitioned was due to take place. The current Standing Order 28 provided a deadline that, other than in exceptional circumstances, a petition must be submitted one hour before the *'vote is due to occur'*. It also allows for circumstances where no notice of a vote or similar, is given.

34. The Committee noted that it is difficult to know when debates in the Assembly may start, conclude and the vote take place. It was aware that the deadline in Standing Order 28 as drafted, may be informed with reference to the indicative timings that accompany the Order Paper. It explored other possibilities including linking the deadline to the start of the debate or mirroring the deadline for other matters such as amendments to motions.

35. The Committee referred to the matter first raised in Section 42(4)(c) of the Speaker having to decide whether a petition was valid in connection with a

motion or question with express legal or procedural effect. The Committee had written to the Speaker asking for his opinion on how much time may be required to allow for this check to be carried out. In his reply the Speaker indicated, that while on many occasions this decision making would be clear cut, there would be times when it was not. On such occasions, the Speaker would require time to seek, receive and consider advice before making his decision. The Committee agreed that the deadlines should take this into account.

36. The Committee also considered that under the current deadline set out in Standing Order 28 as drafted (petition to be presented at least one hour before the vote deadline), Members were often not informed that a petition had been presented until the middle of the debate on the matter that had been petitioned. Some Members found this very unsatisfactory in that it did not allow (i) Members who had already contributed to the debate, including the 'sponsor' of the matter petitioned, to speak about the petition other than by an intervention or (ii) allow other Members still to contribute to the debate very little time to formulate a response to the petition.

37. There was discussion about the impact of the changes in Section 42 regarding the criteria for a valid petition concerning the time that Members and parties may need to ensure that they met these criteria specifically with reference to allowing time for the collection of 30 or more signatures with the required party affiliations.

38. The Committee also considered and agreed that a different deadline should be applied in exceptional circumstances. It explored a variety of types of exceptional circumstances including delays to publication of amendments or where a matter is moved with little or no notice.

39. The Committee sought to strike a balance between these various matters eventually agreeing that the following indicative deadlines should be included in the draft illustrative Standing Order:-

    - in normal circumstances, a valid petition should be presented 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; and

- in exceptional circumstances a valid petition should be presented not later than 2 hours before the time at which the vote on the matter subject to the petition was due to take place.

40. **Section 42(6)(b)** concerns the referral of matter subject to a petition to a committee established under Section 13(3)(a) of the 1998 Act. The Committee noted that this is not a new provision and was already in the 1998 Act as enacted. It also noted the specific use of the words 'must' and 'may' in Section 42(6)(b) – Standing Orders 'must' provide that a matter to which a petition relates 'may' be referred to the ad hoc committee.

41. The Committee received advice on this matter noting that Standing Order 60[11] already provides for an ad hoc committee on conformity with equality requirements. The advice indicated that the wording of Standing Order 60(4) suggests that the ad hoc committee may only consider petitions that have a 'measure or proposal for legislation' as their subject; and that this follows from the text of The Agreement but is inconsistent with the 1998 Act and may be incorrect. Under section 42(6)(b) the ad hoc committee can examine any matter referred to it which is subject to a petition.

42. The Committee also referred to Standing Order 53(1) that provides for the establishment of an ad hoc committee including its terms of reference, membership and method of operation, by way of a motion debated and agreed in the Assembly. The Committee noted a series of issues in connection to this including who would table the motion, issues around timing in that the ad hoc committee would have to be established by Plenary, meet, take evidence and report before the 14-day consideration period finished and the petition was confirmed. The Committee expressed concerns regarding the opportunity for the ad hoc committee to undertake any form of detailed or substantial work in this limited timeframe.

43. The Committee also noted that the criteria to establish the validity of a petition is set out in Section 42 of the 1998 Act and that there is no role for an ad hoc committee in this regard. Some Members of the Committee questioned what

[11] Standing Orders as amended 29 June 2026

additionality or benefit an hoc committee would therefore bring to the matter of a petition.

