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Relationships between Committees and Departments

This briefing note details the structural relationships that exist between committees and government departments or ministerial portfolios in the Northern Ireland Assembly, Scottish Parliament, National Assembly for Wales, the House of Commons and Dáil Éireann.

1 Introduction

The current structural relationship between the Northern Ireland Assembly's statutory (departmental) committees and Northern Ireland departments is relatively straightforward - there is one committee for each Executive department.

The legislation currently governing the relationship between committees and departments [section 29(b) of the Northern Ireland Act 1998 as amended] may however allow for alternative arrangements.

This briefing note, therefore, provides information on the structural relationships between committees and executive departments or ministerial portfolios in legislatures within the UK and Ireland.

2 Northern Ireland Assembly

The current structural relationship between the Northern Ireland Assembly's statutory (departmental) committees and Northern Ireland departments is relatively straightforward - there is one committee for each Executive department. Section 29 of the Northern Ireland Act 1998¹ (as amended by the St. Andrew's Agreement Act 2006²) provides the statutory framework for the operation of these committees.

9 Statutory committees.

- (1) Standing orders shall make provision—
- (a) for establishing committees of members of the Assembly ("statutory committees")
- (i) to advise and assist the First Minister and the Deputy First Minister in the formulation of policy with respect to matters within their responsibilities as Ministers jointly in charge of the Office of the First Minister and Deputy First Minister, and
- (ii) to advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister
- (b) for enabling a committee to be so established either in relation to a single Northern Ireland Minister or in relation to more than one; and
- (c) conferring on the committees the powers described in paragraph 9 of Strand One of the Belfast Agreement

Paragraph 9 of Strand One of the Belfast Agreement states that committees:

...will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation. They will have the power to:

- consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
- call for persons and papers;
- initiate enquiries and make reports;
- consider and advise on matters brought to the Committee by its Minister.³

¹ Northern Ireland Act 1998: <http://www.legislation.gov.uk/ukpga/1998/47/part/III/crossheading/miscellaneous>

² Section 10 Northern Ireland (St Andrews Agreement) Act 2006
<http://www.legislation.gov.uk/ukpga/2006/53/part/2/crossheading/committees>

³ The Belfast Agreement, 1998 <http://www.nio.gov.uk/agreement.pdf>

Standing Order 48(2) of the Assembly confers on statutory committees the powers and responsibilities set out in the Belfast Agreement.⁴ Currently there are 12 statutory committees:

- Agriculture and Rural Development Committee
- Committee for the Office of the First and Deputy First Minister
- Culture, Arts and Leisure Committee
- Education Committee
- Employment and Learning Committee
- Enterprise, Trade and Investment Committee
- Environment Committee
- Finance and Personnel Committee
- Health, Social Services and Public Safety Committee
- Justice Committee
- Regional Development Committee
- Social Development Committee

Since its inception, the Assembly has maintained the one-to-one relationship between statutory committees and Northern Ireland departments. The number of statutory committees has though increased.

Initially the role of a statutory committee in relation to the Office of the First Minister and Deputy First Minister was played by a standing committee (the Committee of the Centre), as under the Northern Ireland Act 1998 no provision existed for a statutory committee associated with the OFMDFM. The St Andrews Agreement Act 2006, however, amended the Northern Ireland 1998 Act and provided for such a statutory committee. On 12th June 2007, the Assembly approved a motion to change the name of the Committee of the Centre to Committee for the Office of the First Minister and Deputy First Minister.⁵

Following the devolution of policing and justice functions and the appointment of a Minister of Justice, the Committee for Justice was established on 12th April 2010.

