



*** Just
Include**

The Lobbyist's Handbook to the Northern Ireland Executive & Assembly

A guide to navigating
Stormont by Just Include

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* Introduction

Just Include is a non-profit that aims to educate and empower disabled people in Northern Ireland to use their voice, to both advocate for themselves and create social and political change in order to remove social barriers, exclusion and inequality.

It strives to create an accessible and inclusive society where disabled people are not discriminated against or stigmatised and can reach their full potential.

What is the purpose of this handbook?

This handbook aims to be the ultimate guide for lobbying and advocating in Northern Ireland's devolved political institutions.

It will both serve as a reference guide as you come across unfamiliar new parliamentary procedures or systems and also act as an educational tool. It's for all disabled people, whether you are just starting your advocacy journey or you have been doing it for years.

Where to start?

This handbook is not intended to be read cover to cover; instead it acts as a reference guide to help you understand different Assembly processes and systems as you encounter them, and in turn allow you to advocate effectively.

Background

The Northern Ireland Assembly, commonly referred to as Stormont, is the legislative or law-making Assembly in Northern Ireland that governs and makes laws for people in Northern Ireland.

The Northern Ireland Executive is the government, containing Ministers in charge of the different government departments.

The Northern Ireland Assembly and Executive were formed following the signing of the Good Friday Agreement in 1998.

Powers on a range of issues such as housing, education and health, known as devolved matters, transferred from the UK Parliament in London to a local government and Assembly in Northern Ireland. (Explained in detail later.)



* Members of the Legislative Assembly (MLAs)

Chapter One

MLAs (or Members of the Legislative Assembly) are people elected by you and the people of Northern Ireland to represent them within decision-making on devolved matters.

They pass laws, examine policy and hold the Northern Ireland Executive (the government) to account. Currently there are 90 MLAs who make up the Northern Ireland Assembly.

MLAs have a constituency office where they undertake constituency work. This involves helping constituents (the people who live in the area they represent) resolve issues. This may include writing to the relevant Minister/department, public bodies or the private sector.

They also attend community events and hold surgeries, where constituents can meet their MLA, to raise issues of concern.

MLAs also lobby Ministers in the Northern Ireland Executive on issues that concern their constituency.

They also feed back to their particular political party on issues which constituents care about. This often influences the party policy and manifesto (a document published before an election, stating what a particular party will do if elected).

Constituencies

Northern Ireland is split up into 18 smaller areas known as constituencies when it comes to the Northern Ireland Assembly.

Each of the 18 constituencies are represented by five MLAs in the NI Assembly.

The constituencies or areas are:

- Belfast East
- Belfast North
- Belfast South and Mid Down
- Belfast West
- East Antrim
- East Londonderry



- Fermanagh and South Tyrone
- Foyle
- Lagan Valley
- Mid Ulster
- Newry and Armagh
- North Antrim
- North Down
- South Antrim
- South Down
- Strangford
- Upper Bann
- West Tyrone

You can engage and make your voice heard on the issues you care about, by contacting MLAs through social media, email, letter or constituency offices. (We will dive into this subject in greater detail on [page 107.](#))

Designation

On the first day of the Northern Ireland Assembly after an election or when an MLA is co-opted, MLAs sign a register designating themselves as either Unionist, Nationalist or Other for the purposes of cross community support (which will be explained later).

Absolute privilege

MLAs are protected against the law of defamation (action of damaging another person's reputation) when making a statement in the Assembly during Assembly business and also in the publication of statements by the Northern Ireland Assembly.



They are also protected against contempt of court (risk of unfairly influencing a court case) where a current court case is referenced in Assembly business when it relates to a Bill or subordinate legislation, and where it is a fair and accurate report of procedures made with good intentions.

Register of Members' Interests

Within 28 days of taking their seat, MLAs must declare anything that might be thought to influence their views or actions, as is pertained in the Guide to the Rules Relating to the Conduct of Members (the rulebook for MLAs). This includes:

- Other employment or earnings;
- Donations they have received or other support;
- Gifts, benefits and hospitality they have received;
- Visits;
- Shareholdings;
- Land and property;
- Unremunerated interests;
- Family members who benefit from office cost expenditure.

The 28-day limit also applies to any changes to an existing MLA's circumstances.

The declaration to the Register of Members' Interests must be done before they can partake in any related matters in Assembly business.

You can view if any MLA has a conflict of interest on the NI Assembly website (www.niassembly.gov.uk).



Further, in relation to the Guide to the Rules, an MLA can't advocate or take actions on behalf of an individual or organisation in exchange for any payment or benefit.

Sanctions

An MLA must adhere to the Code of Conduct of the Northern Ireland Assembly. If they are found by the Committee of Standards and Privileges to have breached the Code of Conduct or a particular Standing Order, they can face a number of sanctions.

Sanctions may include an apology to the Assembly, condemnation by the Assembly, suspension of the MLA from Assembly business for a period of time or removal of an MLA's privileges, including salary and allowances.

The Committee of Standards and Privileges presents a report of its findings, including any recommended sanctions upon the MLA under investigation, but the Assembly then votes on whether to impose any such sanctions.

MLAs can also be investigated and sanctioned for abusing or misusing privilege by the Committee (see [page 7](#) for an explanation on 'privilege').

Elections

MLAs are elected in Assembly Elections, which usually take place every five years (although there are exceptions e.g. if the Northern Ireland institutions have been collapsed).

Elections use a voting system called Single Transferrable Vote (STV), a form of Proportional Representation. This ensures that the greatest amount of people can be represented, as fewer votes are wasted like in alternative voting methods.



This is instead of a system like First Past the Post that is used in UK Parliament Elections (electing your MP). In this, you give one vote in the form of a cross (x) to the candidate you want to represent you. The winning candidate is the one who gets the most votes.

In NI Assembly and Council Elections, which use Single Transferrable Vote, you can vote for multiple candidates by numbering them in your ballot paper 1, 2, 3 etc. in order of preference. (You can vote for as many or as few candidates as you wish.)

In this system, a candidate must reach a minimum number of votes – known as a quota – to be elected. This is calculated by how many seats there are and how many votes were cast.

The first preference votes are counted (the number one choice) and if any candidate has met or surpassed the quota they are elected.

If a candidate reaches the quota, then any surplus votes the candidate has don't go to waste, as they are transferred to the second preference candidate using a set formula.

If no candidate meets the quota, the candidate with the least votes is eliminated and their second preference votes are distributed among the remaining candidates.

This process repeats – allocating second, third, then fourth preference votes and so on – until all seats are filled.

Co-option of an MLA

If an MLA's seat becomes vacant during an Assembly mandate i.e. the time between elections (for example, if an MLA resigns or dies while in office), the nominating



officer of the political party that the MLA belonged to when elected can select someone to take the vacant seat and become an MLA.

In the case of an independent MLA who didn't belong to a political party when elected, the Chief Electoral Officer will use the list submitted by the independent MLA at the time of their election. This list includes up to six people, in order of preference, who they wish to replace them should their seat become vacant.

The Chief Electoral Officer will write to the nominee. If the nominated person agrees in writing within seven days to take the Assembly seat, they will be co-opted into the Assembly.

However, if the nominee does not want the Assembly seat or fails to respond in seven days, the Chief Electoral Officer will repeat the process, asking the MLA's political party to nominate another person, or selecting the next person on the independent MLA's list.

In the case where a nominee can't be found after the process is conducted twice, the Speaker of the Northern Ireland Assembly will notify the Chief Electoral Officer to call and set a date for a by-election.



Chapter Two

* The Northern Ireland Assembly

The Northern Ireland Assembly is the devolved legislative Assembly or body made up of 90 elected MLAs, who vote and make decisions on local issues such as health, education, the environment or equality, which are known as devolved or transferred matters.

Reserved matters are areas which technically could be devolved to the NI Assembly in the future, although this is unlikely. Examples include the national minimum wage or broadcasting rules.

Excepted matters are areas which only the UK Parliament has the authority to legislate on, for example, defence and foreign policy.

Standing Orders

The Northern Ireland Assembly's business is governed by a set of rules known as Standing Orders. These ensure that business is carried out correctly. The most up-to-date Standing Orders can be found on the Northern Ireland Assembly's website (www.niassembly.gov.uk).

Speaker

The Speaker is an MLA who oversees and chairs the Northern Ireland Assembly's business. The Speaker is impartial and doesn't vote on matters or contribute to debates. MLAs always address the Speaker in debates.

The Speaker has various duties such as:

- Scrutinising the competence of a Bill before its first and final stages;
- Selecting the amendments to Bills that will be debated;
- Selecting MLAs to speak during debates;
- Ensuring Assembly procedures i.e. Standing Orders are followed;
- Resolving disputes regarding members breaking the procedures;
- Chairing the Assembly Commission (which monitors and controls Assembly staff, building maintenance etc.) and the Business Committee.

During debates all speeches and discourse by MLAs will be addressed to the Speaker using phrases like 'Mr (Deputy) Speaker', 'Madam (Deputy) Speaker' etc. instead of directly addressing members.

The Speaker and Deputy Speakers also have other duties, including hosting events, and receiving visitors to Parliament Buildings, such as heads of state, senior politicians etc.



Deputy Speakers

There is also a Principal Deputy Speaker and two Deputy Speakers elected under similar processes to the Speaker.

They have the same powers as the Speaker whilst they are chairing debates in terms of impartiality and not voting. But unlike the Speaker, when they are not performing such duties, they can vote and participate in debates.

Acting Speaker

The Acting Speaker is the MLA that is the oldest in the Chamber during the election process who is not a nominee for Speaker. They are used if the outgoing Speaker is unable to oversee the election of a new Speaker, again usually only at the start of an Assembly mandate, but also if the current Speaker resigns mid-mandate. (They are also required, although rarely, if the Speaker as well as their Deputies are unavailable during Assembly business.)

Election of the Speaker

The election of the Speaker happens before any other Assembly business can take place, for example, before the appointment of the NI Executive or motions/Bills. This is usually at the start of a new Assembly mandate (after an Assembly Election) or if the current Speaker resigns.

Election process

During the election process, an MLA who is nominated to be Speaker will be proposed by an MLA and seconded by one further MLA. The nominee then has to accept the nomination.



Once there is one or more nominations, the Acting Speaker will then move to elect the Speaker in accordance with a Cross Community Vote. (The processes of the Cross Community Vote will be explained later in this booklet.)

If no Assembly Speaker receiving cross community support is elected at the start of a new Assembly mandate, nothing else can happen nor can the institutions function. (In recent years this has caused Northern Ireland to go through periods of having no government.)

If the NI Assembly fails to elect a new Speaker during an Assembly mandate, the three Deputies will rotate, chairing Assembly business weekly until a Speaker can be elected.

Temporary Speaker

If during Assembly business, the Speaker and the Deputy Speakers are not available (or if the Acting Speaker is not available to chair the election of a Speaker), then a Temporary Speaker will be selected to chair.

The Temporary Speaker is the longest serving member in the Assembly Chamber. If there are two members with similar service, the oldest will chair the particular Assembly business. Like any Speaker, they cannot vote while chairing.

Political parties

There are a number of political parties represented by MLAs in the Northern Ireland Assembly. MLAs can join a political party in which members share similar viewpoints on issues and matters in Northern Ireland.



The five largest parties are outlined below, split into their respective denominations.

The main Unionist parties in the Northern Ireland Assembly include the Democratic Unionist Party (the largest Unionist party) and the Ulster Unionist Party.

The main Nationalist and Republican parties in the Northern Ireland Assembly include Sinn Fein (the largest Nationalist party) and the Social Democratic Labour Party (SDLP).

The Alliance Party is the main political party that designates as Other within the Northern Ireland Assembly; this means that it neither identifies as a Unionist or Nationalist party, positioning itself as cross community.

There are other minor parties which either have or had MLAs representing them in the NI Assembly in recent years, for example, the Green Party, Traditional Unionist Voice (TUV), People Before Profit (PBP) and independents (those who don't represent a political party).

Key positions within political parties

Most political parties appoint MLAs or other elected representatives to fill relevant party positions that can impact the Northern Ireland institutions.

Leader and Deputy Leader

The Leader and Deputy Leader are elected internally within their respective political parties.

They are most often the main spokesperson for their party and also often make decisions about policy,



appointing fellow MLAs to positions such as Ministers or committee chairs/members, and formulating the party's views on particular matters with the approval of internal committees/executives.

They may often hold ministerial positions within the Northern Ireland Executive (if the leader is an MLA, although this isn't always the case).