44. It was noted the mechanisms for establishment of the ad hoc committee were already in Standing Orders – although refinement of these may be required to address issues of timescale and role including with respect to possible discrepancies in the wording of Standing Order 60(4). Many Members also expressed concerns about the usefulness of such a committee given it had no role in deciding the validity of a petition, and the limited time it would have to take evidence and report.

45. After due consideration the Committee agreed it had a duty to include provision for Section 42(6) in Standing Orders. The Committee noted that most of the issues it had identified may be addressed by it undertaking further consideration of the relevant Standing Orders. It noted one possible solution would be a new Standing Order to provide for the establishment and membership of such a committee at the start of each mandate and to devise a mechanism for whom may and how it may be activated. Such a committee would be established and be in place throughout a mandate, albeit meeting only when required. However, such work would take considerable time and in order not to delay the introduction of the new Standing Orders on petitions of concern, it agreed to defer consideration of this possibility and other solutions until these were brought to the Assembly for debate and vote.

46. **Section 42(6)(c)** concerns other matters that may not be subject to a petition and provides that such restrictions must be for the purpose of implementing paragraph 2.2.4 of Annex B of NDNA. Paragraph 2.2.4 of Annex B of NDNA references two matters:

47. *'**2.2.4.** The Petition of Concern will not be available for standards motions under Standing Order 69B, or motions and questions which have no express legal or procedural effect.'*

48. The first restriction concerning standards motions is already covered by Section 42(4)(a) and the Committee's consideration of this matter including provision in Standing Orders is outlined at paragraph 23 of this Report. The second restriction concerns motions and questions which have no express legal

or procedural effect and has already been considered and is outlined at paragraphs 26 – 27 of this Report.

49. The Committee considered **Section 42(6)(d)** concerning '…*provision for such steps to be taken during the consideration period as may be necessary for the purposes of fully implementing paragraph 2.2.7 of Annex B of Part 2 of The New Decade, New Approach Deal'.*

50. Paragraph 2.2.7 of Annex B states

***'2.2.7.** A valid Petition of Concern shall trigger a 14-day period of consideration, including on any reports on whether a measure or proposal for legislation is in conformity with equality requirements, including the ECHR/ Bill of Rights and any advice following on from Assembly Standing Order 30(6) and 85(4). After this consideration, if 30 MLAs confirm support for the Petition of Concern, the Assembly can determine the matter in accordance with the cross community consent procedure.'*

51. This paragraph refers to '… on any reports on whether a measure or proposal for legislation…' rather than any matter that might be the subject of a petition. The Committee considered that the reference to ' … *any report*…' was unclear in that while there was a reference to the ECHR/Bill of Rights and any advice received via Standing Order 30(6) & 85(4), this could be interpreted in the widest sense in that any report from any organisation or individual could be considered. The Committee felt that the drafting of this paragraph was ambiguous and that it may be interpreted in different ways. The Committee found it confusing that the reference was to '…any report on whether a measure or proposal is in conformity with equality legislation…' and yet a petition could be on a wider range of matters.

52. The Committee also noted that such reports would need to be received within the 14-day consideration period; and that the Bill reports produced by Statutory Committee to inform the Consideration Stage debate could also be considered such a report.

53. The Committee further considered Standing Order 30(6) and 85(4) that provide for a Bill to be referred to the NI Human Rights Commission (NIHRC) for its opinion and noted that there is no duty on the NIHRC to provide such opinions.

54. The Committee agreed it had a duty to include provision for Section 42(6)(d). Nevertheless, the Committee expressed concerns that the drafting of this paragraph was ambiguous. The Committee agreed to include provision for this in the draft illustrative Standing Order noting that if approved by the Assembly, further work may need to be carried out regarding how these provisions would operate. Furthermore, the Committee noted that the Assembly and Executive Review Committee may need to be closely involved in such work, given its role in considering matters relating to the function of the Assembly.