2 Scottish Parliament

Schedule 3 of the Scotland Act 1998, entitled 'Standing Orders – Further Provision', provides for Standing Orders to appoint committees and sub-committees of the Scottish Parliament.⁶ The Scottish Parliament has two main types of committee – mandatory and subject committees. Standing Order 6.4.1 of the Scottish Parliament allows for the establishment of subject committees.⁷ A committee established by the

⁴ Standing Orders of the Northern Ireland Assembly as amended 14 June 2011 <http://www.niassembly.gov.uk/sopdf/2007mandate/standingorders.htm>

⁵ Official Report 12 June 2007 <http://www.niassembly.gov.uk/record/reports2007/070612.htm#4>

⁶ Schedule 3 Scotland Act 1998 <http://www.legislation.gov.uk/ukpga/1998/46/schedule/3>

⁷ Standing Orders of the Scottish Parliament, April 2011 http://www.scottish.parliament.uk/business/so/so_final.pdf

Scottish Parliament to deal with a particular subject, other than a mandatory committee or a committee (including a Committee of the Whole Parliament, a Consolidation Committee, a Statute Law Repeals Committee, a Statute Law Revision Committee or a Private Bill Committee) established only to take certain Stages of a particular Bill, is referred to as a subject committee. The following subject committees were established for the new mandate of the Parliament following the elections in May 2011:

- Economy, Energy and Tourism
- Education and Culture
- Health and Sport
- Infrastructure and Capital Investment
- Justice
- Local Government and Regeneration
- Rural Affairs, Climate Change and Environment

Table 1 Subject Committees in previous mandates of the Scottish Parliament

2007-2011	2003-2007	1999-2003 ⁸
Economy, Energy & Tourism	Communities	Education, Culture & Sport
Education, Lifelong Learning and Culture	Education	Enterprise and Lifelong Learning
Health and Sport	Enterprise and Culture	Health and Community Care
Justice	Environment and Rural Development	Justice 1 (succeeded Justice and Home Affairs)
Local Government and Communities	Health	Justice 2
Rural Affairs & Environment	Justice 1	Local Government
Transport, Infrastructure and Climate Change	Justice 2	Rural Development (succeeded Rural Affairs)
	Local Government and Transport	Social Justice ((succeeded Social Inclusion, Housing and Voluntary Sector Social Justice)
		Transport and the Environment

⁸ In addition to some committees succeeding other, the remits of some committees listed also changed during the session.

Table 1 provides details of the subject committees established during previous mandates of the Scottish Parliament. The table shows that, whilst the current subject committee structure is broadly similar to that of the previous mandate, some change has taken place. It would appear, however, that greater change had taken place in structures between previous mandates.

The Scottish Government operates on the basis of collective responsibility. This means that all decisions reached by Ministers, individually or collectively, are binding on all members of the Government. The Cabinet consists of the First Minister, and other Scottish Ministers appointed under the terms of the Scotland Act 1998. The Scottish Government does not refer to departments. Instead, there are Cabinet Secretaries (Cabinet Ministers) and Ministers who report to a Cabinet Secretary. The administration formed after the May 2011 elections has nine Cabinet ‘portfolios’⁹ as set out below.

- Office of the First Minister
- Health, Wellbeing and Cities Strategy
Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy
Minister for Commonwealth Games and Sport
Minister for Public Health
- Finance, Employment and Sustainable Growth
Cabinet Secretary for Finance, Employment and Sustainable Growth
Minister for Energy, Enterprise and Tourism
Minister for Local Government and Planning
- Education and Lifelong Learning
Cabinet Secretary for Education and Lifelong Learning
Minister for Children and Young People
Minister for Learning and Skills
- Justice
Cabinet Secretary for Justice
Minister for Community Safety and Legal Affairs
- Rural Affairs and Environment

⁹ Website of the Scottish Government <http://www.scotland.gov.uk/About/background>

Cabinet Secretary for Rural Affairs and the Environment

Minister for Environment and Climate Change

- Culture and External Affairs

Cabinet Secretary for Culture and External Affairs

- Parliamentary and Government Strategy

Cabinet Secretary for Parliament and Government Strategy

Minister for Parliamentary Business and Chief Whip

- Infrastructure and Capital Investment

Cabinet Secretary for Infrastructure and Capital Investment

Minister for Housing and Transport

Including the two Law Officers (Lord Advocate and Solicitor General for Scotland), the Cabinet, therefore, consists of 21 Ministers. The structural relationship between each subject committees and ministerial portfolios is set out in the table below.

