

# End of Mandate Report

The Northern Ireland Assembly 2017 - 2022

## Volume of Legislation

In total, 56 bills were introduced to the Assembly from January 2020 to March 2022. 36 of these were Executive Bills, one was an Assembly Commission Bill and 19 were Private Members' Bills.

Forty-six pieces of legislation completed all of their stages in this Assembly mandate and went on to become law.

## Bills Becoming Acts by Type of Bill

Executive— 36 Acts passed.

Non-Executive— 10 Acts passed. A further 10 were introduced but did not complete their passage.

## The Impact of a Shortened Mandate

The Assembly was operating under significant time compression, with a little over two years remaining of a five-year mandate. Accounting for reduced time and the conditions of the Covid-19 pandemic, there were considerable pressures to deal with a high volume of legislation. Many Bills were passed in the final months of the mandate.

In February 2022, the Speaker wrote to Members regarding arrangements to ensure that legislation going through the Assembly would be completed by dissolution in March, whilst also ensuring that the Assembly could properly scrutinise that legislation. He said that *“No-one should underestimate the significant difficulties which arise from processing such a large volume of legislation in a short time.”* A number of Private Members' Bills simply did not have the required time to proceed any further.

The Assembly's Business Committee (Speaker and party whips who agree the Order Paper for plenary meetings) agreed a number of measures to “make the maximum use” of the time remaining before dissolution, including scheduling extra sittings to conclude this significant volume of business.

## Assembly Law-Making

An overview of some of the legislation which the Assembly passed in the 2017-2022 Mandate is set out below, covering a range of policy areas. This includes Executive legislation and Private Members' Bills.

A short summary of some of the key elements of the laws made is provided. This is not intended to be exhaustive, but to provide suggestions for further exploration. A full list of the Acts from the 2017-2022 mandate and supporting materials can be found here ([2017 - 2022 Mandate Acts \(niassembly.gov.uk\)](https://niassembly.gov.uk/2017-2022-Mandate-Acts)).

## Executive Legislation

[Private Tenancies \(Coronavirus Modifications\) Act \(Northern Ireland\) 2020](#) – introduced as a result of the Covid-19 pandemic in recognition that a high number of people would struggle to pay rent to private landlords. The Act was designed to protect all tenants from eviction for

a reasonable period of time during the 'emergency period' irrespective of the duration of the tenancy (12 weeks).

[Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#) – to implement parts of the Strategy 'Stopping Domestic and Sexual Violence and Abuse in Northern Ireland'. A key element of this is a new domestic abuse offence, capturing patterns of controlling and coercive behaviour in intimate relationships.

[Climate Change Act \(Northern Ireland\) 2022](#) – sets targets for the years 2050, 2040 and 2030 for the reduction of greenhouse gas emissions and implements a range of other requirements in respect of climate change. This was part of the *New Decade, New Approach* commitment that the Executive would 'introduce legislation and targets for reducing carbon emissions in line with the Paris Climate Change Accord'.

A novel situation arose where a Private Member's Bill was introduced by Clare Bailey MLA and both bills were proceeding through the Assembly at the same time. The Member ultimately withdrew her Bill before Consideration Stage and the Assembly focused on scrutinising and amending the Minister's Bill.

[Animal Welfare \(Service Animals\) Act \(Northern Ireland\) 2022](#) – to increase protection for service animals in Northern Ireland, e.g. police dogs. The Act provides that, as is the case in other parts of the UK, whether someone causing harm to a service dog was for the purpose of protecting a person, property or another animal is not a relevant factor when considering whether or not the harm was unnecessary.

[Organ and Tissue Donation \(Deemed Consent\) Act \(Northern Ireland\) 2022](#) – to increase the consent rate in situations where a potential organ donor (adult) has been identified by moving from an 'opt in' or 'opt-out' system of organ donation, to one where consent is deemed to have been given unless certain circumstances apply, including where the potential donor expressly stated before their death that they did not want to be a donor.

[Adoption and Children Act \(Northern Ireland\) 2022](#) – to implement proposals in the 'Adopting the Future Strategy' and update the Children (Northern Ireland) Order 1995 to improve outcomes for looked after children and young people, and those who have left care.

[Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#) – to enhance public safety by implementing certain recommendations from the Gillen review into sexual offence cases and a review of the law on child sexual exploitation and sexual offences against children; and to improve services for victims of trafficking and exploitation. This law created the new offences of 'upskirting' and 'downblousing' (taking personal photographs of people without their consent) and 'cyber-flashing', as well as dealing with a range of other issues relating to sexual offences, including the anonymity provisions for victims and suspects.

[Protection from Stalking Act \(Northern Ireland\) 2022](#) - This Act creates a specific offence of stalking that aims to recognise the experience of victims and the particular behaviour associated with stalking. The Act recognises in law that stalking is often a course of behaviour which causes fear, alarm or substantial distress to the victim and includes conduct on two or more occasions. The Act also includes the offence of threatening or abusive behaviour that can be made out after a single incident or a course of conduct and provides for Stalking Protection Orders.

[School Age Act \(Northern Ireland\) 2022](#) – The Act allows for parents of children born within a specified date range to delay the compulsory school starting age of their children – from 4 to

5. This was designed to address issues for parents with concerns about their child's social skills, emotional readiness etc for school.

[Betting, Gaming, Lotteries and Amusements Act \(Northern Ireland\) 2022](#) – to update existing Northern Ireland law in respect of gambling in a range of areas with a view to increasing regulatory controls and protecting young people from gambling harm. Amended areas include the opening days of licensed bookmakers and bingo clubs; the definition of 'cheating', rules on society lotteries and prize competitions and the enforceability of gambling contracts.