55. **Section 42(7) & (8)** concern the consideration period and the day a petition must be confirmed and definitions.

(7) If the day mentioned in paragraph (b) of subsection (1) is not a working day that paragraph is to be read as referring to the next day that is a working day.
(8) In this section— "the consideration period" means the period of 14 days beginning with the day on which the petition is presented; "working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in Northern Ireland.

56. The Committee noted that these are free standing provisions already in law. The Committee agreed that provisions for these should be included in the draft illustrative Standing Order.

Committee Consideration of Optional Provisions

A petition to be accompanied by a statement and signed in person

57. Paragraph 2.2.1 of Annex B of NDNA covers two provisions (i) providing a statement on the grounds and rationale upon which it is being tabled and (ii) signing of a petition in person:-

'A Petition must be accompanied by a statement of the grounds and rationale upon which it is being tabled and be signed in person at the Bills Office.'

58. While neither of these two provisions are requirements of Section 42 of the 1998 Act, the Committee could, if it wished, provide for these in Standing Orders as optional provisions.

59. The Committee considered the provisions of statements noting that the intention of NDNA was that a petition would be submitted with a statement of the grounds and rationale upon which it is being tabled. The Committee made a working assumption that NDNA intended that Members would use the statement to assist in their decision whether to add their names to the petition or to seek further information and / or to assist in their decision making on how to vote.

60. No further detail is provided in NDNA regarding what the content of such a statement might be and how it might be managed regarding its receipt and publication.

61. While there was no consensus, a majority of Committee Members indicated a preference to make mandatory provision for a statement in the draft illustrative Standing Order. They cited the benefits of openness and transparency around why a matter had been petitioned seeing this as a step a mature political institution should require. It was noted that if a Member signs a petition, other Members and the public should know why they are signing it. However, the Committee noted that the lack of information on what should be in the statement meant that a simple statement such as 'because we disagree with xyz…' would be valid; yet such a statement adds nothing to the debate on the matter being petitioned.

62. The Committee agreed to include provision for a statement in the draft illustrative Standing Order. It agreed that the provision should be mandatory but that the views of the relevant stakeholders would be sought on whether it should be an optional provision or should be removed from the Standing Order.

63. The Committee considered the matter of signing a petition in person noting that the reference in NDNA is the Bill Office. As it is the Business Office that handles the presentation and confirmation of petitions, the Committee assumed

this a drafting error and that the reference should be to the Business Office. The NDNA reference also only refers to signing a petition and the Committee made the working assumption that this covered both presenting and confirming a petition.

64. Currently, for motions requiring 30 signatures, the provision of either wet and or electronic signatures from the Member is considered acceptable. In its consideration of this hybrid approach, the Committee noted: -

- for motions that require 30 signatures, an electronic signature from an authorised staff of the Member is not acceptable;
- a proxy could not sign nor confirm a petition for the absent Member;
- hybrid provision provides flexibility for Members who were unavailable, for a variety of reasons, to come into Parliament Building to sign in person;

65. The Committee also noted advice that a petition cannot be confirmed in advance. The confirmation of a petition must be on the confirmation day (day 15) by 30 or more Members. If day 15 fell during recess or while a Member was unavailable for a variety of reasons, then a requirement for a signature in person would require that Member to come into Parliament Buildings.

66. It was agreed that the current hybrid practise for any motion that requires 30 signatures would continue to apply to petitions and no additional Standing Orders for signing in person would be required.

Optional Provision for Bills

67. The Committee considered further procedural changes to address the potential consequences of delays to Bills arising from successive petitions. Section 42(4)(b) already provides a restriction on the use of a petition at the second stage of a Bill. However, there is no such restriction for the remaining stages of a Bill (at which there is a vote). The Committee noted that introduction of the 14-day consideration period followed by the confirmation day meant that the vote on the matter petitioned would take place on the next sitting day which would be day 16 at the earliest. This would delay the Assembly from taking a

decision (irrespective of whether the petition was confirmed) and consequences could arise from this delay.

