

Letter to All Members

02 July 2025

Dear Member

Update on Legislative Scrutiny for the Remainder of the Assembly Mandate and Members' Bills.

Over the past few weeks, a number of Executive Bills have been introduced in the Assembly. This will change the focus of our business in the second half of this year, reducing the time to be filled by Private Members' Motions.

When the Assembly returns from summer recess, there will be little more than 18 months before the Assembly dissolves for the next election. With the expectation of further Executive Bills being submitted in the next year, it is clear that there will be a significant amount of business to go through the Assembly in that time. Therefore, this is a good opportunity to reflect that the management and scrutiny of business must be different and learn lessons, not only from the last mandate, but also from two key developments which have occurred since.

Firstly, one of the first pieces of legislation to come before the current Assembly was to address issues with a Members' Bill which completed its scrutiny in a matter of weeks towards the end of the last mandate - the Hospital Parking Charges Act. We cannot have that situation again. Secondly, the Mediahuis judgment last year underlined that legislation is vulnerable to challenge if it has been insufficiently scrutinised, including by committees. These follow the criticisms of Assembly scrutiny previously made in the RHI inquiry.

Executive business takes priority in any legislature. Following the update provided by the First Minister and deputy First Minister in their written statement of April, I have been working with officials to review the position. While staffing resources will also be under pressure, the most pressing and finite resource is time. There is an unavoidable tension between the temptation to increase the number of Bills progressed through the Assembly to meet demand, and the time needed to conduct effective scrutiny.

For Executive Bills, there may be pressure for some late-night and additional sittings, especially in the case of those with a large number of amendments. However, frequent late-night sittings pose a potential risk of less effective scrutiny. A significant number of additional sittings on committee days will only increase the pressure on the scrutiny of Bills by committees. The use of Accelerated Passage is not a solution. We already have the evidence that short-circuiting the scrutiny process is short-sighted.

That significantly increases the risks of passing legislation which is flawed or vulnerable to challenge. This is not an approach I will advocate to the Business Committee. Neither am I prepared to sacrifice scrutiny by flooding the system with more Members' Bills than time realistically permits. This is an area where we can control the pressure on the scrutiny process.

I have previously notified Members that the number of Members' Bills to be introduced will be significantly less than the 27 Bill proposals which were submitted. So far 19 Members have launched public consultations. Given previous experience, and the delay in the Executive's legislative programme coming forward in a shortened mandate, it is already clear that there will not be the time to properly scrutinise anywhere near that number of Members' Bills. While it is too early to predict the exact final figure, it is more likely that only around half of that number can be facilitated.

To illustrate the point, of the proposals currently submitted 9 would seem to fall within the remit of one committee. Robust committee scrutiny, as the Mediahuis judgment requires, takes time. Every committee considering a Bill thus far has sought an extension of the time to conduct the scrutiny process. It is therefore impossible that any committee could conduct effective scrutiny of this number of Members' Bills in the time remaining, as well as dealing with its other business.

The deadline for Members' Bills being introduced to the Assembly is June 2026. If a Bill is not into committee stage before summer 2026, its chances of progressing are heavily reduced. However, Members' Bills which are only introduced at that point will have a slim chance of success. Therefore, while those who have gone out to public consultation face a challenging position, those who have yet to do so have extremely limited prospects.

I will be writing separately to Members with Bill proposals with more detailed advice, particularly around narrowing their proposals. I know some Members will be disappointed at the prospect of their Bill proposal not progressing in this mandate. However, it is better to manage expectations now. Work invested in this mandate is not lost. It can form a head start for after the next election.

It is not for me to take a view on the subject of each Members' Bill. However, I do need to seek to create the conditions for the conduct of effective scrutiny. Scrutiny is not an academic concept – the decisions of the Assembly on legislation have consequences. It is in the interests of the Assembly, and society as a whole, that our approach to scrutiny and the management of business in the remainder of this mandate seeks to ensure that the legislation passed is robust and minimises the risk of challenge.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Edwin Poots', written in a cursive style.

**EDWIN POOTS MLA
SPEAKER**