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Assembly

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Proposal for a Principal Deputy Speaker

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This research paper has been prepared for the Committee on Procedures as part of its inquiry into the proposal to create the post of Principal Deputy Speaker within the Assembly. The paper examines the position in the House of Commons, Scottish Parliament, National Assembly for Wales and Dáil Éireann. It also references the Canadian House of Commons as an international comparison.

Key Points

The Houses of Commons in the UK and Canada are examples of legislatures that have more than one Deputy Speaker. Within this structure, the Speaker is supported by three Deputies, one of whom has more responsibilities than his or her counterparts. These additional duties are reflected in the increased salary applied to the role. For example, the Deputy Speaker in the UK House of Commons has three distinct roles from the Speaker which include arrangements for sittings in Westminster Hall, matters connected with Private Bills and chairing the Panel of Chairs with responsibility for the work of general committees.

In Canada, the Deputy Speaker is a member of the Panel of Chairs for legislative committees, and may be appointed by the Speaker to chair a legislative committee, or act in place of the Speaker to appoint Members to chair legislative committees.

There is no hierarchical arrangement in the Scottish Parliament, where the two Deputy Presiding Officers have identical roles. The National Assembly for Wales and Dáil Éireann have only Deputy Speaker each.

Executive Summary

In May 2011 the Assembly resolved that ‘there shall be a Principal Deputy Speaker’ and called on the Committee on Procedures to table the necessary Standing Orders.

This research paper examines the appointment, role and remit of deputy speakers in the House of Commons, Scottish Parliament, National Assembly for Wales and Dáil Éireann. It also references the Canadian House of Commons as an international comparison. A key question the research sought to address was whether any hierarchical arrangements existed in circumstances where there was more than one deputy speaker.

The role of deputy speakers is broadly similar across the legislatures. They exist primarily to substitute for the Speaker in circumstances where he or she is unavoidably absent and are usually empowered to carry out all of the duties of the Speaker, which can be broadly defined as:

- Chairing meetings of Plenary
- Determining questions relating to the interpretation or application of Standing Orders
- Representing the institution in exchanges with other bodies

The National Assembly for Wales and Dáil Éireann have only one deputy speaker. The Scottish Parliament has two Deputy Presiding Officers and their role is identical. However, the Scotland Bill, currently before Parliament, allows for the Parliament to appoint more deputy Presiding Officers who could operate for a limited time in the event of illness or other unforeseen circumstances.

UK and Canada

The Houses of Commons in the UK and Canada provide a more interesting perspective on the role of deputy speakers. In the UK, the Speaker is supported by three Deputy Speakers elected by the House. The principal Deputy Speaker is the Chairman of Ways and Means and the other two Deputy Speakers are known respectively as First and Second Deputy Chairman of Ways and Means (the Ways and Means Committee no longer exists but originally pre-dated the role of Deputy Speaker).

The main role of the Deputy Speaker is to take the Chair during unavoidable absence or absence by leave of the House by the Speaker, and to carry out his duties in relation to all proceedings in the House. The Deputy Speaker also has three distinct roles:

- Supervision of arrangements for sittings in Westminster Hall
- General oversight of matters connected with private bills

- Chair of the panel of Chairs with general responsibility for the work of general committees

These responsibilities are reflected in the additional salary of the Deputy Speaker, which is greater than that payable to the other two Deputies.

The structure of the offices of deputy speakers in the Canadian House of Commons bears some similarities to its Westminster counterpart. However, unlike the UK House of Commons, the Deputy Speakers are not elected, although interestingly, there is a requirement that at least one man and one woman be elected across the four posts of Speaker and Deputy Speakers.

There is a Deputy Speaker, Deputy Chair and Assistant Deputy Chair of the Committees of the Whole (when the House sits as one large Committee, using Committee rather than House rules) supporting the Speaker. The Parliament of Canada Act allows for the Deputy Speaker to assume the duties of the Speaker in circumstances where the Speaker's absence is unavoidable.

The Deputy Chair of Committees of the Whole and Assistant Deputy Chair of Committees of the Whole support the Speaker and the Deputy Speaker in the Chamber as presiding officers.

The Deputy and Assistant Deputy Chairs of Committees of the Whole are members of the Panel of Chairs for legislative committees, and may thus be appointed by the Speaker to chair a legislative committee. They may also act in place of the Speaker to appoint other Members from the Panel to chair legislative committees.