Table 2: Remit of Subject Committees in the Scottish Parliament

Committee	Department/Portfolio
Economy, Energy and Tourism	Finance, Employment and Sustainable Growth apart from certain matters covered by the remit of the Local Government and Regeneration Committee and matters relating to the Cities Strategy falling within the responsibility of the Cabinet Secretary for Health, Wellbeing and Cities Strategy
Education and Culture	Education and Lifelong Learning and matters relating to culture and the arts falling within the responsibility of the Cabinet Secretary for Culture and External Affairs
Health and Sport	Health, Wellbeing and Cities Strategy apart from those covered by the remit of the Economy, Energy and Tourism Committee
Infrastructure and Capital Investment	Infrastructure and Capital Investment, apart from those covered by the remit of the Local Government and Regeneration Committee
Justice	Justice and the functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland
Local Government and Regeneration	a) the financing and delivery of local government and local services, and b) planning, and c) matters relating to regeneration falling within the responsibility of the Cabinet Secretary for Infrastructure and Capital Investment
Rural Affairs, Climate Change and Environment	Rural Affairs & the Environment

Table 2 shows a number of different structural relationships between committees and ministerial portfolios. The Justice Committee and the Rural Affairs, Climate Change

and Environment Committee are examples of a one-to-one relationship, but in other areas a single portfolio is divided among committees. For example, Finance, Employment and Sustainable Growth is covered by the Economy, Energy and Tourism Committee and the Local Government and Regeneration Committee.

3 National Assembly for Wales

Standing Order 16 of the National Assembly for Wales (NAfW) provides for the establishment and remit of committees. Standing Order 16.1 requires the NAfW to establish committees with power within their remit to:

- (i) examine the expenditure, administration and policy of the government and associated public bodies;
- (ii) examine legislation;
- (iii) undertake other functions specified in Standing Orders; and
- (iv) consider any matter affecting Wales¹⁰

In June 2011, the NAfW established the following five ‘thematic’ committees to carry out these functions:

- Children and Young People Committee
- Communities, Equality and Local Government Committee
- Enterprise and Business Committee
- Environment and Sustainability Committee
- Health and Social Care Committee

This committee structure differed significantly from that in place during the 2007-2011 mandate and which is described in Annex 1 to this paper. According to a working document currently under consideration by committees, in establishing these committees and the new structure:

... the Business Committee had to ensure that every area of responsibility of the government and associated public bodies, and all matters relating to the legislative competence of the Assembly and functions of the Welsh Ministers and of the Counsel General, are subject to the scrutiny of a committee or committees.

The Assembly has decided on a committee structure which gives committees the power to both scrutinise the government and associated public bodies and to scrutinise legislation, within a subject remit. It requires them to fulfil both of these

¹⁰ Standing Orders (Effective from 5th May 2011) http://www.assemblywales.org/merged_standing_orders_15.03.11-e.pdf

principal functions. This is different from the third Assembly when separate committees existed for these purposes.¹¹

The Welsh Government is based upon the following nine ministerial portfolios which must be scrutinised by the five subject committees.

- First Minister of Wales
- Minister for Education and Skills.
- Minister for Environment and Sustainable Development.
- Minister for Health and Social Services.
- Minister for Business, Enterprise, Technology and Science
- Minister for Finance and Leader of the House.
- Minister for Housing, Regeneration and Heritage
- Minister for Local Government and Communities.
- Counsel General¹²

Addressing the relationship between committees and ministerial portfolios, the working document states that:

The committee remits are broad and, in the main, cut across Ministerial portfolios. However, committees have the flexibility to examine any issue of relevance to the broad remit defined by their titles and are not constrained in examining any issue of relevance...The five subject-based committees have been established with sufficiently large memberships to enable them to undertake multiple streams of work in formal sub-committees and informal or rapporteur groups as well as continued operation in full committee. This would allow policy and legislative work to take place simultaneously. As an example, smaller groups could be used to undertake more detailed, specialised inquiries making use of committee membership with a particular interest in the subject area. This flexibility allows committees to be more responsive to varying priorities or sudden changes in the political landscape. It also allows for more efficient use of time given the unpredictability of the legislative workload.¹³

In addition to the subject-based committees, five additional committees have been established by the NAFW to undertake functions specified in its standing orders. These are: the Constitutional and Legislative Affairs Committee; Finance Committee; Petitions Committee; Public Accounts Committee; and Standards of Conduct Committee. Whilst in the previous mandate a European and External Affairs Committee was established,

¹¹Fourth Assembly Committees – Establishment and remit of Committees (paragraphs 3-4)
<http://www.senedd.assemblywales.org/documents/s1821/ES4-01-11%20p1.pdf>

¹²In addition to these Ministerial positions there is a Deputy Minister for Agriculture, Fisheries, Food and European Programmes; a Deputy Minister for Skills and a Deputy Minister for Children and Social Services.

¹³Fourth Assembly Committees – Establishment and remit of Committees (paragraphs 6-13)

under the new arrangements European issues are to be mainstreamed into the work of the Constitutional Affairs Committee and the five “thematic” committees.

4 House of Commons

The following are the main types of committee in the House of Commons¹⁴:

- **Select Committees:** They check and report on areas ranging from the work of government departments to economic affairs.
- **Joint Committees:** These consist of both MPs and Lords.
- **General Committees (including Public Bill Committees):** These committees mainly look at proposed legislation in detail. They include all committees formerly known as Standing Committees.
- **Grand Committees:** There are three Grand Committees which look at questions on Scotland, Wales and Northern Ireland.

Commons select committees are charged with the task of scrutinising government departments, as per Standing Order 152¹⁵ of the Commons. There is a ‘Commons Select Committee for each government department, examining three aspects: spending, policies and administration’¹⁶. This includes the Department’s associated public bodies. If the number of Government Departments changes, then the ‘House will respond by changing the organisation of the departmental committees to match’¹⁷. In addition, a number of select committees have a cross-cutting remit or are established to deal with internal or procedural matters of the House. The following is the list of current select committees and their relevant departments/area of work.

Table 3: Remit of Select committees in the House of Commons

Committee	Department/remit
Administration Committee	considers the services that the House of Commons provides for Members of Parliament, staff and the general public
Armed Forces Bill Committee	primary purpose of Armed Forces Bill is to provide for the continuation for a further period of up to five years of the provisions enabling the Armed Forces to be recruited and maintained as disciplined bodies
Backbench Business Committee	appointed by the House of Commons to choose the business to be debated during backbench time
Business, Innovation and Skills	Business, Innovation and Skills
Communities and Local Government	Communities and Local Government

¹⁴ <http://www.parliament.uk/about/how/committees/>

¹⁵ Standing Orders of the House of Commons <http://www.publications.parliament.uk/pa/cm201011/cmstords/700/700.pdf>

¹⁶ <http://www.parliament.uk/about/how/committees/select/>

¹⁷ Brief Guide to House of Commons Select Committees: <http://www.parliament.uk/documents/commons-information-office/Brief-Guides/Select-Committees.pdf>