68. Concern was expressed about the use of a petition or multiple, successive petitions on clauses or amendments to a Bill, which could result in multiple successive consideration periods and delays to votes on Bills. This could affect the scheduling of a Bill's stages, the order of a debate and the effective use of Plenary time. Concern was expressed that this impact could be exacerbated towards the end of the mandate including causing a Bill to 'time out'.

69. The Committee agreed that draft illustrative Standing Orders should be provided to prevent these negative consequences of multiple and or successive petitions to Bills at (i) Consideration Stage and (ii) Further Consideration Stage, Exceptional Further Consideration Stage and Reconsideration Stage.

70. While there was concern amongst some of the Committee Members regarding this approach, a majority of the Committee agreed that illustrative draft Standing Orders should be provided for the amending stages of Bills. It was agreed that the provision should mirror the deadlines for normal circumstances for petitions on non Bill related matters. It was further agreed that the deadline for exceptional circumstances should be 2 hours before the debate on the relevant Bill Stage began.

Consultation on Draft Illustrative Standing Orders and resultant amendments to draft Standing Orders 28, 36A and 40A

71. Having agreed its preliminary position, the Committee commissioned the following draft illustrative Standing Orders:-

- Standing Order 28. Petition of Concern: covering the provisions in Section 42 and the optional provisions for statements.
- Standing Order 36A. Petition of Concern: Consideration Stage
- Standing Order 40A. Petition of Concern after Consideration Stage

72. It wrote to the political parties in the Assembly, the independent Member, Claire Sugden MLA and to the Speaker on 15 October 2025 seeking views on these draft Standing Orders by 7 November 2025. However, the responses from the DUP and UUP were delayed until January 2026 meaning that the Committee was unable to progress its work until its meeting on 28 January 2026.

73. Overall, most of the responses were supportive of the draft illustrative Standing Orders including for the mandatory provision of statements and draft Standing Orders 36A & 40A. Some of the responses referred to the additional work required regarding the ad hoc committee indicating that this should be a priority. However, the responses from the DUP and UUP registered concerns with specific aspects of the drafts including:-

- the deadlines for normal and exceptional circumstances;
- requesting clear guidance on how the restriction in petitions with no express legal or procedural effect would be interpreted; and
- with aspects of draft Standing Orders 36A & 40A with the UUP suggesting that these optional provisions are deferred until the next mandate.

74. The DUP also expressed concerns (i) with the provision on statements preferring that it is omitted from the draft Standing Order and (ii) with the provisions for the ad hoc committee in connection with its establishment and operability in the short time provided during the consideration period and (iii) with the provisions for the reports during the consideration period.

75. The Speaker's response also raised a practical and operational matter with regards to a difference in the deadline for presenting a petition in exceptional circumstances in draft illustrative Standing Order 28 and in 36A & 40A.

76. The Committee agreed to consider these concerns seeking additional legal and procedural advice. As the concerns referenced by the DUP and UUP regarding how the restriction on petitions with no express legal or procedural effect would be interpreted by the Speaker, the Committee also sought his opinion and his response can be found in appendix 3.

77. The Speaker's responded on this matter, dated 20 February 2026, and provided a list of examples of types of matters that would have legal or procedural effects was particularly helpful. In his response he noted that it would be inappropriate for his office to develop, consult upon and publish guidance on this matter. However, he also remarked that while it would be impossible to produce a definitive list of what might or might not be a valid petition he was able to provide some further examples as follows:

- 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 the Speaker is required to take follow up action (e.g. writing to external bodies to set out the Assembly's position).

