

ASSEMBLY MEMBERS (REDUCTION OF NUMBERS) BILL

EXPLANATORY AND FINANCIAL MEMORANDUM

INTRODUCTION

1. This Explanatory and Financial Memorandum has been prepared by the Office of the First Minister and deputy First Minister in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.
2. The Memorandum needs to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause does not seem to require an explanation or comment, none is given.

BACKGROUND AND POLICY OBJECTIVES

3. The need for this Bill arises from the provisions set out in the Stormont House Agreement and Section F, paragraph 56 of the Stormont Agreement and Implement Plan which state: “The number of Assembly members should be reduced to five members per constituency, or such other reduction as may be agreed, in time for the 2021 Assembly election, and the Assembly will legislate accordingly”.
4. Section 33 (Constituencies and numbers of members) of the Northern Ireland Act 1998 (NIA) provides for each parliamentary constituency in Northern Ireland to return six members to the Northern Ireland Assembly. The purpose of the Bill is to reduce this number from six to five. As there are at present 18 constituencies, the effect of the Bill will therefore be to reduce the number of members of the Assembly from 108 to 90.
5. Section 6 of the Northern Ireland (Miscellaneous Provisions) Act 2014 provides for the alteration of the number of members of the Assembly returned for each constituency to be a reserved matter, except where the alteration is to a number lower than five or higher than six, or where provision is made for different numbers for different constituencies. As a reserved matter, the Secretary of State’s consent to the Bill will be required. Section 6 also requires that a Bill brought by the Assembly making provision for such a change must have cross community support at the point at which the Bill is passed by the Assembly.
6. The provisions of the Bill will be brought into effect in advance of the 2021 election to the Northern Ireland Assembly and would also apply to any Extraordinary election which might be held between the election in 2016 and that in 2021 in accordance with Section 32 of the NIA.

CONSULTATION

7. In 2012 the Assembly's Assembly and Executive Review Committee conducted a review of the number of members of the Assembly, receiving representations from political parties, academics and a number of stakeholders. This review explored a number of different options for the size of a reduction in the total number of MLAs, but did not reach a consensus on an agreed figure. The UK Government also consulted on the size of the Assembly in August 2012, noting that in serving a Northern Ireland population of around 1.8 million people, there appeared to be a reasonable case for a reduction in the number of MLAs from its current total of 108 members. However, as the size of the Assembly was specified in the Belfast Agreement, the Government considered that any change would require sufficient agreement among the Northern Ireland political parties. It did however amend the NIA to make specified changes to the number of members returned for each Parliamentary constituency a reserved matter and therefore within the legislative competence of the Assembly. In light of the political agreement now reached by the parties represented in the NI Executive, as set out in the Stormont House Agreement, and consideration by the Stormont House Implementation Group, further public consultation is not considered necessary.

OPTIONS CONSIDERED

8. The number of MLAs returned for each parliamentary constituency is specified in legislation and further legislation is therefore required to effect a reduction to this number in line with the relevant provision of the Stormont House Agreement. A "do nothing" or a non-legislative approach are therefore not alternatives to this Bill.

OVERVIEW

9. The Bill consists of two clauses.

COMMENTARY ON CLAUSES

10. A commentary on each of the clauses follows:

Clause 1: Reduction of number of members returned for each constituency

This clause amends Section 33(2) of the Northern Ireland Act by changing the number of Assembly members returned for each parliamentary constituency in Northern Ireland from six to five and contains provisions for the commencement of the legislation.

Clause 2: Short title

This clause provides that the Act shall be known as the Assembly Members (Reduction of Numbers) Act (Northern Ireland) 2016.

FINANCIAL EFFECTS OF THE BILL

11. The provisions of the Bill provide for a reduction in the number of Assembly members returned for each constituency and will incur no financial cost to government. It is

considered that financial savings in salary and other costs should arise from the overall reduction of 18 in the number of MLAs.

HUMAN RIGHTS ISSUES

12. The provisions of the Bill are considered to be compatible with the European Convention on Human Rights.

EQUALITY IMPACT ASSESSMENT

13. The Bill effects an institutional reform and does not introduce, revise or abolish any policies, functions or services, and it is not anticipated to have any equality impacts on any of the nine categories specified in section 75 of the Northern Ireland Act 1998.

SUMMARY OF THE REGULATORY IMPACT ASSESSMENT

14. The Bill is assessed as having no increased or adverse impact on business, charities or the community or voluntary sectors.,

LEGISLATIVE COMPETENCE

15. The First Minister and deputy First Minister have made the following statement under section 9 of the Northern Ireland Act 1998:

“In our view the Assembly Members (Reduction of Numbers) Bill would be within the legislative competence of the Northern Ireland Assembly.”

SECRETARY OF STATE CONSENT

16. The Secretary of State has consented under section 8 of the Northern Ireland Act 1998 to the Assembly considering the Bill.