Spokespeople

Spokespeople are MLAs or other political representatives who are appointed by the party's leadership to communicate on behalf of their party on a particular matter such as health, justice, young people or communities etc.

Party Whips

Each political party will select some of its MLAs to act as Party Whips. They ensure that MLAs in their party vote on issues in line with party position.

There are times when a political party may give its MLAs a conscience vote – the freedom to vote based on their personal views. This is used particularly for sensitive or divisive issues such as abortion.

When freedom of conscience has not been given, if an MLA votes against their party, then disciplinary action can be imposed, such as losing the whip, being suspended from the party (the MLA will then sit as an independent) or they may be demoted from positions within their party.



Chapter Three

* The Northern Ireland Executive

The Executive Committee, also more commonly referred to as the Northern Ireland Executive, is the devolved government in Northern Ireland. It meets in Stormont Castle and is accountable and answerable to the Northern Ireland Assembly.

It is a power sharing government that works on a system of mandatory coalition, meaning that both communities – Unionist and Nationalist – share power.

The Northern Ireland Executive is responsible for administering devolved matters and departments e.g. health, education and transport among others.

Programme for Government

It is also responsible for the creation of a Programme for Government, which is essentially a plan of what issues and matters the Northern Ireland Executive will prioritise addressing during the mandate. For example, it could prioritise introducing new disability legislation with the incorporation of the United Nations Convention of Persons with Disabilities (UNCRPD) into domestic law.

Budget

The NI Executive also creates a proposed budget annually to then bring forward to the NI Assembly for approval through a Cross Community Vote (explained later).

The budget sets out how Northern Ireland's finances will be spent on public services and allows priority areas, such as health or education, to be given more financial resources.

Each Executive department is given an annual budget in which to deliver public services, for example, delivering state education or building new social housing, improving transport etc.

The Northern Ireland budget is limited compared to the budget at Westminster (UK Government) as the Northern Ireland Executive and Assembly have limited devolved powers in relation to the fiscal framework (control over taxes and borrowing).

For example, they have control over the regional rate (a Northern Ireland tax on property), but have limited control over corporation tax (a tax which businesses pay) as they need to get approval from the UK Government. They don't have control over most taxes i.e. income taxes (a tax on income).



How does Northern Ireland get the money for public services?

The main income source for Northern Ireland is what is known as a block grant. This is money given to devolved nations, including Northern Ireland, from the UK Treasury each year to help pay for public services.

This is calculated through the Barnett Formula (a formula that calculates the block grant to give to each devolved nation).

The Barnett Formula takes into account the population of Northern Ireland and then allocates finances based on what is spent per person in relation to public services in England.

The make-up of the Northern Ireland Executive

First and Deputy First Ministers

The First and Deputy First Ministers are joint heads of government. Their positions are equal in all but name.

The First and Deputy First Ministers are always held by the largest Unionist and Nationalist parties. The bigger party (i.e. the party with the most seats or MLAs) takes First Minister, whereas the largest party of the other community takes the Deputy First Minister position.

The First Minister cannot hold office without the Deputy First Minister and vice versa. This means that if the largest party from either community refuses to nominate or withdraws, then the Executive collapses. This is because the First and Deputy First Minister chair the NI Executive.



Furthermore, the Office of the First and Deputy First Minister relies on both the largest Nationalist and Unionist parties' participation, thus ensuring that it is cross community, as both communities have to be represented.

Ministers and departments

Eight Ministers make up the Northern Ireland Executive (as well as the First and Deputy First Ministers and two Junior Ministers).

They each have individual portfolios, heading up the nine departments devolved to the Northern Ireland Executive. The departments are led by Ministers but the day-to-day running is handled by the Northern Ireland Civil Service.

Departments are responsible for administering and maintaining key devolved services in areas such as health, education, housing and the environment.

They often are also responsible for drawing up reports, policy briefings and strategies (for example, the disability strategy or the mental health strategy), and implementing decisions by both the Northern Ireland Executive and Northern Ireland Assembly.

The departments are:

The Executive Office

Headed up by First and Deputy First Ministers. Its responsibilities include overseeing and administering the Executive's programmes and policies.



Department of Agriculture, Environment and Rural Affairs (DAERA)

Headed up by the Minister of Agriculture, Environment and Rural Affairs. Its responsibilities include environment and agriculture etc.

Department for Communities (DfC)

Headed up by the Minister for Communities. Responsibilities can include voluntary/community sector support, benefits and disability policy etc.

Department of Education (DENI)

Headed up by the Minister of Education. Responsibilities include primary, secondary and SEN education, as well as youth work.

Department of Finance (DoF)

Headed up by the Minister of Finance. Responsibilities include land and property etc.

Department for the Economy (DfE)

Headed up by the Minister for the Economy. Responsibilities can include further and higher education etc.

Department of Health (DoH)

Headed up by the Minister of Health. Responsibilities include the Northern Ireland health service.



Department for Infrastructure (DfI)

Headed up by the Minister for Infrastructure.

Responsibilities include road and public transport etc.

Department of Justice (DoJ)

Headed up by the Minister of Justice. Responsibilities include policing and the justice system. Although the Police Service of Northern Ireland (PSNI) is independent from government, the department and the Minister set the budget and engage with the police, and Policing and Community Safety Partnerships.

Political parties in the Assembly appoint Ministers to the Northern Ireland Executive based on how many seats or MLAs they have. This is done through the system of D'Hondt (more on this below).

Unlike with the appointment of First and Deputy First Ministers which have to be in office for the Executive to function, political parties who are eligible to appoint Ministers to the Executive can choose not to nominate Ministers.

If this happens, the Ministers which the party were eligible to appoint are redistributed based on D'Hondt to other political parties.

System of D'Hondt

The system of D'Hondt is used to appoint all Ministers to the Executive excluding the First and Deputy First Ministers, Minister of Justice and Junior Ministers.

Essentially D'Hondt ensures that political parties are represented fairly and proportionately based on their



performance in the Assembly Election i.e. number of MLAs.

This means that the larger a party, the more Ministers it will get allocated.

Essentially a mathematical formula is run:

- $S / (1+M)$

(S is the number of seats the party had on the day on which the Assembly first met after the election. M is the number of ministerial positions that they have, if any.)

The largest party selects what ministerial position it wants and then the formula is run, meaning the next largest party (based on the calculation) selects a Minister. This repeats until there are no more Ministers to appoint.

It is important to note that not all political parties in the Assembly will get to appoint a Minister, as ministerial positions will be distributed among the largest parties (historically the largest four or five parties) until no Ministers are left to appoint.

The Minister of Justice

Due to the Troubles and the sensitivities that exist around policing and justice, the Minister of Justice is appointed on a Cross Community Vote in the Northern Ireland Assembly.

Junior Ministers

There are two Junior Ministers who are appointed by the First and Deputy First Ministers to help with the running of the Executive Office NI.



Special Advisors (SPADs)

These are advisors appointed by individual Executive Ministers as temporary civil servants to advise and support them politically within their role.

They are usually senior members of the Minister's political party and provide advice from a political perspective. This is in comparison to the non-political advice of civil servants in their department.

Assembly Private Secretaries

An Executive Minister can appoint a Private Secretary to assist them with their workload, departmental duties and receive briefings on matters in relation to the specific department.

This is an unpaid position filled by one of the Minister's party backbench MLAs (an MLA who holds no ministerial positions).

Ministers' conduct

All Executive Ministers are bound by the Pledge of Office or Ministerial Code in addition to the Code of Conduct for MLAs.

If a Minister is found, after investigation by the Standards and Privileges Committee, to have breached Ministerial Code, the Assembly can bring forward an exclusion motion (covered later) to impose sanctions.

The Northern Ireland Civil Service

Whilst Ministers head up and lead their respective departments, civil servants who are politically impartial and accountable to the Minister, carry out the day-to-day running of the administrative side of the



department, while supporting the department and, by extension, ensuring delivery of the NI Executive's Programme for Government commitments.

They also support the day-to-day operations of the Northern Ireland Assembly.

Permanent Secretary

This is the most senior civil servant in each department, who directly supports and aids the Minister while ensuring the department's budget is spent correctly.

Head of the Northern Ireland Civil Service

This is the most senior civil servant who has overall leadership in the development, sustainability and operation of the Northern Ireland Civil Service as an organisation.

External bodies and organisations that assist the Northern Ireland Executive's work

Various types of public bodies, agencies and organisations support the work of the Northern Ireland Executive.

Executive agencies

These are public bodies that carry out government services on behalf of the Northern Ireland Executive. Examples are the Northern Ireland Environment Agency or Northern Ireland Research and Statistic Agency.

They don't have control over their own policy, but are overseen by the department responsible. They are headed up by chief executives who manage the day-to-day running while usually being responsible to the Minister, who in turn is accountable to the NI Assembly.



Non-departmental public bodies

These are public bodies which are independent from the NI Executive and operate nationally or locally, but they still retain accountability to Ministers. However, they aren't run by civil servants.

There are two types:

Executive non-departmental public bodies

Public bodies that carry out certain executive, regulatory, administrative or commercial functions within the government's framework, but they have a degree of independence in their day-to-day operation.

Examples are the Housing Executive, Equality Commission and Education Authority.

Advisory non-departmental public bodies

Public bodies set up by NI Executive Ministers to advise them on particular matters e.g. the Historic Buildings Council or Historic Monuments Council.

Public inquiries

The Northern Ireland Executive or its Ministers can launch public inquiries.

Independent from government, these are major investigations into significant matters of public concern. An example is the Renewable Heating Incentive (RHI) Inquiry which concluded in 2020.

There are two types of inquiries: statutory and non-statutory. Statutory inquiries are bound by legal procedures (Inquiries Act 2005 and Inquiry Rules 2006).



As it is bound by legislation, the chair has wide-ranging powers to not only invite but compel witnesses to give evidence and produce documents under oath. If a witness fails to show up after being compelled, they could face legal prosecution.

On the other hand, non-statutory inquiries do not have to follow the same stringent procedures and as such can only invite witnesses, not compel them, to give and produce evidence. As a result, non-statutory inquiries often conclude in a shorter time frame.

Both types of inquiries conclude with a report being published, which not only fully informs government and the public about the matter concerned, but allows the Northern Ireland Executive to take effective measures to address the particular matter.

The Opposition

Previously known as the 'Official Opposition', the Opposition is a mechanism for a party which has opted out of nominating a Minister to the Northern Ireland Executive or has resigned from the Executive for up to two years after its formation.

Alternatively, a party can enter the Opposition if it wins at least 8% of the vote in the last Assembly Election.

Multiple parties can be in the Opposition but the largest party nominates one of its MLAs to be the Leader of the Opposition.



The Opposition is not required in the Assembly. Its role is to question, scrutinise and hold the Northern Ireland Executive to account.

The Opposition is also granted several provisions within the Northern Ireland Assembly.

These include:

- It is given 10 Opposition business days per Assembly session (every year), when it can discuss/debate any matters that it decides;
- During a ministerial statement, the Opposition gets to ask the Minister the first question;
- The Opposition also gets to ask the first topical question (question on a particular matter being discussed) to a Minister;
- The Opposition gets at least one seat on every statutory committee (where possible);
- The Opposition gets one seat on the Business Committee;
- The Leader of the Opposition gets to nominate the chairperson of the Public Accounts Committee and where there are multiple parties in Opposition, the Deputy Leader of the Opposition gets to nominate the deputy chair.



* Committees

Chapter Four

A committee is a group of MLAs, appointed from a range of political parties, which examines and looks at a particular matter, such as health, education or climate etc.

When do committees meet?

Most committees meet weekly, usually on a Wednesday or Thursday morning, in committee rooms in Stormont Parliament Buildings or the Senate Chamber.

In the old Northern Ireland Parliament, the Chamber was used by a second legislative body known as the Senate; today it is used for All Party Groups, committee meetings and events. Committees also meet in other venues across Northern Ireland.

Various functions of committees

Committees hold the Northern Ireland Executive to account through various means.

They hold debates in the Assembly with Executive Ministers and MLAs.

They also scrutinise and look at both primary and secondary legislation (existing laws) and Bills (laws which have been proposed), as well as looking at and proposing amendments (changes to Bills).

They hold inquiries into proposed Bills and other matters, in which they hold public consultations (ask for your views) as well as selecting witnesses (people who are experts or have particular knowledge of the matter being examined) to give evidence and be questioned by committee members.

They can also request information from the Northern Ireland Executive, Ministers and civil servants, as well as asking them to answer questions in front of the committee.