78. After further discussions, at the meeting on 27 May 2026, further amendments to draft illustrative Standing Order 28, were agreed as follows:-

- that the provision of a statement to accompany the presentation of a petition would be optional rather than mandatory;
- that the deadline for presentation of a petition under exceptional circumstances be amended to one hour before the debate on the matter subject to the petition is due to take place;
- as the provisions for the referral of a petition to an ad hoc committee and receipt of reports during the consideration stage were unlikely to be agreed in a cross community vote in Plenary, that they be brought to the Assembly as a separate motion;
- the Committee also considered the definition of 'working day' noting that the interpretation of the term in draft illustrative Standing Order 28(4) concerning deadlines for presenting a petition, was different from that

used in draft illustrative Standing Order 28(11) & (12) concerning the interpretation of the consideration period and the day for confirmation of a petition. It noted that Standing Order 28(4) was based on the definition of working day used in Standing Order 81, while that in Standing Order 28(11) & (12) was a requirement of Section 42, was already in law and not open to amendment. The Committee agreed that it was content with the interpretation of working day in Standing Order 28(4);

- a decision on the provisions regarding a petition not being valid on a matter with no express legal or procedural effect and on the Speaker as a decision-maker, were deferred pending further consideration by the DUP Committee Members of the response from the Speaker on this matter; and
- some minor editorial changes to enhance readability were agreed.

79. At its meeting on 24 June the Committee considered draft illustrative Standing Order 36A & 40A including discussing additional issues raised by the Bill Office. After due consideration, a majority in the Committee agreed a revision to Standing Order 36A to allow for the possibility of no notice amendments. Standing Order 36 currently allows for no notice amendments albeit they have never been used in the Assembly and, in the opinion of the Committee, are very unlikely to be used. However, as they are provided for in Standing Order 36, corresponding provision has been made for them in Standing Order 36A.

80. The Committee also considered whether in circumstances when a Bill Stage is not moved, can the amendment deadline be reopened. The Committee also considered that draft Standing Orders 36A & 40A are proposed to prevent intentional or unintentional abuse. While acknowledging that this concern could be dealt with by means of a sub paragraph in Standing Orders 36A & 40A, it is the opinion of the Committee that this matter be dealt with practically in the first instance and that the Speaker could properly interpret the line in Standing Order 36A that the '*first day on which the Consideration Stage of a Bill is scheduled*' as the first day on which it is rescheduled.

81. Some minor editorial changes to enhance readability were agreed.

82. At the meeting on 24 June, the Committee agreed that based on its considerations in May and June 2026, that final drafts of Standing Order 28, Standing Order 28A and Standing Orders 36A and 40A should be prepared as Plenary motions for its approval. It was noted that a range of different concerns were expressed by the Members of the Committee during its deliberations on these draft Standing Orders.

Petition of Concern in the Assembly during the period of the Committee's consideration.

83. During the Committee's consideration of petitions of concern, several valid petitions were presented and subsequently confirmed. These valid petitions were presented in compliance with the deadline currently in Standing Order 28 of one hour before the vote on the matter is due to take place.

84. The first was a petition on a motion concerning Observer Status in the European Parliament. The motion was as follows:

Motion, as amended, proposed [08 December 2025]: That this Assembly recalls that the majority of people here voted to remain in the European Union; acknowledges that our long-term future would be best served by rejoining the European Union; recognises the democratic deficit as a result of Brexit; supports the request made by Irish MEPs in a recent letter to the President of the European Parliament for observer status in the European Parliament for our locally elected political representatives; and agrees to write to the European Parliament to express the Assembly's position with regards to the observer status and its support for the establishment of a European Commission office in Belfast. — [Ms Ferguson.]

85. A valid petition was presented on Monday 8 December 2025 in relation to the vote on the motion on observer status in the European Parliament and was subsequently confirmed on 22 December 2025. The vote on the motion took place, after Christmas Recess, on the next scheduled Plenary day of 12 January 2026.

86. The Committee noted that Speaker had confirmed in correspondence to it, that any motion which by established convention means that the Speaker is required to take follow up action (e.g. writing to external bodies to set out the Assembly's position), has a procedural effect.