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1 Introduction

This research paper has been prepared for the Committee on Procedures as part of its inquiry into the proposal to create the post of Principal Deputy Speaker within the Assembly. The paper examines the position in the House of Commons, Scottish Parliament, National Assembly for Wales and Dáil Éireann. It also references the Canadian House of Commons as an international comparison.

2 Background

Along with the Speaker, there are currently three Deputy Speakers serving in the Assembly. Standing Order 5 of the Assembly allows for their election based on cross-community support and states that:

Where the Speaker wishes to authorise a Deputy Speaker to exercise functions on his or her behalf, he or she shall notify the Deputy Speaker of the duties which that person is to perform and the authority which that person is to exercise¹.

Following the Assembly election on 5 May 2011 there was discussion in the media about who would assume the role of Speaker. In the event, the previous Speaker, William Hay, was re-elected on 12 May with cross-community support. On 16 May the following motion was tabled in the Assembly:

That this Assembly agrees that there shall be a Principal Deputy Speaker and directs the Committee on Procedures, as its first priority, to table the necessary amendments to Standing Orders by 6 June 2011².

Introducing the motion, Mr. Peter Weir (DUP) explained the rationale for the new post:

In addition to you, Mr Speaker, we have three Deputy Speakers who are elected. However, at present, when it comes to either a line of succession or protocol, there is no indication of who should be the principal person who should take your place when you are tied up or away, perhaps on parliamentary business for the Assembly, or when invitations clash, as happened on one occasion.

The motion sets forth a relatively straightforward and simple solution and, in effect, sets up a chain of command to a degree that one of the Deputy Speakers, to be decided by the Assembly, will be the Principal Deputy Speaker. That person is meant, if you like, to fill in on such occasions. From that point of view, I do not envisage that the Principal Deputy Speaker would be given any additional powers. Although that will be a matter on which the Committee on Procedures will deliberate, it is essentially a protocol issue. Similarly, I do not believe that this should lead to

¹ Standing Order 5(2), Northern Ireland Assembly

² NIA OR 16 May 2011

any additional expenditure on behalf of the Assembly. Indeed, I do not think that the Assembly would find favour with that³.

Mr. Paul Maskey (Sinn Féin) spoke in favour of the motion:

A Principal Deputy Speaker is a good sign and will hopefully be a good way for someone to build up further experience when it comes to the possibility of taking on the job of Speaker. It is about leadership and about showing that the Assembly can work together. We are in for power sharing: why not power-share on the job of Speaker by having a Principal Deputy Speaker⁴?

During the debate, some Members raised concerns about the role and responsibilities that a Principal Deputy Speaker would exercise beyond those of the existing Deputy Speakers. Mr. John McCallister (UUP) commented:

There has not been a great deal of clarity on what we are actually talking about with this issue. I suppose that the Speaker has two main sets of functions: first, those that are categorised by the Northern Ireland Act 1998 and in Standing Orders; and, secondly, broadly representational duties. Mr Weir argued that this would merely clarify protocol. However, one would have to question how we have survived this long, since 1998, without having a Principal Deputy Speaker. So, I am not sure that that argument stands up to a great deal of scrutiny.

We have issues. This seems to me very much like part of the carve-up. There will probably not be many surprises as to who the candidate for Principal Deputy Speaker is⁵.

Mr. Pat Ramsey (SDLP) outlined his concerns:

The SDLP will resist this. I am afraid, Peter, that I am not sure of your logic in putting forward the motion, other than that it seems to be a two-party carve-up, along with the arrangements, as we all know now, for the rotation of the Speaker in three years and then two. That is the deal in essence, and it creates a hierarchy of Speakers. People talk about equality and an island of equals; in this case the mantra is that Deputy Speakers are equal, but some are more equal than others⁶.

The Assembly endorsed the motion with 72 Members voting for and 31 against.

³ NIA OR 16 May 2011

⁴ As above

⁵ As above

⁶ As above

3 Deputy Speakers in other legislatures

House of Commons

Role and remit

Three Deputy Speakers are elected by the House of Commons. The principal Deputy Speaker is the Chairman of Ways and Means (a role which pre-dates the role of Deputy Speaker although there is no longer a Ways and Means Committee). The other two Deputy Speakers are Deputy Chairmen of Ways and Means and are known respectively as First and Second Deputy Chairman of Ways and Means. Once elected, the Chairman of Ways and Means and the two Deputy Chairmen all withdraw from an active political role.