This allows them to produce and publish reports with recommendations that the NI Executive must respond to.

These reports, along with committee press releases, can be viewed on the Northern Ireland Assembly website (www.niassembly.gov.uk).

In addition, committees can introduce their own Bills to the Northern Ireland Assembly.

What can a committee look at?

Committees can only look at matters which are in its remit, meaning that it can only look into matters which it is tasked and responsible for investigating. An Education Committee can't look at a matter on climate change, but it can look at matters in relation to education.

Matters of Joint Concern

Occasionally there will be an issue that falls into the remit of two or more committees. In this case committees have multiple options.

The chairpersons of the relevant committees will agree on which committee the matter should reside with. In the case of disagreement, they will present their views to the Business Committee which will decide.

The agreed committee that the matter will reside with will actively seek the input from the other relevant committees, providing draft reports etc. before making a final report and conclusion.

The second option sees the relevant committees running meetings concurrently, effectively being one larger committee, producing joint minutes and a final report.



In this case, the chairpersons of the relevant committees take the chair and deputy chair of these meetings, rotating positions, where agreed, between meetings.

Finally the third option is an ad hoc joint committee formed to investigate and deal with the specific matter.

Joint committees appoint members from all relevant committees and either they will appoint their own chair and deputy chairpersons or, in the case of disagreement, the Business Committee will make the decision.

Committee meetings and Assembly plenary votes

Where a committee is meeting when an Assembly plenary session is ongoing and it is known that a vote is imminent (soon), then the chairperson will adjourn (suspend) the meeting to let members vote.

Types of committees

Statutory committees

They examine and scrutinise the work of Ministers and departments in the NI Executive. There are nine statutory committees, which scrutinise the nine NI Executive departments. An example is the Committee for Communities.

The number and membership of statutory committees are determined after all Executive Ministers have been appointed at the start of a new Assembly mandate and the Business Committee has reviewed and made recommendations to the NI Assembly on the number of committees needed, ensuring membership of statutory



committees is proportional to the number of MLAs and political party strengths.

Non-statutory committees

There are different types of non-statutory committees, such as ad hoc committees, private bill committees and standing committees.

Standing committees

Standing committees are permanent but undertake specific roles to do with the running of the Northern Ireland Assembly.

The following are standing committees:

Business Committee

This makes arrangements and agrees business for upcoming Assembly plenary sessions such as debates, motions and Question Time etc., as well as recess dates (when the Assembly doesn't sit, usually in the summer, Christmas etc.) and any other business the Assembly or Speaker determines. This is published usually a week in advance, known as Order Papers (More information under 'Day-to-Day Business in the Northern Ireland Assembly' on [page 52](#)).

It is made up of the Speaker as chairperson and a maximum of 12 other members, who are the Whips of each main political party and one from among the smaller political parties. A Whip is an MLA of a particular party who ensures its MLAs vote with the party.

The Speaker, as chair, will appoint two members to act as deputy chairpersons in case they are absent.



If there is an Opposition, it is entitled to one seat on the Business Committee.

Each Party Whip who is a member of the committee can appoint a substitute MLA to attend in their place if they are unavailable.

The Business Committee decides its own procedures among members.

Voting in the Business Committee in relation to decision making also works slightly differently to other committees. Each member who is a Party Whip casts votes equal to the number of MLAs who hold the whip in their party (in most cases this is the total number of MLAs the particular party has in the Assembly). However, the Speaker is considered to have no whip. An MLA who is acting as chair is still considered to have a whip and thus can vote on committee decisions.

Committee of Procedures

This reviews procedures and Standing Orders of the Assembly on an ongoing basis. Like the Business Committee, it decides its own procedures.

Public Accounts Committee

This considers accounts of public bodies (i.e. Executive departments, agencies etc.) and reports of accounts laid (presented) before the Assembly.

It also looks at reports carried out by the Comptroller and Auditor General (official in the Audit Office NI) into the economy and the efficiency and effectiveness of any public body in relation to how they have used public money.



Neither the chairperson or deputy chairperson can be a member of the same political party as the Minister of Finance or any Junior Ministers that are appointed to the Department of Finance.

If there is an Opposition, the Leader of the Opposition is entitled to nominate the chairperson and if there's a Deputy Leader they are entitled to nominate the deputy chairperson.

Audit Committee

It carries out various functions such as agreeing estimated yearly budgets of the Northern Ireland Audit Office (NIAO) and the Northern Ireland Public Service Ombudsman (NIPSO).

It also scrutinises the Northern Ireland Assembly Commission (NIAC) budget and reports these figures to the Northern Ireland Assembly.

The Audit Committee has a membership of five MLAs and a quorum of two.

Committee of Standards and Privileges

It deals with matters in relation to the Register of Members' Interests and Code of Conduct.

It considers specific matters relating to privilege referred to it by the Assembly.

It also oversees the work of the Clerk of Standards (the official who maintains the Register of Members' Interests). It examines procedures for the compilation, upkeep and availability of the Register of Members' Interests and any other registers of interests created by



the Assembly, reviewing the structure and content of these registers of interests periodically.

The committee considers all the matters in relation to the conduct of members, reviewing and making recommendations to the NI Assembly on any changes to the Code of Conduct.

The committee also investigates any MLA who breaches the Code and makes recommendations on any sanctions that should be imposed to the Northern Ireland Assembly. (See 'Sanctions' section on [page 9](#) for more information.)

It creates reports, including reports to the Assembly, on any of its functions or matters.

Assembly and Executive Review Committee

It examines and reviews matters in relation to the operation of the NI Assembly and Executive set out in the Northern Ireland Act (the law that set up devolved institutions in NI), and makes recommendations and reports to the Northern Ireland Executive, the Assembly and, in some cases, the Northern Ireland Office (UK Government department).

It also looks at related matters it is tasked to undertake by the NI Assembly.

Ad hoc committees

These are set up for a limited time by the Northern Ireland Assembly to deal with particular issues or



matters. In the past there have been committees on Covid-19 or the Bill of Rights. The Assembly decides the membership and procedures of an ad hoc committee.

Ad hoc joint committees

Set up for a limited period of time, they consider issues and matters which are of interest to more than one committee.

Private Bill committees

This type of committee is set up for a limited time, to examine and scrutinise private legislation in line with the legislative procedures for passage through the NI Assembly (see section on 'Private Bills' on [page 78](#) for more detail).

Sub committees

Each committee may only have one sub committee at any one time, unless the committee seeks approval from the Business Committee and Assembly to create more.

A sub committee is set up to deal with a specific time-bound matter within the parent committee's remit. Its membership is appointed by the parent committee, and it reports to the parent committee and cannot make decisions in relation to the parent committee.

Quorum

The quorum is the number of members that need to be present for a committee to conduct its business.

The quorum for statutory and most standing committees is five members. However, in the case where a committee is not making any decisions or putting



questions to Ministers, departments etc., then it is four members.

However, the quorum for the Audit Committee is set out in Standing Orders at two members. Ad hoc committees' quorums vary and are usually set out in the motion to establish such a committee.

If a quorum is not present in a committee meeting, then the committee clerk (staff that help with functioning of the committee) will bring it to the chairperson, who will either suspend committee business until a quorum is met or reschedule it for another day.

How are these established?

Committees are established via a motion being moved in the Northern Ireland Assembly, after a notice is published setting out the proposed committee's terms of reference (what the committee will do), quorum (number of members needed to be present for a committee meeting to take place) and composition (how many members of each political party a committee will have).

Standing Orders (rules of the NI Assembly) often determines these parameters.

When a new committee is established, the Speaker will, within seven days, seek nominations for membership of the committee from party leaders or nominating officers.



Roles in committees

Chair and deputy chairperson

Each committee appoints an MLA as chairperson. They chair committee meetings, agree the agenda for meetings and act as a spokesperson for the committee.

The deputy chairperson, who is also appointed by the committee, takes on the chair's duties when the chairperson is unavailable.

Committee members

Along with the chair and deputy chairperson, committee members carry out a number of responsibilities, including contributing and approving committee reports, asking witnesses questions in committee meetings and helping decide the committee's programme of work (essentially what issues/matters the committee will focus on).

Statutory and standing committees: How members and chairs are appointed

Appointing chairs

Appointing chairs and deputy chairpersons for statutory and standing committees is a separate process, which is carried out following a NI Assembly Election.

The Speaker will use the composition of political parties in the NI Assembly to allocate how many chairs/ deputy chairpersons each party is entitled to. This means that larger parties will be entitled to chair more standing committees. This is calculated using the following formula:

- S divided by $(1-C)$ where S is the number of seats a party has and C is the number of chairs the political party has.



The Speaker will apply this formula. It means the political party with the highest number (which on the first instance will be political party with the most MLAs) will be entitled to the nominate the first chair.

The Speaker will then contact the political party's nominating officer to nominate one of their MLAs to be a chair/deputy chair of a statutory or standing committee and specify which committee that they want.

Then the party with the second highest number is contacted and so on. This continues until all chairs and all deputy chairs are appointed and means that statutory committees should proportionally mirror the Northern Ireland Assembly make up.

In the event of two political parties ending up equal at any stage of the calculation to allocate chairs, then a second formula will be used, replacing the S (seats) with V (total first preference votes in the most recent election). So the formula would be:

- V divided by $(1-C)$.

Applies to statutory committees only – When a nominating officer is making the decision of which committee they want one of their party's MLAs to be chair/deputy chair over, they prefer statutory committees in which they don't have a party interest (for instance, they will avoid committees where another one of their party's MLAs is the Executive Minister). For example, if one of their MLAs is the First or Deputy First Minister, then they wouldn't take a chair position on the Executive Committee. Similarly, if a party member is the Health Minister, they wouldn't appoint a chair to the Health Committee.



If the nominating officer fails to make a nomination

If the nominating officer of the political party that is entitled to a statutory or standing committee chair/ deputy chairperson position fails to nominate an MLA from their party within 15 minutes of the Speaker's request, or the MLA nominated doesn't accept the position of chair within 15 minutes, then the Speaker will grant it to the next political party that has the highest figure in relation to the formula being calculated.

If the nominating officer or another MLA requests an extension to this time limit and gives a reason or reasons, then the Speaker can allow an extension. Furthermore, this time limit doesn't operate if the NI Assembly's plenary session is adjourned (a plenary session has ended or been postponed).

Ineligibility

The position of chair or deputy chairperson of a statutory or standing committee cannot be held by an Executive Minister or Junior Minister, nor by an MLA who is already a chairperson of another statutory or standing committee.

What happens if an office of chairperson or deputy chairperson becomes vacant?

Outside elections, a chair or deputy chairperson of a statutory or standing committee ceases to hold the position when either: they resign with written notice to



the Speaker; cease to be an MLA; or are dismissed by their political party with notice to the Speaker.

If this happens, the nominating officer of the political party of the previous chair/deputy chairperson has up to 10 days to nominate a replacement MLA. This will be confirmed by the Speaker via a motion during the next NI Assembly plenary session.

If there isn't a nomination made within the 10-day period, the entitlement to make a nomination goes to the political party with the next highest figure.

How are MLAs appointed to committees?

MLAs are appointed to statutory and standing committees by their political party after the Business Committee meets following an Assembly Election.

The Business Committee makes a recommendation of political party membership allocations and those for individual MLAs (independents) on statutory and standing committees, and seeks approval by a motion via the NI Assembly.

The Business Committee will also review its recommendations in the event of changes to party memberships and weightings in the NI Assembly e.g. if an MLA switches political parties or becomes independent.

These procedures don't apply to the Business Committee, however.

The number of seats each political party is allocated overall and also within individual statutory and standing committees is proportional, as far as possible, to the number of MLAs they have in the NI Assembly.



If a political party has the majority of seats in the NI Assembly, then it would be entitled to a majority on statutory and standing committees. However, the membership of a statutory or standing committee can't be made up of members solely from one political party. There are times when this wouldn't be possible, however. For instance, if a political party waives their right to a seat on a particular committee they are entitled to.

Statutory committees only – Where possible each statutory committee should have at least one seat allocated to a member of the Opposition.

MLAs who aren't Executive Ministers or Junior Ministers will be offered at least one seat on a statutory committee. Statutory and standing committees have a total of nine members, including chairperson and deputy chairperson.

Statutory and standing committees run the whole duration of the NI Assembly unless the NI Assembly decides otherwise.

A political party can change its members who sit on a committee at any time through the passing of a motion in the NI Assembly.

Any questions (decisions) that a statutory committee makes are usually done via a vote that involves a showing of hands unless a committee member requests otherwise.