87. On 16 June 2026, a further six valid petitions were presented on amendments to be debated during the Consideration Stage of the Justice Bill. The amendments were in connection with raising the minimum age of criminal responsibility. After being confirmed, the votes on the amendments were taken on 30 June 2026 with a point of order being made regarding the establishment of an ad hoc committee. In response the Speaker stated:-

'Section 42 of the Northern Ireland Act 1998 and Standing Order 28 set out the requirements in relation to a petition of concern. Section 42(6) of the Act sets out matters to be included in Standing Orders. The Standing Orders must include a provision under which the matter to which a petition of concern relates may be referred to an Ad Hoc Committee on conformity with equality requirements, but such a referral is not required in every case. Although I understand that the Committee on Procedures is considering those matters, no Standing Orders have yet been made under section 42(6) of the Act. It has not been the practice of the Assembly to refer matters to which a petition of concern relates to an Ad Hoc Committee, and there is no reason why that should happen in this case.'[12]

Final versions of draft Standing Orders

Standing Order 28 Petition of Concern, Standing Order 28A Petition of Concern: Consideration Period, Standing Order 36A Petition of Concern: Consideration Stage and Standing Order 40A Petition of Concern after Consideration Stage.

[12] plenary-30-06-2026.pdf

88. The Committee undertook final consideration of draft Standing Orders 28, 28A 36A and 40A at it meeting on 16 September 2026.

89. The Committee considered and agreed each paragraph of draft Standing Order 28 Petition of Concern.

90. The Committee considered and agreed by a majority vote, each paragraph of draft Standing Order 28A Petition of Concern: Consideration Period. The DUP and UUP Members of the Committee voted against each paragraph of draft Standing Order 28A. The UUP expressed concerns about the lack of detail on the operation of an ad hoc committee. They indicated that it would be their preference would be that such details are agreed before bringing the current draft Standing Order to the Assembly.

91. The Committee considered and agreed by a majority vote, each paragraph of draft Standing Orders 36A Petition of Concern: Consideration Stage and Standing Order 40A Petition of Concern after Consideration Stage. The DUP Members abstained indicating that that Party reserved its position on these Standing Orders.

Links to Appendices

Appendix 1: Draft Standing Orders

View the draft Standing Orders

Appendix 2: Minutes of Proceedings

View Minutes of Proceedings of Committee meetings related to the report

Appendix 3: Correspondence

Correspondence from the Speaker

You may re-use this publication (not including images or logos) free of charge in any format or medium, under the terms of the Open Northern Ireland Assembly Licence.

Find out more about the Open Northern Ireland Assembly Licence.

This Report can be made available in a range of formats including large print, Braille etc. For more information please contact:

Committee on Procedures
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX
Email: Committee.Procedures@niassembly.gov.uk

Appendix 1

28. Petition of Concern

(1) This Standing Order supplements section 42 of the 1998 Act (petitions of concern).

(2) If, in respect of a matter to be voted on by the Assembly, a petition is presented by 30 or more members and on the day after the consideration period, confirmed by 30 or more members, the vote on the matter subject to the petition—
   (a) shall require cross-community support; and
   (b) shall not take place until after the day the petition is confirmed by 30 or more members.

(3) The petition may be accompanied by a statement to the Business Office setting out the grounds and rationale upon which it is being presented.

(4) Except where paragraph (5) applies, the petition must be presented to the Business Office not later than 4:00pm on the last working day before the day on which the debate on the matter subject to the petition is due to take place.

(5) In exceptional circumstances, the Speaker may permit the petition to be presented to the Business Office not later than one hour before the debate on the matter subject to the petition is due to take place.

(6) A matter may not be the subject of a petition if it —
   (a) concerns a sanction in relation to the conduct of a Minister or member;
   (b) concerns a vote on the Second Stage of a Bill (debate on the general principles of a Bill);
   (c) concerns a vote on a motion or question which has no express legal or procedural effect.