In the absence of the Speaker, the Chairman of Ways and Means may exercise all the authority of the Speaker, under the Deputy Speakers Act 1855. The main role of the Chairman of Ways and Means is to take the Chair during unavoidable absence or absence by leave of the House of the Speaker, and perform his or her duties in relation to all proceedings in the House. The Chairman of Ways and Means is also chairman of any committee of the whole House.

The Chairman of Ways and Means has three distinct roles from the Speaker:

- Supervision of arrangements for sittings in Westminster Hall
- General oversight of matters connected with private bills
- Chair of the Panel of Chairs with general responsibility for the work of general committees

The First and Second Deputy Chairman of Ways and Means are entitled to exercise all the powers vested in the Chairman of Ways and Means, including his powers as Deputy Speaker.

Method of selection

The method of selection for the Deputy Speakers of the House of Commons has recently undergone significant change. In 2009 the Procedure Committee published a report examining the method of appointment of the Deputy Speakers⁷. It called for the then procedure for appointing Deputy Speakers – whereby the House appointed a Deputy Speaker after agreeing to a motion moved by a Member of the Government – to be replaced with an election process. The House subsequently adopted the

⁷ Procedure Committee Fourth Report of Session 2008-09, *Election of the Deputy Speakers: Principles* 27 October 2009

recommendations contained in the Committee's report and those in a later, more detailed report⁸.

As a result of the endorsement of the Committee's report, the election of the Deputy Speakers must operate under the following rules, as outlined in Standing Orders:

- two candidates shall come from the opposite side of the House to that from which the Speaker was drawn the first of the candidates will be Chairman of Ways and Means and the second, Second Deputy Chairman of Ways and Means
- one candidate shall come from the same side of the House as that from which the Speaker was drawn and shall be First Deputy Chairman of Ways and Means and
- at least one man and at least one woman shall be elected across the four posts of Speaker and Deputy Speakers

This last point is interesting in the context of the Northern Ireland Assembly. Given the consociational nature of the arrangements underpinning the Assembly, there is no requirement that the three deputy speakers reflect party strength, albeit they must be elected with cross-community support.

Scottish Parliament

Role and remit

The Scottish Parliament website defines the role of the two Deputy Presiding Officers in the following terms:

The Deputy Presiding Officers have the same range of responsibilities when acting in place of the Presiding Officer, but both retain their party allegiance and will vote in the Chamber unless chairing proceedings. This means that they also support the Presiding Officer in his representation of the Scottish Parliament at home and abroad⁹.

During the passage of the Scotland Bill in 1998, there was some discussion about the use of the term 'Presiding Officer' as some MPs felt it was unwieldy compared to the term 'Speaker'. There was also debate about the need for the Presiding Officer and the two Deputies to come from different political parties. There was no discussion around the role and remit of the Deputies, beyond that they should be able to substitute on those occasions when the Presiding Officer was unavailable.

Method of selection

Section 19 of the Scotland Act 1998 provides for the election of a Presiding Officer and the two deputies and is outlined in Rules 3.2 and 3.3 of Standing Orders. The three

⁸ Procedure Committee - First Report of session 2009-10 *Election of the Speaker and of the Deputy Speakers* 27 January 2010

⁹ Website of the Scottish Parliament <http://www.scottish.parliament.uk/corporate/po/DeputyPresidingOfficers.htm> retrieved 18 May 2011

successful candidates must represent at least two different political parties, although both Deputies could be drawn from the same party.

A second Scotland Bill, currently before the UK Parliament, allows for the election of additional deputy Presiding Officers who could operate for a limited period in the event of illness or some other unavailability of the Presiding Officer. These additional deputies may hold office for a shorter period than deputies appointed under section 19 of the Scotland Act 1998. The Bill also relaxes the existing requirement in section 19 that the Parliament elect a Presiding Officer and two deputies at its first meeting. Instead, it allows Parliament to appoint the officers before it conducts any other business (other than Members taking the Oath of Allegiance) and, in any event, within 14 days of the election. These provisions followed a recommendation contained in the report from the Commission on Scottish Devolution (the Calman Commission which was set up to review the workings of devolution) which stated:

Section 19(1) of the Scotland Act should be amended so as to loosen the requirement on the Parliament to appoint a Presiding Officer and deputies at the first meeting of a new session, and to enable additional deputies to be appointed if and when that becomes appropriate¹⁰.