Membership of the Committee of Justice

An MLA cannot be a member of the Committee of Justice, which scrutinises, advises and assists the Minister of Justice, if they are also a member of the Northern Ireland Policing Board, a Policing and



Community Safety Partnership or a District and Policing Partnership.

How YOU can get your voice heard

It is important that committees hear your views on the issues that you are passionate about.

It is especially important for disabled people to get round the table for any issue or matter, as lived experience is invaluable for decision making.

When a committee launches an inquiry or a public consultation around looking at a Bill, they will invite and ask the general public to submit their views on the particular matter/issue. This is your chance to tell the committee what you think.

Witnesses

Committees may call or request people or organisations who are experts or have experience in the particular subject (called a witness) to come before the committee to answer questions. This is an invaluable opportunity for policy makers and MLAs to hear your voice on issues you care about.

They can also request that any relevant documents in relation to an inquiry be produced and made available to the committee.

Public viewing of committee meetings

Any member of the public can attend committee meetings which are being held in public. (A committee may meet in private when discussing sensitive information such as finances or contracts etc.)



To view what committee meetings are upcoming, look at the Business Diary. You can also view a committee's forward work programme, which details what matters will be discussed at a particular committee's upcoming meetings. Both can be found on the Northern Ireland Assembly website.

You can also view a public committee meeting, either live or recorded, on the Assembly TV, on the NI Assembly website as well as on various social media platforms such as YouTube.

Departmental consultations

Like committees, the Northern Ireland Executive and departments can launch public consultations to identify public opinion, especially from those with protected characteristics (Section 75 groups e.g. disability), on proposed changes.

This is most commonly on the proposed departmental budget, but may also be on proposed regulations and changes to policies within departments.

Departments are also legally required to carry out Equality Impact Assessments (EQIAs) under the Northern Ireland Act 1998, to ensure that minorities, such as disabled people, are not adversely affected.

It is important for members of the public to use their voice and respond to consultations, especially those in Section 75 groups, such as disabled people, as are they are often forgotten about during decision-making processes, decisions on budgets or changes within departments on how public services will function.



* All Party Groups (APGs)

Chapter Five

All Party Groups are groups that are formed by MLAs with a shared interest in a particular matter i.e. disability, visual impairment etc.

They provide a space for MLAs to discuss issues of shared interest. All Party Groups can also involve organisations and individuals who also have interests in the specific area of the APG.

It is important to note that All Party Groups have none of the powers of the Assembly nor are they officially affiliated with the Northern Ireland Assembly.

How are they formed?

APGs can be formed at any time throughout a NI Assembly mandate, where there is a shared interest from MLAs across multiple political parties.

For an All Party Group to exist, there must be at least 10 MLAs who are members of the APG from across the three designations (Unionist, Nationalist and Other).

Membership

MLAs can become members of All Party Groups which enables them to vote on APG matters and the election of APG officers: chair, deputy chairperson, treasurer and secretary etc.

However, any MLA can attend and speak at APG meetings as and when they wish. The APG can also invite external organisations and individuals to meetings. (However, as non members of the All Party Group, they are unable to vote or hold officer positions.)

When do meetings take place?

All Party Groups usually meet every two or three months, but it can vary. Meetings usually take place in the Senate Chamber or committee rooms at Stormont Parliament Buildings, but can take place in other venues across Northern Ireland.

Meetings usually last approximately two hours, and there are often presentations.

Meetings must have at least two members (MLAs) present to be able to make decisions on matters related to the APG.



What happens during meetings?

APG meetings act as a forum for MLAs, and also often organisations and individuals, to discuss the topic of shared interest, for example, disability or cycling. MLAs or external organisations and individuals often contribute to discussions or give a presentation on a specific matter related to the topic of the APG.

Members of the APG (MLAs) also often vote or make decisions on what the APG will do. For example, after a presentation from an external individual or organisation, the APG may agree to write to the relevant department, body or minister to raise an issue.

The All Party Group annual general meeting (AGM) is a meeting that is held once a year, in which members elect APG officers.

APGs have a minimum of two officers and change the titles of these roles where they see fit. However, an APG must always have a chairperson.

When an APG is taking place at the same time as an Assembly plenary session

At an APG meeting, when an Assembly plenary session is also ongoing and it is known that a vote is imminent (soon), then the chairperson will adjourn (suspend) the APG meeting to let members vote.



Typical officers within an APG are as follows:

Chairperson

Responsibilities can include:

- Dealing with registering and keeping the details of the APG up to date with the Assembly clerks (officials). This can take place when the APG is formed, after a new mandate or when officers change;
- Being the APG's designated MLA for point of contact;
- Chairing or leading APG meetings.

Deputy chairperson

Usually performs the duties of the chairperson when they are unavailable. (However they could also have other responsibilities.)

Other officers that an APG will have is a secretary and treasurer, who will usually help look after any financial support or finances the APG may have. The former helps keep records of meetings and what was discussed.

Secretariat

An APG can also avail of outside support from organisations and individuals if they wish. They can also speak at meetings and give presentations.

The Secretariat is usually a charity organisation or public relations firm elected to support the APG to organise meetings, take minutes, provide advice etc.

How YOU can get your voice heard

All Party Groups are invaluable for ensuring that policy makers hear your views on issues that you care about.



It is important that disabled people are a part of any discussions, as they can provide invaluable lived experience which will lead to a more inclusive society.

There are numerous All Party Groups that you could get involved with on a range of issues such as disability, cycling, young people, mental health etc. You can contribute in discussions or even give a presentation on work that you've undertaken on a specific issue you care about.

How to get involved

You can find out the wide range of current APGs on the Northern Ireland Assembly's website, where you will find contact details for either the Secretariat or the chairperson.



*** Day-to-day
business
of the
Northern
Ireland
Assembly**

Chapter Six

Order Papers

The Business Committee meets weekly, usually on a Tuesday, to decide what business is scheduled and to make arrangements for plenary sessions of the Northern Ireland Assembly for the week ahead.

This allows Order Papers to be produced, detailing what is going to happen during a plenary session. These are published on the Assembly website and can be viewed usually one week in advance.

Marshalled List of Amendments

On an Order Paper, any amendments which have been approved for any motions (Bills, Executive or private members' motions) due to be debated during the day's plenary session will appear under the Marshalled List of Amendments. They will be debated and voted on alongside their respected motions.

What does a plenary session consist of?

During a plenary session, MLAs debate motions and Bills and also ask questions and listen to statements from Executive Ministers.

Plenary sessions are scheduled for every Monday and Tuesday, and this is when MLAs sit in the Assembly's Chamber.

There are no plenary sessions during periods of recess (breaks) when the Assembly is adjourned, or following the dissolution of the Assembly before elections.



Recall petitions

This is when a notice is signed by no less than 30 MLAs or by the First and Deputy First Ministers, requesting the Assembly be recalled from recess to deal with an urgent matter. If the Assembly is recalled, only the specific matters that are mentioned can be dealt with.

Quorum

At least 10 MLAs, including the Speaker, must be present during plenary business. If at any point there is not a quorum and the Speaker is notified, the division bell is rung and a five-minute time limit is set.

If after that five minutes the quorum is met, then if there is an absence of a quorum again within one hour, it will be ignored by the Speaker.

If after the five minutes the quorum is still not met, then either the Assembly sitting will be suspended to a later time in the day or it will be adjourned to the next sitting day.

The business on the Order Paper that is outstanding will most likely be carried over to the next sitting day, when it will be the first business conducted.

There are several different types of business that occur during plenary sessions:

Prayers

At the beginning of each plenary session, the Speaker will give two minutes of silence, for members to pray or reflect privately.



Motions

This is a mechanism for MLAs, committee chairs or deputy chairs, or Ministers on behalf of the Executive to initiate a debate on a particular issue, seeking a course of action and/or seeking a decision by the Assembly on the issue.

It must be noted that motions contain no legislative means; as such it is not part of the process of passing a Bill through the Assembly.

Motions can also be binding, meaning that if passed by the Northern Ireland Assembly, the particular action pertained in the motion must be acted upon.

Motions are also subject to Petition of Concern (as covered on [page 74](#)).

Executive and committee motions

A motion is tabled by an Executive Minister on behalf of the Executive. A committee motion is tabled by either a chair or deputy chairperson of a committee on behalf of the relevant committee.

Private members' motions

MLAs can table a motion for debate on any issue. They use private members' motions to raise matters in relation to their constituents/constituency.

Private members' motions go onto the No Day Named List, meaning that there has been no date agreed for motions to be debated.

The Business Committee then decides what motions will be debated at the next plenary meeting, and sometimes the plenary session two weeks in advance.



The motions are selected based on D'Hondt, meaning larger parties get to debate more motions. This makes it more difficult for smaller parties to debate their motions.

Types of motions

Executive, private member or committee motions can be further divided into more specific motion types.

Business motion

This is the most common type of motion that will be on an NI Assembly Order Paper. It concerns issues such as housing, environment, disability, or the establishment of a new committee and the appointment of members to it.

Commission motion

These motions concern issues related to the activities of the Assembly Commission.

Condolence motions

A motion that is usually in response to a major worldwide catastrophe that allows for the Assembly to state its condolences.

Exclusion motion

A motion that is rarely seen but is used to indicate the Assembly no longer has confidence in an Executive Minister or members.

This could be due to various reasons, such as breaches in the Ministerial Code or members' Code of Conduct. If successful, the Minister or member is usually excluded from NI Assembly business or holding a particular ministerial office for the period of time determined in the motion, for example, six or 12 months.



It is important to note that the Petition of Concern can't be used for this type of motion.

Joint committee motion

A motion that is tabled on behalf of multiple committees by their chairpersons, that concerns a matter of interest to the committees involved.

Opposition business

Motions tabled by the Opposition during an Opposition business day.

Amendments

An amendment can be tabled by MLAs to attempt to change a particular aspect of a motion, to make it better in the member/s opinion. These are debated and voted on and, if successful, the motion is amended.

Delaying motions

These are motions that are used to adjourn or delay a particular debate or the Northern Ireland Assembly during a debate. The MLA that moved the delaying motion can't move a similar motion again in the same debate.

A particular debate, or the Northern Ireland Assembly, can be adjourned up to a maximum of seven days in accordance to what is contained in the delaying motion; and only one delaying motion can be made for the specific debate, unless except with permission of the Northern Ireland Assembly.



Public petitions

MLAs can present public petitions to the Northern Ireland Assembly, subject to the Business Committee's approval and decision of when it is to be presented.

The member will make a brief statement about what the petition is and how many signatories it has, before formally presenting it to the Speaker of the Assembly.

From this point, the Speaker will forward it to the relevant Minister and the chairperson of the relevant statutory committee; the Minister will then respond in due course to the MLA or Speaker, outlining what action is being taken on the issue.

Matter of the Day

An MLA can make a formal request to the Speaker for a Matter of the Day. This usually happens when a significant matter of public concern has occurred since the previous meeting of the Assembly. For example, the death or achievements of a public figure or a major incident that may have led to a loss of life.

If agreed, the Matter of the Day will usually happen at the start of that day's plenary session or as soon as possible, with the member who raised the matter speaking on it. A member representing each political party will also speak on it.

If it involves a specific constituency, then the members representing the particular constituency may also be given the opportunity to speak. However, there is no ministerial response, questions, any interjection from other members, or a vote on the matter.



A Matter of the Day must be submitted by 9.30am on the day of a plenary session. If the MLA was only made aware of the significant matter after 9.30am, the request may still be granted.

Members' statements

During a plenary session there is allocated time (usually 30 minutes) in which MLAs can make a statement on a matter of public interest, that lasts no more than three minutes.

A statement must not relate to Assembly business scheduled for debate or address a question that the NI Assembly decided on in the last six months, and cannot be used to attack another MLA.

An MLA who wishes to make a statement must rise from their seat and the Speaker will select MLAs taking into regard political party strengths.

Like Matter of the Day, no vote or questions/debate will take place, and other members are not allowed to intervene during a statement.

Adjournment debate

These are debates that raise particular issues without the Assembly taking a vote. They are usually at the end of a plenary session on a Tuesday and last an hour, before the Assembly is adjourned.

Like motions, and written and oral questions, adjournment debate topics usually, but not always, focus on constituency issues. These are used to raise awareness of particular matters by MLAs. The Minister who has remit or responsibility for the topic concerned will attend and respond to the debate.



Adjournment debates are decided on by the Business Committee based on the size of political parties. Larger parties with more MLAs can table more topics for debate than smaller parties.

