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Proxy voting – bereavement and absence on parliamentary business

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This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

1 Introduction

This briefing paper has been prepared following a request from the Committee on Procedures. The committee asked for information on the provision for proxy voting in other legislatures for reasons of bereavement.

In addition, the research looked for examples where proxy voting is available to members who are absent on official parliamentary business. No examples could be found.

The research looked at the House of Commons, Scottish Parliament and Senedd. There is currently no provision for proxy voting in Dáil Eireann.

2 Provisions in other legislatures

2.1 House of Commons

Standing Order 39A sets out the eligibility criteria for proxy voting in the House of Commons. It states that:

A Member is eligible for a proxy vote by reason of—

- (a) childbirth;
- (b) care of an infant or newly adopted child;
- (c) complications relating to childbirth, miscarriage or baby loss;
- (d) serious long-term illness or injury¹; and
- (e) risk-based exclusion from the Parliamentary estate².

The *MPs' Guide to Procedure*, published by the House of Commons and available online, states:

¹ Until the end of the current parliamentary session.

² See [Standing Order 164](#) for information on risk-based exclusion.

Proxy voting arrangements are available to MPs who are new parents, who have experienced complications relating to childbirth, including bereavement, or you require an extended absence for fertility treatment or are experiencing serious long-term illness or injury. You do not have to take up a proxy vote.³

The above, read in conjunction with the relevant Standing Order, would appear to demonstrate that proxy voting in circumstances of bereavement is available only to those members who have experienced baby loss.

The proxy voting scheme states that members should demonstrate their eligibility for the scheme for reasons ⁴of complications relating to childbirth, miscarriage or baby loss by self-certifying that they meet the eligibility requirements.

2.2 Scottish Parliament

Rule (Standing Order) 11.5A sets out the provisions for proxy voting in the Scottish Parliament. Rule 11.5A.2 states the eligibility for application for a proxy vote:

2. A member is eligible to vote by proxy for any of the following reasons

- (a) maternity leave, paternity leave, parental leave, adoption leave, or shared parental leave;
- (b) complications arising from pregnancy;
- (c) serious long-term illness or injury;
- (d) bereavement; or
- (e) attending to a person who is near the end of their life.⁵

³ MPs' Guide to procedure: <https://guidetoprocedure.parliament.uk/collections/1lh5CMcS/proxy-voting>

⁴ House of Commons Proxy Voting Scheme: https://publications.parliament.uk/pa/cm5901/cmproxyvoting/proxy_voting_scheme_rev_251124.pdf

⁵ Standing Orders of the Scottish Parliament: <https://www.parliament.scot/about/how-parliament-works/parliament-rules-and-guidance/standing-orders/chapter-11-decisions-and-voting#topOfNav>

The Rule on proxy voting is supplemented by a scheme issued by the Presiding Officer. The proxy voting scheme does not offer any additional information on the definition of bereavement.

2.3 Senedd

The rules on proxy voting in the Senedd are set out under Standing Orders 12.41A-G.

Members are eligible for a proxy vote if they meet the following criteria under SO 12.41A:

...by reason of absence from all Senedd proceedings for parental leave, long-term illness or injury, caring responsibilities or bereavement leave.⁶

Furthermore, SO 12.41E states:

A proxy vote may be cast only if the Presiding Officer has certified that the Member for whom the vote is to be cast is eligible under the terms of Standing Order.⁷

In October 2023 the Presiding Officer issued *Guidance on the proper conduct of Senedd business*, which includes information on the proxy voting scheme. It states the following in relation to bereavement:

Eligibility

223. Proxy voting is available to Members who are absent from all Senedd proceedings for reasons of bereavement.

224. A Member must notify the Presiding Officer of their intention to take leave, and provide any additional documentation or forms of notification that the Presiding Officer deems appropriate.

⁶ Standing Orders of the Welsh Parliament, January 2025: <https://senedd.wales/media/ue1dqdmg/so-eng.pdf>

⁷ As above

225. The scheme is not compulsory and Members are free to vote in person or use any other informal pairings available to them.

226. In the event of any ambiguity, the Presiding Officer will use their discretion to determine compliance with the proxy voting scheme.

Duration

227. The duration of a proxy vote for bereavement is to be agreed between the Member and the Presiding Officer, and may be extended at the Presiding Officer's discretion. The agreed duration will include periods when the Senedd is in recess or dissolved.

228. A Member must specify in writing to the Presiding Officer the dates on which the absence will begin and end. The Member is entitled to cast a vote by proxy for the period specified in the certificate issued by the Presiding Officer under Standing Order 12.41E.

Publishing the arrangement

232. On receipt of this information, and once the Presiding Officer has determined compliance, the Presiding Officer will lay a certificate setting out the name of the Member nominated as proxy and the start and end dates. The certificate will note the proxy has been granted for reasons related to parental leave, long-term illness or injury, caring responsibilities or for bereavement but will not specify any further detail in relation to the circumstances.⁸

⁸ Guidance on the proper conduct of Senedd Business, February 2025:
https://senedd.wales/media/3jvikkck/collation_of_guidance_eng.pdf