The Commission received submissions during the course of its review calling for greater flexibility in the appointment of deputy Presiding Officers. The Commission recognised that this would be beneficial in circumstances in the event of illness on the part of the Speaker and/or one or both of the Deputies. It also wanted to give political parties more time to consider their positions in the event of a close election before deciding if they wanted one of their members to take on a non-voting role.

National Assembly for Wales

Sections 25, 26 and 27 of the Government of Wales Act 2006 make provision for the offices of Presiding Officer and Deputy Presiding Officer – these were created by the Government of Wales Act 1998 but the 2006 Act set out their responsibilities in greater detail.

Standing Order 6 of the Assembly outlines the process by which the Presiding Officer and Deputy are to be elected. Standing Order 6.12 states that the Presiding Officer and the Deputy Presiding Officer must not belong to the same political group, or different political groups both of which are political groups with an executive role. However, Standing Order 6.13 states that this can be disapplied by a two-thirds majority of the Assembly. This occurred in 2007. In the initial instance, the Rt. Hon the Lord Dafydd Elis-Thomas AM (Plaid Cymru) was re-elected as Presiding Officer and Rosemary Butler AM (Labour) was elected as Deputy Presiding Officer. However, Labour and

¹⁰ The Commission on Scottish Devolution *Serving Scotland Better: Scotland and the United Kingdom in the 21st Century* June 2009

Plaid Cymru subsequently formed a coalition government. On 11 July 2007 the motion was put to Plenary that:

section 25(7) of the Government of Wales Act 2006 shall not apply and, in accordance with Standing Order No. 2.14, Dafydd Elis-Thomas and Rosemary Butler may remain in office until they cease to hold the offices of Presiding Officer and Deputy Presiding Officer.

No objections were made to the motion.

Dail Éireann

Standing Orders 9 and 10 of Dail Éireann allows for the election of one Leas-Cheann Comhairle (Deputy Chairman):

- 9(1) An election shall be held for a Leas-Cheann Comhairle, and motions may be made to this effect after notice
- 10 When a vacancy has occurred in the office of Ceann Comhairle, the Less-Cheann Comhairle shall perform the duties devolved upon, and exercise the authority conferred upon the Ceann Comhairle by these Standing Orders. The Clerk shall report such vacancy to the Dáil at the opening of its next meeting and an Order shall be made fixing a date for the election of Ceann Comhairle.
- 11 In the unavoidable absence of the Ceann Comhairle, the Leas-Cheann Comhairle shall perform the duties devolved upon, and exercise the authority conferred upon the Ceann Comhairle by these Standing Orders until the Dáil shall otherwise order¹¹.

The role of Leas-Ceann Comhairle is provided for under Article 15.9.1 of the Constitution. In the official absence of the Ceann Comhairle, the Leas-Cheann Comhairle deputises and acts as follows:

- Under the Constitution as an ex-officio member of the Presidential Commission which acts in the absence of the President;
- Under Standing Orders of Dáil Éireann as:
 - An ex-officio Chairman of the Committee on Procedure and Privileges;
 - As Chairman of the Executive of the Inter-Parliamentary Union which maintains and nurtures contacts between Parliaments all over the world.
- Under statute as an ex-officio Chairman/Member of Statutory Bodies:

¹¹ Standing Orders of Dáil Éireann <http://www.oireachtas.ie/viewdoc.asp?DocID=17757&CatID=5>

- as a member of the appeal board in relation to the registration of political parties (Electoral Act, 1997) and a member of the appeal board to hear appeals in relation to registration of nominating bodies for the Seanad election – Seanad Electoral (Panel Members) Act, 1947;
- In the EU as an ex-officio Member of the Presidents (Speakers) of Parliament of the E.U.