Ministerial statements

An Executive Minister can make statements to the Assembly in relation to their responsibilities.

These can either be written or oral statements. There is an expectation within Assembly Standing Orders that a ministerial statement will be oral, unless it is appropriate for a written statement, taking into account factors such as public importance, when the Assembly is next sitting etc.

They are usually used to announce measures the Minister and their department are taking to address a specific issue or to announce that a planned Executive Bill will be introduced in the short term to the Assembly.

Both types of statement are recorded in the Assembly's official report (Hansard) and can be viewed on the Assembly's website.

Oral ministerial statements

This type of statement is delivered during a plenary session of the Assembly.

The minister must make a written copy of the statement to the members as soon as possible and at a minimum 30 minutes before delivering the statement to the Assembly. However, if this is not possible, the minister will be required to state the reason to the members.

The written copy will be given to members first before the media (embargoed or not).



A notice of the statement must be given to the Speaker by 9.30am the previous working day before the statement will be read, or, in urgent cases, two and a half hours before.

After an oral statement, members will have the opportunity to ask oral questions, with the Opposition getting to ask the first question. (Members indicate to the Speaker if they wish to speak beforehand.)

The Speaker will decide on how long to allow for questions, up to an hour, taking into account content of statement, how many members wish to speak and the amount of other plenary business etc.

Usually oral statements will be scheduled so not to conflict with other Assembly business such as Question Time and adjournment debates.

Sometimes especially when the statement is in relation to urgent public importance, the Speaker will need to allow extra time for these items or, with the Assembly's permission, ignore this requirement.

Written ministerial statements

The written statement must be given to the Speaker at least 24 hours, or two and a half hours in urgent cases, before it is either made public or given to the media (embargoed or not).

Papers and accounts

Like any written statement, papers and accounts which are to be presented to the Assembly must be given to the Business Office, and they are made available to the public.



Questions

MLAs use questions to raise issues, press for action and get information from Executive Ministers and the Assembly Commission on particular issues. These come in the form of written questions, oral questions and topical questions during Question Time.

Written questions

MLAs can submit up to five questions per day, in which one can be urgent. Ministers are due to respond to urgent questions in three to five working days, while non urgent questions are answered within a 10 working day period.

Written questions allow MLAs to get information and press Ministers for action. Written questions, as well the answers from Ministers, are published daily on the NI Assembly website and can be viewed by the public.

Question Time

Question Time takes place from 2pm to 3.30pm during plenary sessions every Monday and Tuesday with two ministerial slots per day in which 30 minutes is allocated for oral questions, with 15 minutes for topical questions.

It allows MLAs to gain information, scrutinise and push Ministers for action on issues that they are concerned about.

MLAs submit questions to the Business Office which are then pulled from a ballot, for inclusion in Question Time.

Fifteen MLAs are selected to ask questions per Question Time. The Speaker determines the random order in which members ask oral and topical questions.



MLAs of the same party as the relevant Minister cannot ask the first question, unless all questions are from the Minister's party.

Ministers can view these questions in advance.

Executive Ministers and Assembly Commission representatives participate in Question Time on a rota system (four Ministers representing departments per week) and the rota is decided by the Business Committee. However, the First and Deputy First Ministers participate in Question Time every two weeks.

If during a Question Time session involving the First and Deputy First Minister, a question is asked relating to the Junior Ministers' responsibilities, the First and Deputy First Ministers will call on the Junior Ministers to answer such a question.

Oral questions

Oral questions are to be a maximum of two minutes' long, however, the Speaker can allow more time.

Oral questions are not debated. Members asking a question can also ask one supplementary question, although the Speaker can grant more.

If a Minister, or member representing the Assembly Commission, due to answer questions is absent, they are required to submit a written answer.

Topical questions

Topical questions are questions which are unseen by the Minister (although a topical question can't be asked to the Assembly Commission).



MLAs can submit their names to the Speaker in advance of the particular plenary session if they wish to ask a question of a particular Minister.

Ten MLAs are selected by the Speaker for this particular part of Question Time.

These questions are not tabled by the Business Office, meaning that Ministers can't see or are notified of the contents of the questions.

The Speaker determines the random order which members ask questions.

However, in the case that an official Opposition exists and a member of the Opposition has submitted their name, they will be called to ask a topical question first. (If there are multiple members of the official Opposition who have submitted their name, the Speaker will pick who will ask the first topical question.)

Urgent oral questions

On any sitting day of the Assembly (Monday or Tuesday), an MLA may seek the permission of the Speaker to table an urgent oral question on an issue that is urgent and is of public importance.

It is up to the Speaker to grant these questions. However, the Minister or representative of Assembly Commission must be given at least four hours' notice. These usually take place after Question Time.



* Debates

Chapter Seven

In context of the 'Debates' section of this handbook, 'motion' means a motion, Bill or amendment.

Before the Northern Ireland Assembly votes on a motion during a plenary session, there is usually a debate or multiple debates in relation to the passage of a Legislative Bill, where MLAs make speeches either for or against the particular question (matter) put to debate.

At the start of the debate, the Speaker will set out the time allocated. (The Speaker sometimes consults the Business Committee when determining time allocations for debates. For example, when an amendment is selected for a motion which is being debated, then the committee may grant an extra 15 minutes for the debate, known as the Speaker's grace period.)

The member who is the sponsor (or primary sponsor in the case when multiple MLAs have sponsored it) will move the motion by making an opening statement about the particular matter being debated. They will have a set amount of time to deliver a statement i.e. 10 minutes.

If there is an amendment being considered by the Northern Ireland Assembly for the particular motion, the member sponsoring the amendment will also get to make an opening statement, also with a set amount of time of 10 minutes.

The Speaker chooses how many and in what order MLAs make a speech to the Northern Ireland Assembly, taking into account the balance of opinions on the subject, a political party's strengths (the more MLAs, the more opportunities that MLAs from a party will generally get to speak), and the number of MLAs wishing to speak.

A member may only rise to make their speech when called by the Speaker and must take their seat and stop speaking when the Speaker rises to speak.



Interventions or giving way

While a member is giving a speech in a debate, another member (regardless if they have already spoken) may ask to intervene. If the member giving the speech agrees, they give way. However, a member may not persist to intervene if the other member giving the speech refuses.

An MLA is only allowed to speak once during a debate on the same subject, although the MLA who moved the motion, Bill or amendment will be allowed to reply to MLAs' contributions.

If a Speaker's grace period has been applied to a debate, then any opening remarks, members' contribution or closing remarks will not get an extra minute in the cases of giving way.

How do MLAs indicate they would like to speak?

MLAs during plenary sessions often need to get the attention of the Speaker to be called upon to speak.

They often partake in 'bobbing' which involves a member rising and sitting after another member has spoken, making eye contact with the Speaker and waving paper to try and gain the attention of the Speaker.

Conduct

The Speaker may indicate for a member to end their speech if it is tedious or repetitive.



Point of order

A point of order is when an MLA, during a debate or the reading of a statement in the Assembly's Chamber, stands up and seeks clarification or a ruling on a matter in relation to procedures of the plenary session (these procedures are based on the Assembly's Standing Orders.)

The Speaker will then give a ruling on the matter concerned, which is final.

Points of order cannot be used during Question Time or if tabled before a Matter of the Day is concluded.

Maiden speech

The first spoken contribution made by an MLA who has been newly elected or co-opted in a debate is known as their maiden speech.

Minister's attendance

If the debate concerns a motion that is within the remit or scope of an Executive Minister's department, then it is expected for them to attend the debate on the motion and respond towards the end of the debate within an allocated 15 minutes.

Conclusion of a debate and closing remarks

The Speaker will bring the debate on the motion and any amendments to an end, in line with the time allocated by the Business Committee.

However, at any time after the question of a motion has been proposed, any member who has not already spoken to it or to any proposed amendments, may move to end the debate by stating "The question now be decided".



This will be accepted unless the Speaker thinks that a particular party has not had an opportunity to contribute in a debate or the motion to bring the debate to an end is abusing Standing Orders.

If the debate is on a motion which is subject to Cross Community Vote, then the question to end the debate will need at least 30 MLAs to support it.

Before the debate is brought to an end, the member, or one of the members (if there are multiple sponsors) who sponsored the motion will be given time to make closing remarks. This is also the same for members proposing amendments.

The Speaker will then put the “The question be decided” (basically putting the motion debated to a vote without further debate or further amendments).

If there are already proposed amendments, they will be voted on first. After the Northern Ireland Assembly has voted on any amendments, the Speaker will then put the motion as amended (if amendment is passed) to a question (vote).

Voting

MLAs vote on a range of motions i.e. motions, Bills or elections such as for the Speaker, during Assembly business.

The voting process

Votes are usually carried by a simple majority (except votes on certain matters that require Cross Community Votes, explained below).



In the first instance, a vote will be carried out orally, after the Speaker has read the motion. MLAs will then voice either “Aye” (yes) if in favour or “No” if against and the result will be taken on consensus where it is clear a majority of MLAs are in favour or against.

However, if the oral vote is unclear, or the result is challenged by an MLA, then the Speaker will ring the division bell (bells that ring throughout Parliament Buildings). This notifies MLAs not already in the Chamber that a vote will be taken and they have three minutes to get to the Chamber.

Then the Speaker will call another oral vote and if the result is still unclear or challenged, the Speaker will consult with Party Whips who are present in the Chamber before calling a division vote.

However, if an oral vote is unnecessarily challenged by an MLA, the Speaker may call, if they see fit, upon members who support and also members who challenge the Speaker’s judgment to stand. And based on consensus, decide if the question is carried.

If a division is needed; a teller for both the Aye and No lobbies must be nominated. (This is an MLA who oversees each lobby and brings the division list once all MLAs have voted to the clerks.)

If tellers fail to be nominated, then the question will fail and if there are two tellers nominated for one side but not the other, the vote will pass without the use of a division vote.

Then the Speaker will call a division and say, “The house will divide, Ayes to my right. Nos to my left.”



MLAs will proceed to exit the Chamber and enter division lobbies (separate rooms just outside the Chamber), to register their vote.

If an MLA doesn't want to vote (abstain) while still being recorded as being there, they will walk through both lobbies.

MLAs can vote in divisions even if they did not hear the question, and in circumstances where an MLA who requires first aid or medical attention and who is in Parliament Buildings, they may still be able to get their vote counted.

Four minutes after the division is called, the Speaker will direct the tellers to secure the doors to the Chamber and the lobbies. Then the division lists will be brought to the table clerks (Assembly staff who assist the Speaker and sit near the Speaker in the Assembly Chamber) before the results are announced.

If the result of a vote is equal then the question will fail.

Proxy voting

An MLA, under certain circumstances, may give their vote to another MLA, known as proxy voting.

However, the MLA who is selected to carry out proxy voting on behalf of another member cannot be the Speaker or a Deputy Speaker.

These circumstances may include: maternity/paternity leave, adoption leave, shared parental leave or parental bereavement leave; pregnancy related issues such as still births, miscarriages or baby loss; or fostering responsibilities.



The Northern Ireland Assembly Speaker is responsible for publishing a proxy voting scheme, which contains details on the process of how a member designates a proxy vote, duration, how a member can change or withdraw their proxy vote and the processes on how proxy voting will be used in the Assembly.

However, a proxy vote can only be used in Assembly plenary sessions and not committees or APGs.

Proxy votes will not count towards quorum (how many MLAs required to be present for a plenary session to take place) and proxy votes will be noted in Hansard in both the Official Report and Journal of Proceedings of the Assembly.

Proxy votes cannot be used in a Cross Community Vote on a Bill to change the size of the NI Assembly (numbers of MLAs), nor on a vote on a Democratic Consent Motion.

It also can't be used where a motion requires either two thirds or more of those present voting on the motion to pass, or two thirds or more of the total number of Assembly seats (all MLAs).

Can you view what way a member has voted?

You can usually view what way an MLA has voted (unless it is an oral vote) on a particular matter on the NI Assembly website.

This is important when judging an MLA's or their party's position on a particular matter, informing you who already supports and those who don't support the particular matter you are lobbying/campaigning on.



The cross community aspect

Due to the Northern Ireland Troubles and the historic conflict and segregation between the two largest communities, Unionists and Nationalists, the Northern Ireland Assembly operates on a system of cross community support.

As referenced earlier, after an Assembly Election, MLAs have to designate themselves as either Unionist, Nationalist or Other. This is done to enable a system of cross community support to be used.