(7) The Speaker shall determine whether a motion or question has an effect mentioned in paragraph (6)(c).

(8) The members presenting or confirming a petition must include —
   (a) one member who belongs to a political party and one member who belongs to a different political party;
   (b) one member who belongs to a political party and one member who does not belong to a political party and did not belong to a political party when returned as a member; or
   (c) two members who do not belong to a political party and did not belong to a political party when returned as members.

(9) A petition may not be presented or confirmed by the Speaker, the Principal Deputy Speaker or a Deputy Speaker.

(10) If the day on which a petition is to be confirmed by 30 or more members is not a working day, it must be confirmed on the next day that is a working day.

(11) In paragraph (10), “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in Northern Ireland.

(12) In this Standing Order —

“the 1998 Act” means the Northern Ireland Act 1998;

“the consideration period” means the period of 14 days beginning with the day on which the petition is presented.

28A. Petition of Concern: Consideration Period

(1) This Standing Order supplements Standing Order 28.

(2) During the consideration period—

(a) the matter to which a petition relates may be referred to a committee established under section 13(3)(a) of the 1998 Act; and

(b) the Assembly may consider reports on conformity with equality requirements and (in the case of a Bill) any information provided pursuant to Standing Orders 30(6) or 85(4).

(3) In this Standing Order, “the 1998 Act” and “the consideration period” have the same meaning as in Standing Order 28.

36A. Petition of Concern: Consideration Stage

(1) This Standing Order supplements Standing Order 28 and applies where 30 or more members wish to present a petition of concern ('petition') in respect of any provision of a Bill, or any amendment to a Bill at Consideration Stage.

(2) Paragraphs (4) and (5) of Standing Order 28 do not apply where this Standing Order applies.

(3) Save as provided in paragraph (4), the petition must be presented no later than 4:00pm on the last working day before the first day on which the Consideration Stage is scheduled.

(4) Where –

(a) the Speaker considers that exceptional circumstances have prevented compliance with paragraph (3), the Speaker may permit a petition to be presented on the first day on which the Consideration Stage is scheduled, not later than one hour before the debate on the Consideration Stage is due to take place; or

(b) an amendment has been moved without notice, the Speaker may permit a petition to be presented to that amendment.

(5) Save as provided for in paragraph (4)(b), no petition may be presented after the first day on which the Consideration Stage of a Bill is scheduled.

40A. Petition of Concern after Consideration Stage

(1) This Standing Order supplements Standing Order 28 and applies where 30 or more members wish to present a petition of concern ('petition') in respect of any amendment to a Bill at a relevant stage.

(2) Paragraphs (4) and (5) of Standing Order 28 do not apply where this Standing Order applies.

(3) A relevant stage is—

(a) Further Consideration Stage,
(b) Exceptional Further Consideration Stage,
(c) Reconsideration Stage.

(4) The provisions of paragraphs (3) – (5) of Standing Order 36A apply to that petition as if for reference to 'Consideration Stage' there were substituted reference to the relevant stage.

Minutes of Proceedings – Petitions of Concern

27 November 2024
15 January 2025
26 February 2025
12 March 2025
26 March 2025
9 April 2025
4 June 2025
18 June 2025
2 July 2025
8 October 2025
26 November 2025
10 December 2025
28 January 2026
29 April 2026
13 May 2026
27 May 2026
24 June 2026
16 September 2026
30 September 2026
14 October 2026

Appendix 3

Correspondence from the Speaker

The Speaker
Room 39
Parliament Buildings
Ballymiscaw
Stormont
Belfast, BT4 3XX

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

Ms Kellie Armstrong MLA
Chairperson
Committee on Procedures
Parliament Buildings

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



EDWIN POOTS MLA
SPEAKER

The Speaker
Room 39
Parliament Buildings
Ballymiscaw
Stormont
Belfast, BT4 3XX

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

Ms Kellie Armstrong MLA
Chairperson
Committee on Procedures
Parliament Buildings

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