

Mr Shane McAteer  
Clerk to the Committee on Standards and Privileges  
Parliament Buildings  
Stormont  
Belfast  
BT4 3XX

24th May 2024

Dear Mr McAteer

Further to your letter dated 10<sup>th</sup> May 2024 relating to a report from the Northern Ireland Assembly Commissioner for Standards I am writing to you, in your capacity as Clerk of the Standards and Privileges Committee, to set out some comments in respect of matters raised within the report and connected with that time period.

At the outset I am disappointed with the conclusions reached by the Commissioner and would again reiterate my position as set out during the investigation by the Commissioner.

At paragraph 70 it is stated,

*"It is notable that each DUP Minister I interviewed under oath, including former FM Paul Givan, rejected any notion that they did not attend NSMC meetings because they were following their party leader's publicly-stated position. Rather, the majority put forward a "scheduling defence" and said the reason they did not attend the NSMC meetings in question was administrative impediment, not political principle."*

I believe this, stark contrast is to misunderstand the nature of the defence offered. Indeed, even within the report a fuller picture of the nature of the defence is offered. For example, at paragraphs 37 and 38 Mr Lyons is quoted,

*"37. Mr Lyons did not attend the Tourism meeting scheduled for 10 November. His reason for nonattendance given at interview was that "those meetings had not been agreed". He further confirmed he was not taking his lead from anyone and that he 'makes his own decisions'.*

*38. When asked if he would have attended had his diary been clear and had the agenda been agreed, Mr Lyons responded "No, I wouldn't have attended" and "No, because of the political situation that we found ourselves in and at this time, we would not have found agreement to meet."*

It may be concluded that the 'scheduling' defence is not legally sound, but I continue to believe that it was a reasonable approach to adopt and I do not believe there is any basis for concluding that it was not a belief that I honestly held.

In such circumstances it is my view a conclusion that there has been a breach of the Ministerial Code should be founded on more than simply a different, reasonable legal interpretation which was honestly held.

In my view it is irrelevant to consider what Ministers might or might not have done were they to have concluded they were validly nominated to attend properly scheduled meetings. In this respect, Mr Lyons candour should not be counted against him. Ministers did not believe that the question of implementation of party policy was reached given the “scheduling” defence.

I should also add that the conclusion that, even at their reasonable height, the factual conclusions necessarily constitute a breach of the Ministerial Code is one that I do not share. Interpretations of provision of the Ministerial Code should have a sounder basis than that of an individual academic in a human rights journal. Allegations of a breach of the Ministerial Code should also be considered in the context that existed at the time and there is no evidence that such an assessment was conducted in this case.

However, I welcome the fact that the Commissioner has completed her work. It is worth noting that the period and backdrop during which the events being investigated took place were politically fractious and difficult, with the collapse of confidence across some element of our society, and it is well understood that when sufficient political progress was secured leading to the re-establishment of the Northern Ireland Assembly and Executive all parties were able to fully participate in the democratic institutions to which we have been elected.

On that basis, and upon taking up office, I am committed to discharging my duties in accordance with the Ministerial Code and to continue to work on behalf of everyone in Northern Ireland.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Paul Givan', with a stylized flourish at the end.

Paul Givan MLA