Cross community support ensures that on key decisions and sensitive matters, both sides i.e. Unionists and Nationalists have a say, so one community isn't disregarded by the other.

Cross community voting types

A vote requiring cross community support can be passed in two ways:

Parallel Consent – at least 50% of MLAs in the Chamber vote Aye (yes) on a matter, but 50% of both Unionist and Nationalist MLAs also have to vote in favour of the matter.

Or

Weighted Majority – This is when at least 60% of MLAs vote Aye (yes) on a particular matter; with at least 40% from both Unionists and Nationalists also agreeing in favour.

If a vote fails to get cross community support then it fails regardless of the outcome.



Cross community support is used during:

- The election of the Speaker or deputies;
- Approval of a new budget;
- Changes to Standing Orders (rules) of the NI Assembly;
- Decisions on the make up of the Northern Ireland Executive i.e. how many Ministers and what remit or responsibilities they should have;
- Appointment of the Justice Minister;
- Exclusion of a Minister or MLA from holding office (exclusion motion);
- Votes subject to a Petition of Concern.

Petition of Concern

There is also a system called Petition of Concern. This is when at least 30 MLAs petition or request that a vote on a particular matter i.e. Bill or motion has to achieve cross community support to pass rather than a simple majority of MLAs.

Ad Hoc Committee on Conformity with Equality Requirements

The Northern Ireland Assembly may establish a committee to report on a Bill or proposal for legislation to judge whether it conforms with equality requirements, including rights under the European Convention on Human Rights (ECHR) or any Northern Ireland Bill of Rights.

The Northern Ireland Assembly will use reports produced by the committee, along with the procedures on cross community support, to determine if the matter meets equality requirements.



If there is a Petition of Concern, the Assembly will vote to determine if the matter or proposal for legislation can proceed without the above procedure. If it fails to achieve support on a Parallel Consent basis (from both Unionists and Nationalists), then the above procedure will be followed.

More information on ad hoc committees can be found under the 'Committee' section.



* The Legislative Process: Bills, Acts and Statutory Rules

Chapter Eight

One of the primary functions of the Northern Ireland Assembly is to scrutinise and pass legislation for the betterment of society.

Types of legislation

There are two types of legislation which the Northern Ireland Assembly scrutinises and passes into law, known as primary legislation and secondary (or subordinate) legislation, also known as statutory rules.

Primary legislation

When you hear in the media or on social media that the Northern Ireland Assembly has passed a new law or piece of legislation, it is most likely referring to primary legislation.

Primary legislation in Northern Ireland is mainly created and passed by the Northern Ireland Assembly and is known as Acts of the Northern Ireland Assembly.

But legislation for NI, known as Acts of Parliament, can be made by the UK Parliament on certain policy areas (i.e. reserved matters or in certain circumstances such as when the NI institutions have collapsed).

The Northern Ireland Assembly has powers to create its own law, or primary legislation, within the legislative competence or devolved areas which were devolved in the Northern Ireland Act of 1998.

Primary legislation are known as Acts (for example the Disability Discrimination Act of 1995). Primary legislation usually provides an expansive framework for a particular law and then relies on the Executive department or body to use subordinate legislation known as statutory rules (covered later in this handbook) to provide the detail for the particular legislation or law. This is because the detail is often too complex to include in the body of the primary legislation (Act).



What is a Bill?

A Bill is the name given to proposed primary legislation that is making its way through the legislative and scrutiny process of the Northern Ireland Assembly. Only after a Bill is passed into law does it become an Act.

Types of Bills

There are three types of Bills that the Northern Ireland Assembly can legislate for:

Public Bills

These are the most common type of Bill that the NI Assembly passes, as these Bills concern and apply and affect all of society and the general public in Northern Ireland. Examples are a Bill on disability, health or education.

Private Bills

These Bills solely affect an individual, organisation, group or a geographical area. These are usually brought to the Assembly by a promoter, usually a private organisation which the Private Bill will affect, as they are usually seeking powers outside current legislation.

Hybrid Bills

These are Bills which have both public and private elements and as such affect both the general public but also a specific individual, organisation or area.

Both Private and Hybrid Bills are very rarely legislated on by the Northern Ireland Assembly. As of 2024, there have never been any Private or Hybrid Bills legislated for in the Northern Ireland Assembly.



Types of Public Bills

A Public Bill can be categorised based on who is bringing it before the NI Assembly and this will affect the legislative and scrutiny process slightly (for example, if the Bill was brought by an Executive Minister, committee, individual MLA or the Assembly Commission). These are outlined below:

Executive Bills

This is a Bill that is brought forward by an Executive Minister and the subject of the particular Bill will be within the remit or area of responsibility of the department they oversee. For example, the Health Minister can only bring Bills to the NI Assembly that relate to health.

Non Executive Bills

Most Bills passed through the NI Assembly will come through the NI Executive. However, all other Bills are classed as Non Executive Bills and are defined below:

Private Member's Bills (PMBs)

These are Bills introduced by individual backbench members (MLAs who are not in the NI Executive), independent of Executive departments and their policies. These tend to be more limited in scope as they don't have the same resources as Executive Bills.

A PMB can be on any policy area, and as such they can be important at not only bringing change on less focused-on policy matters, but even if they are not successful at becoming law, they can influence Executive Ministers and department's policy and, in some cases, prompt them to propose Bills on the matter.



It is important to note that Executive Bills always take precedence (or importance) over Private Member's Bills. Usually at the start of the mandate and when the Bills Office opens, the sooner an MLA brings forward a PMB, the more likely it is to be brought before the Northern Ireland Assembly.

New Private Member's Bills can't be introduced to the Northern Ireland Assembly after the final plenary session in June before the calendar year that an NI Assembly Election is due to take place.

It is important, from a lobbying perspective, especially at the start of a new mandate (i.e. after an Assembly Election), to write to your MLA on issues you are passionate about such as disability, environment or health, to try and persuade them to bring forward a PMB on the matter.

Committee Bills

These are Bills brought to the Northern Ireland Assembly by a statutory Assembly committee and like Executive Ministers, the area which the particular Bill seeks to legislate on must be within the remit or area the committee is responsible for. (For example, the Education Committee can only bring Bills on matters related to education.)

Assembly Commission Bills

The Assembly Commission, which deals with the corporate side of the running and functioning of the Northern Ireland Assembly, including staff and building maintenance, can bring forward Bills to the Assembly in relation to their remit, if needed.



Subordinate legislation (statutory rules)

What are statutory rules?

Statutory rules or secondary/subordinate legislation is a type of legislation usually made by Executive departments, for example health or education; but also by other rule-making bodies such as executive agencies, for example the Labour Relations Agency.

Statutory rules provide the important detail for the relevant primary legislation (Act). The primary legislation often provides just the framework as the detail is often too complex to include in the body of the relevant primary legislation.

They are also used to amend, update or enforce primary legislation without requiring the Northern Ireland Assembly to conduct a full legislative and scrutiny process that is required to pass a new piece of primary legislation (Act).

Statutory rules can only be made within the powers granted to Executive departments and other bodies such as executive agencies, that are set out in primary legislation (sometimes known as parent or enabling legislation).

Unlike primary legislation known as an Act, statutory rules are known as Rules, Orders, Regulations or Schemes.

Like primary legislation, statutory rules can be viewed on the UK Government's website.



How are statutory rules scrutinised and made law?

There are four different types of procedures a statutory rule can take to allow the Northern Ireland Assembly and a relevant Assembly committee to effectively scrutinise the proposed legislation:

- Negative Resolution Procedure;
- Affirmative Resolution Procedure;
- Draft Affirmative Procedure;
- Confirmatory Resolution Procedure.

A statutory rule can be brought jointly by two or more Executive departments and if this happens, each committee that scrutinises the work of a department involved will carry out its own scrutiny.

The route that a new or proposed statutory rule takes is dependent on the powers granted to the Executive department or bodies in primary legislation.

When a statutory rule is laid before the Assembly (see below) it will have an italic statement outlining the process at the top of the rule. If it is approved by the NI Assembly, it is reprinted with a statement that it has been approved.

This does not apply with a statutory rule that undertakes a Negative Resolution Procedure.



The proposal: The statutory rule before it is laid before the Northern Ireland Assembly

The first stage of the journey for a new statutory rule to enter the statute books (law) is that the Executive department or body which is proposing it brings it to the relevant Stormont committee, for example, a proposal from the Department of Health will bring it to the Health Committee.

The proposal is delivered to the committee in a document called a SL1 letter which outlines the proposal to the committee. This usually includes:

- The powers granted to the department or body through primary legislation;
- Purpose of the statutory rule;
- The Assembly procedure that it will follow i.e. Negative Resolution, Affirmative Resolution, Draft Affirmative or Confirmative Resolution Procedure;
- Human rights implications.

This allows a committee to undertake an in-depth, well informed policy scrutiny.

The committee's approach to scrutinise the proposed statutory rule is up to the individual committee, but it may include calling upon officials from the relevant department or body or the Executive Minister of the relevant department to explain the proposal, either in writing or through oral evidence.

The committee may gather evidence from other relevant stakeholders i.e. the private, public or voluntary sector who are interested or have expertise in the policy area that the proposal concerns.



The committee is then able to take a view that it is content with the proposal, which is then communicated to the relevant department/body. The committee's views are also recorded in the Minutes of Proceedings (Hansard) which can be viewed on the Northern Ireland Assembly website.

When the statutory rule is laid before the Northern Ireland Assembly

When a statutory rule is laid before the NI Assembly (either as law or as a draft; dependent on the particular scrutiny process it is subject to) this means that the statutory rule is published into the public domain and it is listed in the Plenary Minutes of Proceedings.

At this stage of the legislative process it can be viewed on the UK Government's website.

Explanatory Memorandum

Alongside a statutory rule, when it is laid before the Assembly, a document known as the Explanatory Memorandum is published.

This, along with explanatory notes in the statutory rule document and any other documentation i.e. risk assessments, should provide MLAs with enough information to perform effective scrutiny.

The Explanatory Memorandum is also published on the UK Government's website.



Second period of scrutiny: Committee and Examiner of Statutory Rules

Note – In this section, where statutory rule is mentioned, it can mean both draft statutory rules and statutory rules, as both can be laid before the NI Assembly, but this depends on the particular procedure that it must follow.

After the statutory rule has been laid before the NI Assembly, the statutory rule is sent to the relevant Assembly committee, allowing it to begin its scrutiny process.

It is worth noting that in some cases, certain statutory rules are not required to go through the scrutiny process by the Northern Ireland Assembly and some are not even required to be laid before the Assembly. However, the relevant committee can still carry out a scrutiny process and publish its views.

Like the scrutiny process undertaken when the statutory rule was a proposal, it is up to the committee on how it approaches the scrutiny of the statutory rule. For example, it may call upon department/body officials or the Executive Minister to provide written or oral evidence/explanation of the rule.

It may call on stakeholders, who have expertise or who the new statutory rule may affect, to give evidence.

Examiner of Statutory Rules

Alongside the committee's scrutiny of a statutory rule, an Assembly officer known as the Examiner of Statutory Rules supports the committee and Assembly to carry out technical scrutiny of statutory rules.



During the committee's scrutiny, they have the power to delegate aspects of the scrutiny process to the Examiner of Statutory Rules.

For instance, the Examiner may be delegated to scrutinise the statutory rule within the remit or areas that is set out in the NI Assembly Standing Orders (rules of Assembly procedures). Paying specific attention if the statutory rule for example:

- Imposes extra charges on the taxpayer;
- Legislates for extra financial resources to be given to an Executive department/body;
- Is prevented from legal challenges in court by parent legislation;
- Has a retroactive impact on events/actions that are not clearly allowed by its parent legislation;
- Delays in publication that are without good reason;
- Appears to use powers granted in parent legislation in an unusual or unexpected way;
- Lacks clarity or is vague and needs clarification, or it contains flaws or errors in its drafting or creation;
- Or any other aspects that don't align with the policy intentions of the statutory rule.

This allows the Examiner to effectively scrutinise the statutory rule and bring the NI Assembly's attention to any questionable aspects of the legislation.

The Examiner of Statutory Rules then reports and publishes their findings on the particular statutory rule to the NI Assembly and the committee.

The committee takes into consideration the Examiner of Statutory Rules and their scrutiny at a committee meeting and forms a view on the statutory rule from a policy perspective.



Important note around committee scrutiny

Unlike primary legislation, committees can't attempt to amend a statutory rule and can only suggest to the NI Assembly if it should be supported or rejected.