The independence of the Leas Ceann-Comhairle is secured by the following requirements:

- A Minister or Minister of State cannot hold the office
- In the absence of the Ceann-Comhairle, the Leas-Cheann Comhairle is ex-officio a member of the Presidential Commission, which acts as President in the absence of the President who is also required to be above politics
- The Ceann Comhairle or Leas-Cheann Comhairle when presiding may not make a speech in the Dáil or cast a deliberative vote on any matter and may exercise a casting vote only i.e. where there is an equality of votes.

Standing Order 9 requires the incoming Leas-Ceann Comhairle to make a declaration that he or she will act impartially and independently¹².

Canadian House of Commons

The arrangements in the Canadian House of Commons bear some similarities to those in the UK House of Commons, with a Deputy Speaker and Deputy Chair and Assistant Deputy Chair of the Committees of the Whole supporting the Speaker. Standing Orders 7 and 8 outline the procedure for choosing the Deputy Speaker and Deputy Chair and Assistant Deputy Chair.

In 2004 the rules governing the appointment of the Deputy Speaker, Deputy Chair and Assistant Deputy Chair of the Committees of the Whole were amended. Before 2004 the Prime Minister proposed the candidates for these positions, but since then the Speaker proposes the names following consultation with party leaders. A motion for that Member's election is deemed to have been moved and the question is put immediately without debate or amendment. There is also a requirement that the Deputy Speaker be fluent in the official language which is not that of the Speaker (the two official languages of Canada are English and French).

The Deputy and Assistant Deputy Chairs of Committees of the Whole hold office for one session, rather than a full Parliament. Appointments to these offices are made by motion, following the same process used to select the Deputy Speaker.

¹² Role of the Leas-Ceann Comhairle http://ceanncomhairle.oireachtas.ie/cv_deputy.asp

The offices of Deputy Chair and Assistant Deputy Chair of Committees of the Whole may be filled either at the start of each session, or when necessary. Therefore, a vacancy during a session may not necessarily be filled immediately, or at all.

The Parliament of Canada Act provides for the Deputy Speaker (who is also Chair of the Committee of the Whole) to assume the duties of the Speaker in circumstances where the Speaker's absence is unavoidable. There have also been circumstances where both the Speaker and Deputy Speaker have been absent. At such times, the Deputy Chair or Assistant Deputy Chair of the Committee of the Whole have taken the place of the Speaker.

The Deputy Speaker also has certain administrative responsibilities. For example, he or she may be asked to serve on the Board of Internal Economy. In addition, the Deputy Speaker is a member of the Panel of Chairs for legislative committees, and may be appointed by the Speaker to chair a legislative committee, or act in place of the Speaker to appoint Members to chair legislative committees. There is no specific provision prohibiting the Deputy Speaker and the Deputy Chair and Assistant Deputy Chair from taking part in debates, but they generally avoid doing so.

The Deputy Chair of Committees of the Whole and Assistant Deputy Chair of Committees of the Whole support the Speaker and the Deputy Speaker in the Chamber as presiding officers. In the absence of the Deputy Speaker, they take the Chair when the House sits as a Committee of the Whole.

The Deputy and Assistant Deputy Chairs of Committees of the Whole are members of the Panel of Chairs for legislative committees, and may thus be appointed by the Speaker to chair a legislative committee. They may also act in place of the Speaker to appoint other Members from the Panel to chair legislative committees.

4 Remuneration

The following table contains the salaries paid to the Speakers and their Deputies in addition to their ordinary salary. The hierarchical nature of the role in the UK and Canada is reflected in the salaries.

House of Commons (UK)	<ul style="list-style-type: none"> • Speaker £79,754 • Chairman of Ways and Means (Deputy Speaker) £41,370 • First Deputy Chairman of Ways and Means (Deputy Speaker) £36,360 • Second Deputy Chairman of Ways and Means (Deputy Speaker) £36,360
House of Commons (Canada)	<ul style="list-style-type: none"> • Speaker \$75,516 • Deputy Speaker \$39,179 • Deputy Chair of Committees of the Whole \$15,834 • Assistant Deputy Chair of Committees of the

	Whole \$15,834
Scottish Parliament	<ul style="list-style-type: none">• Presiding Officer £40-45k• Deputy Presiding Officers £25-30k
National Assembly for Wales	<ul style="list-style-type: none">• Presiding Officer £41,950• Deputy Presiding Officer £26,386
Dáil Éireann	<ul style="list-style-type: none">• Ceann Comhairle €125,005• Leas-Ceann Comhairle €54,549