Culture, Media and Sport	Culture, Media and Sport
Defence	Ministry of Defence
Education	Education
Energy and Climate Change	Energy and Climate Change
Environment, Food and Rural Affairs	Environment, Food and Rural Affairs (Defra)
Environmental Audit Committee	considers how well government policies and programmes contribute to environmental protection and sustainable development, and it audits performance against targets in those areas
European Scrutiny Committee	assesses the legal and/or political importance of each EU document, decides which EU documents are debated, monitors the activities of UK Ministers in the Council, and keeps legal, procedural and institutional developments in the EU under review
Finance and Services Committee	considers expenditure on, and the administration of, services for the House of Commons: it has responsibility for detailed scrutiny of the House's budget
Foreign Affairs Committee	Foreign and Commonwealth Office
Health	Health
Home Affairs	Home Office
International Development	International Development
Justice	Ministry of Justice
Liaison Committee (Commons)	comprises all the chairs of select committees in the House of Commons, they regularly look at the work of their committees and decide which committee reports the House of Commons should be debating
Northern Ireland Affairs Committee	examine the expenditure, administration and policy of the Northern Ireland Office and its associated public bodies
Political and Constitutional Reform Committee	appointed in June 2010 to consider political and constitutional reform, scrutinising the work of the Deputy Prime Minister
Procedure Committee (Commons)	considers, and makes recommendations on, the practices and procedures of the House of Commons
Public Accounts Committee	examines reports produced by the Comptroller and Auditor General (C&AG) on his value for money (VFM) studies of the economy, efficiency and effectiveness with which government departments and other bodies have used their resources
Public Administration	consider matters relating to the quality and standards of administration within the Civil Service
Regulatory Reform Committee	scrutinises government proposals for draft legislative reform orders
Science and Technology Committee (Commons)	ensure that government policy and decision-making is based on good scientific and engineering advice and evidence
Scottish Affairs Committee	the expenditure, administration and policy of the Scotland Office and its associated public bodies
Select Committee on Statutory Instruments	responsible for scrutinising all statutory instruments laid before the House of Commons (its work is closely related to that of the Joint Committee on Statutory Instruments)
Standards and Privileges Committee	oversee the work of the Parliamentary Commissioner for Standards and to consider any matter relating to the

	conduct of Members
Transport	Transport
Treasury	examine the expenditure, administration and policy of HM Treasury, HM Revenue & Customs, and associated public bodies, including the Bank of England and the Financial Services Authority.
Welsh Affairs Committee	examine matters within the responsibility of the Secretary of State for Wales (including relations with the National Assembly for Wales)
Work and Pensions	Work and Pensions

5 Dáil Éireann

Dáil Éireann has the following types of committees¹⁸:

- Standing Committees: Standing Orders provide for the automatic creation of such Committees in a new Dáil or Seanad e.g. Committee of Public Accounts, Joint Committee on Consolidation Bills.
- Select Committees: Comprise membership of one House only, whether Dáil or Seanad
- Joint Committees: Comprise Select Committees from both Houses sitting and voting together under common Orders of Reference
- Special Committees: Established for the sole purpose of considering a specific Bill

Standing orders provide the framework within which Select Committees operate in the Dáil. New Standing Order 82A¹⁹ of Dail Éireann, which was adopted on 8 June 2011, states that:

82A. (1) The Dáil may appoint a Select Committee to consider and report to the Dáil on—

(a) such aspects of the expenditure, administration and policy of a Government Department or Departments and associated public bodies as the Committee may select, and

(b) European Union matters within the remit of the relevant Department or Departments.

(2) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann for the purposes of the functions

¹⁸ Parliamentary Committees of the Oireachtas

<http://www.oireachtas.ie/ViewDoc.asp?fn=%2Fdocuments%2Fleaflet%2Fcomm.htm>

¹⁹ Modifications to 2011 Standing Orders of Dáil Éireann <http://www.oireachtas.ie/viewdoc.asp?DocID=18205&CatID=5>

set out in this Standing Order, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.

Also on 8 June, the Minister of State at the Department of the Taoiseach moved a motion to appoint select committees pursuant to Standing Orders. Paragraph 2 of the motion stated:

Each Committee shall perform the functions set out in Standing Order 82A in respect of the Government Department or Departments listed in column (2) opposite each Committee (in anticipation of the coming into effect of the necessary Government Orders in relation to names of Departments and titles of Ministers and transfer of Departmental Administration and Ministerial Functions)²⁰.