The period for a committee to influence change is before a statutory rule is laid; as the Executive department or body will be responsible for consultation on the statutory rule.

A committee's views are published in the Minutes of Proceedings and communicated to the department/body which introduced the statutory rule.

Statutory rule process through the Northern Ireland Assembly

At this stage of a statutory rule's progression through the Northern Ireland Assembly, the procedure varies based on a statutory rule's parent or primary legislation.

Negative Resolution Procedure

A statutory rule subject to this procedure will already be made by the Executive department or body when it is laid before the Assembly.

It is law when its come into force date is reached which is contained within the rule. (Unlike some of the other procedures which require approval by the Assembly before becoming law.)

21-Day Rule

The 21-Day Rule is a well known parliamentary procedure in which there is at least 21 calendar days allowed



between a statutory rule being laid before the Assembly and it becoming law.

This allows the NI Assembly, including the committee and the Examiner of Statutory Rules (where applicable), ample time to carry out scrutiny of the statutory rule before it becomes law.

It also protects anyone affected by any changes introduced by the new law, giving them time to understand any changes and what they must do to comply before it is made law.

Statutory period

There is a statutory period that lasts 30 calendar days or 10 days of Assembly plenary sessions following the statutory rule being laid in the Assembly, whichever comes first.

Prayer of Annulment

Within this time period, an MLA can bring a motion called the Prayer of Annulment to the Assembly to attempt to strike down or annul the standing order.

If this motion to annul the statutory order succeeds, then the statutory rule is struck down and immediately is no longer part of law.

If the Assembly votes against the motion, the statutory rule remains law.

Affirmative Resolution Procedure

If a statutory rule is subject to this procedure, it will have already been produced when it was laid before the



Northern Ireland Assembly by the department or body introducing it.

This type of statutory rule cannot come into operation or law unless the Northern Ireland Assembly passes a resolution (vote) first.

For the NI Assembly to take a vote and debate this type of statutory rule, the relevant Minister of the department introducing the statutory rule must bring a motion to the Assembly Chamber.

If the Assembly approves the statutory rule then it will come into force (law) on the day that is specified in the rule.

If the Assembly votes against the statutory rule then it does not become law.

Draft Affirmative Procedure

If a statutory rule is subject to this type of procedure it follows a near identical legislative process to an Affirmative Resolution Procedure.

The only difference is that the statutory rule when laid before the Assembly is in a draft format, and cannot be made without approval from the NI Assembly.

If the NI Assembly passes the motion, then the statutory rule can then be made by the department or body and it will come into force (law) on the date specified in the rule.

However, if the motion is rejected, then the statutory rule cannot be made.



Confirmative Process

A statutory rule subject to this procedure is already in force (law) once it is laid before the Northern Ireland Assembly.

However, it will cease to have effect (be in law after a specific time period specified in its parent or primary legislation) unless a resolution (vote) is passed by the NI Assembly within the time period.

For this to happen, the Executive Minister of the department bringing the rule must bring a motion before the Assembly.

If the motion on the statutory rule is passed by the Assembly, it remains in law. However, if either the Minister fails to bring a motion to the Assembly or the motion is rejected, the statutory rule ceases to be in law from that date.

Commencement Order

A special type of statutory rule which may be laid (not required) before the NI Assembly for information purposes is called a Commencement Order.

This type of statutory rule appoints or sets out a date when provision in other legislation will come into force (law).

This could be used in the case where primary legislation has been passed by the NI Assembly, but certain sections or clauses set out a new Scheme. However, this may require an Executive department or body to make administrative provisions such as the recruitment of staff to administer a new Scheme. As such these sections or clauses may not come into law immediately



but a Commencement Order may be used to bring them into law at a future date.

Transitional Provisions

Transitional Provisions are when a piece of legislation has sections or clauses which detail the arrangements of how certain regulatory processes or systems will transfer from one legislative framework to another. For example, this could be the transfer of an area of responsibility from one Executive department to another.

Transitional Provisions can sometimes be included in Commencement Orders (which sets a commencement date that transitional provisions will occur) if the Commencement Order has the power from the primary legislation.

Emergency Procedure

In certain circumstances, Executive departments may have powers to accelerate the introduction of certain statutory rules. For example, the Department of Health has emergency powers in the case of a public health emergency such as those used during the Covid-19 pandemic.

The Department of Health's Emergency Procedure allows certain statutory rules, which would have been subject to the Draft Affirmative Procedure, that with a declaration (explanation) of urgency, can be brought into law without a draft form being laid before or approved by the Assembly.

However, these emergency procedures have a Confirmatory Procedure as they must be laid before the Assembly, and then they come into law, but after 28



days the emergency statutory rule ceases (stops being law) unless a motion is brought and they are approved by the NI Assembly.

On the other hand, if a motion is brought during the 28-day period and it is rejected by the Assembly, then the regulations cease immediately.

How the public can watch Northern Ireland Assembly plenary sessions

Like in committee meetings, members of the public can attend and listen to Northern Ireland Assembly plenary sessions alongside watching live-streams and pre-recordings on the Assembly's website, Youtube and other social media platforms.

Public gallery

Members of the public can attend and listen to plenary sessions in the public gallery.



* Brexit

Chapter Nine

This section focuses on the current mechanisms that the Northern Ireland institutions can utilise in relation to the current Windsor Framework, introduced in February 2023.

Note – I will only cover this section briefly as everything detailed below could be subject to change.

Background

The UK Brexit Referendum took place in 2016, and the decision was made for the UK to leave the European Union on the 31st January 2020. However, to protect North-South cooperation and to ensure there was no border between the Republic of Ireland and Northern Ireland as well as to protect the Good Friday Agreement, the Northern Ireland Protocol was introduced.

The Protocol

Unlike the rest of the UK, under the Protocol, Northern Ireland aligns with over 300 EU laws relating to the EU single market (which allows the free trade of goods within and between EU member states) for the movement of goods and relevant regulations and controls.

EU laws that apply to Northern Ireland relate to legislation on goods, animal and plant health, agricultural production, Value Added Tax, excise or taxes on goods, and state aid.

This made trading goods between Northern Ireland and the rest of the UK more challenging, as goods would be needed to be checked at NI airports and ports. However, this allowed an open border with the Republic of Ireland.

From a disability policy perspective, disabled people lost some EU protections as a result of Brexit, which has affected their rights.

It is important to also note that Article 2 of the Northern Ireland Protocol, and subsequently the Windsor Framework, provides protections for disabled people and other minorities around equal opportunity and non discrimination.



Article 2, for example, gave the Northern Ireland Equality Commission and the Northern Ireland Human Rights Commission extra powers to protect rights after Brexit, in the form of a dedicated mechanism which allows them to monitor, supervise and report on the UK Government's commitment to no diminishment of rights, safeguards or equal opportunity.

Article 2 also protects rights set out in the Good Friday/Belfast Agreement, ensuring that equality laws will keep in line and up to date with changes to certain EU anti discrimination laws. Furthermore, the UK Government has also committed to promote equal treatment.

As part of the mechanism, if you believe that your rights have been affected, you can make a complaint to the Equality Commission which can give advice and, if applicable, take legal action.

This came into force in January 2021, after a grace period to allow businesses in Northern Ireland to adjust to the new rules and necessary paperwork for goods coming from the rest of the UK.

However, there was opposition from some politicians, particularly Unionists, in regard to sovereignty and trade with the rest of the UK. Further a democratic deficit existed, in that Northern Ireland had no control over EU laws and regulations that applied in NI. Therefore, the UK Government sought to make changes with the European Union.

Windsor Framework

The Windsor Framework was agreed in February 2023 between the UK Government and the EU.



The main changes under this framework include:

Expanding the UK single market, so that goods from the UK that are staying in Northern Ireland have simplified checks and procedures, meaning less paperwork for businesses. Whereas goods at risk of moving into the Republic of Ireland, and thus the EU single market, have to go through full checks and procedures.

The UK Government has more control over areas such as Value Added Tax (VAT), approval of medicines in the UK, including Northern Ireland, and the setting up of committees to oversee various processes in relation to the Framework.

The Northern Ireland Assembly has powers to stop the application of both new and amended EU laws as well as the Windsor Framework under measures such as the Stormont Brake, applicability motions and Democratic Consent Motion.

Powers given to Northern Ireland Assembly and Executive

Stormont Brake

This allows MLAs to notify the UK Government that they wish to pull an 'emergency brake' on amended or replacement EU laws applying in Northern Ireland.

The Stormont Brake can be used only in exceptional circumstances and as a last resort and where amendments or replacement EU law would significantly differ from the EU law already in place and/or where it will have a significant impact on the everyday lives of communities in Northern Ireland.



It requires at least 30 MLAs (do not need to be cross community) to trigger it.

The Stormont Brake also requires the NI institutions to be functioning and for MLAs to have discussed and consulted with communities, business and society, the implications of the particular amended or replacement EU law. They also have to explore all possibilities with the Northern Ireland Executive and UK Government.

Then if the UK Government is satisfied with the conditions for triggering the Stormont Brake, it will discuss it with the EU at the EU-UK Joint Committee under the process for new EU laws, and the relevant EU law in question will not apply in Northern Ireland two weeks later. However, the old law will still apply.

The EU can ask the UK Government for new evidence if it thinks the explanation is insufficient.

Furthermore the UK Government cannot implement the EU law in question unless in exceptional circumstances. Instead the Northern Ireland Assembly must decide if it wishes to implement the amended or replacement EU law as a new EU law under an applicability motion.

As of February 2024, there is also a process for certain EU laws to be adopted into UK law.

Applicability motion

Another mechanism that is available to the Northern Ireland Assembly is the applicability motion.

This allows the Northern Ireland Assembly to decide if a new EU law will apply in Northern Ireland, though only if it will result in a regulatory border between Northern Ireland and the rest of the UK.



This consent is needed before the UK Government can agree to a new EU law which causes a regulatory border being added to the Windsor Framework and applying in Northern Ireland.

The Northern Ireland Assembly must bring forward a motion, usually by the First or Deputy First Minister (but it can also be an MLA), to decide if it supports the new EU law in question applying to Northern Ireland through a Cross Community Vote.

The UK Government may agree to a new EU law applying in Northern Ireland if there are no Northern Ireland institutions or the new EU law doesn't create a regulatory border between Northern Ireland and the rest of the UK. In these cases, the UK Government will notify the NI Assembly and also the UK Parliament.

Democratic Consent Mechanism

The Democratic Consent Mechanism is a mechanism that allows the Northern Ireland Assembly to vote on the continuation of Articles 5 to 10 of the Windsor Framework applying to Northern Ireland.

Articles 5 to 10 of the Windsor Framework are the parts of the framework that relate to Northern Ireland applying regulations in relation to the EU single market.

The motion should be proposed by the First or Deputy First Ministers. However, in the case where this doesn't happen, an MLA can propose this to the NI Assembly.

The vote was held in December 2024 and the NI Assembly passed it without cross community support.

If the motion had passed with cross party support, another vote would take place again in eight years. As



it didn't pass with cross party support, a vote will take place in four years.

The UK Government has stated it will commission an independent review into the Windsor Framework and its implications as well as appoint an independent monitoring panel to support the review.

The independent review would make recommendations that the UK Government would take to the EU-UK Joint Committee, including any new arrangements that may require cross community support.

This review must be commissioned within one month of the vote; presented to Government within six months; and laid before the UK Parliament and the NI Assembly within six months. The Secretary of State for Northern Ireland must also publish a written response to any recommendations.

If the Democratic Consent Motion is voted against by the NI Assembly, Articles 5 to 10 will stop applying after two years, however, it is uncertain what would happen in this case. The Joint Committee would make recommendations/alternatives to the UK Government. However the other articles of the Windsor Framework will remain in force regardless of the motion's outcome.

The Windsor Framework Democratic Scrutiny Committee

A standing committee in the Northern Ireland Assembly will also be established to help observe and implement Articles 13(3a) and (4) of the Windsor Framework that deal with the processes for how new, and amended or replacement, EU laws will apply in Northern Ireland.



Membership of the committee is determined in the same way as standing committees (see section on standing committees for details). But in summary, the committee's membership reflects political party composition in the Northern Ireland Assembly.

Further the appointment of chair and deputy chairperson uses the same D'Hondt system as for standing committees (see section on standing committees). This means the positions of chairs/deputy chairs are proportionally allocated based on political party strengths within the Assembly.

If the chairperson is absent, the deputy chairperson chairs the committee's proceedings and if they are also absent, the oldest committee member chairs committee business.

However, each member of the Windsor Framework Democratic Scrutiny Committee can appoint a substitute MLA, who is in the same political party, to attend and take part in committee proceedings when the committee member is absent. An MLA can only be a designated substitute for one member of the committee and the substitute cannot be another member of the committee.

Proposed EU laws

The committee may be notified by the UK Government about any new or replacement EU laws proposed by the EU. The committee can then monitor the progress of legislation, publish interim reports and hold inquiries.

Published EU laws

The committee will also be notified by the UK Government if any new EU laws have been published.



They then have up to five working days to decide whether to hold an inquiry into the EU law (Act). They must publish their decision.

The committee must consider if the EU law significantly differs from current EU laws or the one that it is replacing and if it would have a significant impact on the everyday lives of communities in NI.

During the committee's inquiry, it must engage with the UK Government and those businesses and civil society in Northern Ireland potentially affected.

The committee must publish its inquiry findings 15 working days before the end of the two-month scrutiny period which commences when an EU law is published.



*** Hansard
and the
Research
and
Information
Service
(RAISe)**

Chapter Ten

Official reporting of the Northern Ireland Assembly (Hansard)

This is the authoritative report that is the verbatim or exact transcript of the Northern Ireland Assembly.

It ensures transparency and accountability as official reports, as well as Minutes of Evidence (committee reports and ministerial statements), are available to the public to view on the NI Assembly website.

It reports on proceedings, including plenary sessions, committee meetings, and publishes ministerial statements, statutory rules, committee reports and also any decisions the NI Assembly takes, such as votes on motions or Bills.

Official reports

Official reports are a verbatim or exact account of Assembly plenary business and any votes, and these are usually published as a draft throughout the sitting. A revised report is usually available shortly after each plenary session.

Minutes of Evidence

Official reports of committee meetings are generally known as Minutes of Evidence.

They are similar to official reports in that they provide an exact transcript of committee business, including any votes or decisions taken. However, unlike official reports of plenary sessions, they are only published for some committee meetings or parts of a meeting where evidence is being collected as part of an inquiry or involve the consideration or scrutiny of legislation or NI Assembly Bills.



They are also published within three working days, excluding plenary days (Monday and Tuesday).

Minutes of Proceedings

Plenary Minutes of Proceedings is a summarised and formal account of Assembly plenary business and any votes.

It also includes a record of any publications or papers laid before or presented to the NI Assembly since the previous plenary session. It is also a record of Bills or legislation currently progressing through the NI Assembly and any Westminster legislation that concerns and is related to Northern Ireland.

Minutes of Proceedings for committee meetings are also published similar to Plenary Minutes of Proceedings, providing a summary of the meetings as well as any committee decisions.

Bound Volumes

A Bound Volume is a hardback or digital definitive (complete) journal of all Northern Ireland Assembly business that has occurred over roughly the last 10 plenary sessions and is published every three to four weeks.

Each Bound Volume contains all revised official reports of plenary sessions, some Minutes of Proceedings of committee meetings when it relates to scrutiny or examination, such as clauses in relation to Bills. It also has ministerial statements and written answers to questions along with the Journal of Proceedings (collection of the Minutes of Proceedings).

Bound Volumes serve as an archive and can be accessed through the Assembly website.



Press releases

In addition to information available on the NI Assembly's website about Assembly business which has occurred, the Communications Office publishes press releases (statements informing the public of what is going on in the NI Assembly). For example, events that have occurred to mark certain days of the year.

This also includes Assembly committee press releases and others, for example, from the Northern Ireland Speaker through the Speaker's Office.

RAISe

The Northern Ireland Assembly Research and Information Service (RAISe) is made up of library and subject experts that provide MLAs, staff and the secretariat with non partisan research and information on current and upcoming Assembly business as well as policy areas. For example, disability, health, education etc.

A lot of research papers and information documents are published quite frequently on the NI Assembly website and this is available to the public.

Northern Ireland Assembly Library

The library is a key part of the Resource and Information Service as it provides MLAs, their staff and secretariat with important non partisan information in a timely manner to help in the scrutiny of legislation and debates in Assembly business.

The Northern Ireland Assembly Library also holds historical and contemporary or current documents and papers in areas such as governments, social policy,



public administration etc. as well as publications on Brexit.

Asides from MLAs and their staff, members of the public can visit the library upon appointment.

The Assembly Library's enquiry service allows MLAs to request background information, reports and statistical data as well as tracking legislation.

The Assembly also has access to loan materials from other libraries and it also publishes a lot of its research and information on the Assembly's intranet (internal internet) and produces information packs for MLAs on private members' motions, Opposition and some committee motions at least two Fridays before the debate is scheduled for.



* How to get your voice heard

Chapter Eleven

You can use the knowledge gained in this booklet to effectively use your voice to lobby and create change on the issues that you are passionate about.

What is lobbying?

Lobbying is the activity of persuading someone to have the same view as you and in the case of decision makers (MLAs in this case), to take action.

How can you influence using the Northern Ireland devolved institutions?

Public consultations

A consultation is when an Assembly committee or Executive department and public authorities asks the general public for their views.

Consultations run for a predetermined time i.e. 30 to 90 days and often have accompanying documents explaining the detail on the matter being consulted upon, which should be read before making a response.

These documents should be available in an easy read format and others formats such as braille, audio, large print etc. are often available upon request.

Consultations usually are conducted through an online form and can be made up of multiple questions.

You can find public consultations through department websites (departmental consultations), NI Assembly website (committee inquiries and consultations) and public authority websites (public authority consultations). However, they are also often advertised through social media.

Committee inquiries and public consultations

Northern Ireland Assembly committees often launch public consultations/inquiries on Bills currently going



through the legislative process or issues that are of public interest within their remit.

Submitting a response is a fantastic way to ensure that you have your voice heard by decision makers on particular matters or legislative Bills that committees are currently investigating or scrutinising.

Oral evidence

The committee may invite you to give oral evidence based on your response to the consultation; if there is a particular matter that you have mentioned and the committee wants to further explore.

Departmental and public authority public consultations

Similar to committee consultations, departments often launch public consultations on matters such as budgets, proposed decisions and changes to services or activity, proposed Bills etc.

I would encourage you to respond to departmental public consultations on issues which you are passionate about and/or affect you, particularly if you are in a Section 75 minority group such as having a disability, as often voices from disabled people and other minority groups are forgotten about in decisions taken by departments.

All Party Groups

All Party Groups act as forums where MLAs who have an interest in a matter such as disability, visual impairment, youth participation etc. can come and discuss, listen to presentations and take action.



This could include writing questions to departments/ Ministers, and requesting individuals, or those within the voluntary sector with a particular expertise in the subject, to come and give presentations.

Often individuals and those in the voluntary sector who have a particular interest in the particular matter of the APG are invited to listen and engage within the APG. For example, disabled people are often central in discussions in the All Party Group on Disability.

I suggest writing to the secretariat or chairperson, asking if there is an opportunity to get involved, such as delivering a presentation on a subject that you have experience/expertise in and is relevant to the group, or attending the All Party Groups.

Some may also advertise APG meetings on social media with a sign-up link on platforms such as EventBrite (this occurs often with the APG on Disability).

It is worthwhile if you can get involved, as there are opportunities to meet and network with others who share a similar interest, ask questions and discuss the matters with MLAs.

Members of an APG can be invaluable whilst lobbying on the particular issue that you are passionate about, as they can act as key contacts.

How to lobby an MLA

What can MLAs help with?

You can lobby MLAs on issues that fall within the remit or scope of the Northern Ireland Assembly or Executive.



MLAs who are in your constituency can also help you with constituency issues, such as access problems on a particular street. Their office can be helpful at assisting filling out benefits and welfare forms or dealing with the Housing Executive etc.

MLAs are also very useful when you are having issues with the private or public sector i.e. companies or public authorities who are not being accessible or complying with disability legislation/regulations.

They can write in order to put pressure on them to become accessible, or even have a meeting with them to try and resolve your issues.

(I have found good success when lobbying the private sector, for example, Audio Description and the cinema industry. Getting many MLAs to send letters to the company in question is an effective way to put pressure on them.)

How do I know which MLAs to contact?

If it is a constituency issue that you wish to raise with an MLA, contact the five that represent your constituency.

However, if it is an issue that involves a private sector company that is located in say Belfast, also contact the MLAs who represent that constituency.

You could also do research to find out if an MLA has an interest in the issue. For example, are they a member or chair of the All Party Group on Disability, if it is a disability related issue?

Do they sit on a particular committee or are they their party's spokesperson on the matter?



For lobbying MLAs on issues in the Northern Ireland Assembly/Executive, it is also worth finding out their personal or party's position on the particular matter.

How can I contact them?

You can write to your MLAs either via email or by letter and can find both their email, phone and parliamentary/constituency office addresses on the Northern Ireland Assembly's website.

You can also phone their constituency office or potentially reach your MLA via social media i.e. X (formally Twitter) and Facebook most commonly.

From personal experience, emails are the best form of contact unless you are trying to publicise a campaign which is when social media is an effective tool to use.

How to write an effective email

I find that a clear and concise email is key. Using the following structure can lead to success:

An email asking the MLA's help at resolving an issue you are experiencing i.e. an accessibility issue

This type of email should include:

- Give a brief context of yourself and what company, organisation or entity you are having the problem with;
- Clearly explain and communicate the issue you are having and how it affects you;
- What action you want the MLA to take i.e. letter, meeting with you etc.



A lobbying email

An effective lobbying email to an MLA should:

- Clearly communicate and explain the issue. Include statistical evidence of the issues, for example, only 36% of disabled people are in employment;
- If possible, describe how the issue impacts YOU personally, as lived experience can often be very persuasive;
- You should then also explain the positive benefits on society that your proposed solution will have. For example, introducing new disability legislation will allow roughly 20% more disabled people to gain employment;
- What action you want the MLA to take i.e. letter to the relevant Executive department, meeting with you etc.

Private sector

If you are lobbying a private/public sector organisation use the above guidance. However, if they are in breach of any legislation i.e. disability legislation make that clear from the start of the email when outlining the issue.

Then when explaining the positives of your proposed solution, think, how is it going to positively affect them? For example, the introduction of this accessibility measure will mean increased number of customers with a disability (If you can get data, even better).



Example email to an MLA raising an accessibility issue in relation to the private sector

Dear

I am writing to you in regards to accessibility issues, specifically the lack of Audio Description provision in XXXX Cinemas.

They are the only cinema chain in the region that is not implementing Audio Description in their cinemas. They operate cinemas in Lisburn and Bangor.

I can use MLAs who represent both North Down (Bangor) and Lagan Valley (Lisburn). I have also clearly stated what the issue is (lack of Audio Description).

Audio Description is an additional commentary track which comes with most films. It makes films accessible to those who have visual impairments by describing what is on screen. This is delivered traditionally through a loop/headset or via a smartphone app and user's headphones.

In this case I've explained what the accessibility provision is.

I attempted to engage with them two years ago. However, they said the implementation of Audio Description was impossible due to out-of-date systems/buildings (These are just excuses as any other cinema chains I have worked with to implement audio description can retrofit such technology). I tried to challenge them on this matter but they have since ignored any correspondence.



Giving my personal experience – in this case previous attempts to resolve issue.

Under the Disability Discrimination Act of 1995, companies are required to make their services accessible. By XXXX Cinemas not implementing Audio Description, they are discriminating against those with visual impairments. Audio Description could be classed as a reasonable adjustment for a business to make especially as other cinema chains in the region's cinema industry have already done so.

Explaining how the company is breaking the law. (By not providing Audio Description).

As a political representative who has a XXXX cinema in your constituency, I urge you to use your influence to write to XXXX Cinemas regarding the lack of audio description within their cinemas as it not only affects people with a visual impairment but also their friends and families.

Asking the person this correspondence concerns (in this case an MLA) to write a letter to the cinema.

Kind regards,

XXXX XXXX

*I have redacted all names in this example.



Other general lobbying tips

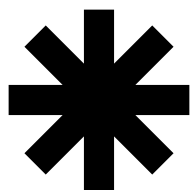
Get involved in as many discussions as you can as disability applies to everything; this will allow you to build up contacts such as with other activists that may be a great help to you in the future.

When in meetings with decision makers always get them to commit to action, even if it's just writing a letter. This will ensure that they can be held accountable and that they are actually committed to what they have said during the meeting.

Remember to take a break from lobbying every once in a while because it can and will be tiring and you will burn out.



*** Just
Include**



Find our more on
justinclude.org