The motion was agreed to and the following committees were established:

Table 3: Remit of Select committees in Dáil Éireann

Committee	Department(s)
Foreign Affairs and Trade	Foreign Affairs and Trade
Finance, Public Expenditure and Reform	Finance
	Public Expenditure and Reform
Jobs, Social Protection and Education	Jobs, Enterprise and Innovation
	Social Protection
	Education and Skills
Environment, Transport, Culture and the Gaeltacht	Environment, Community and Local Government
	Transport, Tourism and Sport
	Arts, Heritage and the Gaeltacht
Communications, Natural Resources and Agriculture	Communications, Energy and Natural Resources
	Agriculture, Food and Marine
Justice, Defence and Equality	Justice and Equality
	Defence
Health and Children	Health
	Children and Youth Affairs

²⁰ <http://debates.oireachtas.ie/dail/2011/06/08/00007.asp>

Annex 1 National Assembly for Wales Committee Structures in 2007-2011 mandate

In the 2007-2011 mandate the National Assembly for Wales established three main types of committee: legislation, scrutiny and Other.

Legislation committees

Five legislation committees were established to consider and report on legislation introduced to the Assembly by the Government, individual Assembly Members, committees and the Assembly Commission. These committees were also able to consider and report on Government legislation as appropriate.

Scrutiny

These Committees were established to “last for the life of the Third Assembly to examine the Government's policies, actions and spending in their particular fields. They can call Ministers to account and also keep an eye on government bodies and agencies within those fields”²¹.

Committee	Remit
Communities and Culture Committee	Housing Community Safety Community Inclusion including Communities First and the Spatial Plan Welsh Language, sport and culture
Enterprise and Learning Committee	Economic Development and Regeneration; Social Enterprise; Transport; Education and Lifelong Learning.
Health, Wellbeing and Local Government Committee	Health Local Government Public Service Delivery
Sustainability Committee	Climate Change, Energy, Rural Affairs and Agriculture, Environment and Planning

Other

The National Assembly for Wales' website defines these committees as 'Committees that oversee the work of the National Assembly and particularly the Government but fall outside the categories of Legislation or Scrutiny Committees'. The distinction between Scrutiny and Other committees is therefore not clear cut, with an apparent overlap between 'keep an eye on' and 'oversee the work'. Indeed, the Equality of Opportunity Committee, which is categorised as 'Other', defines itself as a Scrutiny committee in its Legacy Report. For the 2007-2011 mandate, 11 such committees were established (the Committee of the Whole Assembly and the Broadcasting Committee were dissolved in 2008):

²¹ <http://www.assemblywales.org/bus-home/bus-third-assembly/bus-committees/bus-committees-scrutiny-committees.htm>

Committee	Remit
Business Committee	advises on the management of the Assembly's business and on general practice and procedure of the Assembly
Children and Young People	consider issues affecting children in Wales. In particular, the Committee examined the expenditure, administration and policy of the Welsh Assembly Government and associated public bodies and consider reports of the Children's Commissioner for Wales.
Equality of Opportunity	consider and report on the relevant duties contained in the Government of Wales Act 2006 placed on the Assembly, the First Minister, Welsh Ministers or the Commission
European and External Affairs	consider and report on any matters relevant to the exercise by the First Minister, Welsh Ministers, the Counsel General or the Assembly of any of their functions relating to the European Union or external affairs
Finance	ensure that proper scrutiny was given to the budget and expenditure of the Welsh Assembly Government, the Assembly Commission, the Ombudsman, the Children's Commissioner, the Older People's Commissioner and various Assembly Government Sponsored Bodies and NHS Bodies
Petitions	consider petitions referred by the Presiding Officer in accordance with Standing Order 28.8
Public Accounts Committee	Examine reports prepared by the Auditor General for Wales on the accounts of the Welsh Government and other public bodies, and on the economy, efficiency and effectiveness with which resources were employed in the discharge of public functions
Scrutiny of First Minister	take evidence from the First Minister on any matter relevant to the exercise by the Welsh Ministers and the Counsel General of any of their functions
Committee on Standards of Conduct	ensure that proper standards of conduct were upheld by Members of the Assembly