[Welfare Supplementary Payments \(Amendment\) Act \(Northern Ireland\) 2022](#) – The Act removes the current end date of 31 March 2020, as set out in Article 137A of the Welfare Reform (Northern Ireland) Order 2015, in respect of mitigation payments for the Social Sector Size Criteria for Housing Benefit (sometimes referred to as the 'Bedroom Tax').

This provides for an extension of the Welfare Supplementary Payment scheme in line with the 'New Decade, New Approach' Agreement. The Act also requires the Department for Communities to conduct a review and report on the delivery of Welfare Supplementary Payments.

### **Private Members' Bills**

19 PMBs were introduced in this mandate, which is a record number. In the end, 10 became law and be found here ([hyperlink](#)). Here are some examples of those passed:

[Autism \(Amendment\) Act \(Northern Ireland\) 2022](#) - to enhance the provision of services to, and support for, people with conditions which are on the autistic spectrum by updating the 2011 Autism Act. For example, it provides for new requirements within the Autism strategy around consultation and data collection, e.g. in respect of prevalence of autism in adults and children and creates a specific position of Autism reviewer (Pam Cameron MLA)

[Integrated Education Act \(Northern Ireland\) 2022](#) – reforms existing education law to impose a statutory duty on the Department of Education to support integrated education, including the need to assess, monitor and aim to meet demand for Integrated Education within the context of area planning and to prepare a strategy for Integrated Education. (Kellie Armstrong MLA)

[Hospital Parking Charges Act \(Northern Ireland\) 2022](#) – to introduce a prohibition on hospital parking charges for hospital workers or service providers; patients; and visitors taking patients to and from the hospital. (Aisling Reilly MLA)

[Domestic Abuse \(Safe Leave\) Act \(Northern Ireland\) 2022](#)– requires the Department for the Economy to make Regulations providing at least 10 days paid leave in each leave year for employees that are victims of domestic abuse. The Act explicitly references the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021. (Rachel Woods MLA)

[Period Products \(Free Provision\) Act \(Northern Ireland\) 2022](#) – to ensure period products are obtainable free of charge, including by placing a duty on the Executive Office to ensure that period products are available free of charge on a universal basis in appropriate locations for all who need to use them. Departments are also required to specify the public service bodies within its functions who are to provide period products in their premises.

[Abortion Services \(Safe Access Zones\) Act \(Northern Ireland\) 2023](#)- This Act establishes 'safe access zones' around premises where abortion services (whether treatment or

information, advice or counselling) are provided and creates a criminal offence of doing certain things within those zones to e.g. to influence, prevent or impede access or cause harassment, alarm or distress to a person accessing services.

[Functioning of Government \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2021](#) - to amend the rules around the appointment and conduct of special advisers and other purposes, including a duty on Ministers to report information to Assembly committees and the First and deputy First Minister to report to the Assembly on the functioning of government on a biennial basis.

## Overview of the Legislative Process

Bills have to go through several stages in the Assembly's legislative process.

**First Stage** - reading of the title of the Bill in the Chamber. The Bill is printed and a copy is circulated to each Member, along with the Explanatory and Financial Memorandum, and is published on the Assembly's website.

**Second Stage** - debate and vote on the general principles of the Bill. The debate is confined to the key ideas within the Bill and not the details of individual clauses and schedules, which will be considered at subsequent stages.

*(Three PMBs did not pass this stage – the Hunting of Wild Mammals Bill, the Trade Union and Labour Relations (Amendment) Bill and the Political Appointments Bill).*

**Committee Stage** – an investigation of the Bill and call for evidence, and a report for the Assembly with recommendations for amendments. This is a key stage in the Assembly's consideration of the Bill, as the Committee undertake detailed scrutiny of its contents and engage with stakeholders who may have an interest in the Bill.

*It is important to note that the sponsor of a Bill (a Minister or Member) progresses or "moves" the Bill through these stages. There may be a range of factors impacting the timing of this, including available plenary time, the chance of a Bill completing its passage and preparatory work required to amend the Bill in light of the Assembly's scrutiny.*

*A number of Private Members' Bills completed Committee Stage but were not moved for Consideration Stage:*

- *Small-Scale Green Energy Bill*
- *Onshore Fracking (Prohibition) Bill*
- *Employment (Zero Hours Workers and Banded Weekly Working Hours) Bill*
- ***Education (Curriculum) (CPR and AED) Bill***
- *The Climate Change Bill*

**Consideration Stage** – debate and vote on any proposed amendments by committee and/or individual MLAs. At this stage the Committee and Members will set out their views on the detail of the Bill and rationale for any amendments. This is a key stage where Members are asked to vote on each clause, schedule and amendment.

**Further Consideration Stage** – this stage is the final opportunity for amendments to be made to the Bill. This is an important stage in ensuring the Bill is put in good shape to become clear and effective law.

*The Severe Fetal Impairment Abortion (Amendment) Bill was not moved for Further Consideration Stage.*

There is scope for an *Exceptional Further Consideration Stage* within the rules of the Assembly, however this is rarely required and is designed to remedy specific and unforeseen issues which may have been created for example by amendments to the Bill.

**Final Stage** – the Assembly votes on the Bill for a final time. Members consider whether they are content with the Bill as a whole, following its passage through the amending stages. The Bill cannot be amended further. Bills which reach this stage are usually passed by the Assembly.

**Role of the Attorney General and Advocate General** – further legal checks on the Bill by the Law Officers (looking at whether the final form of the Bill, is within the Assembly’s ‘legislative competence’ (i.e. the scope of its powers to make laws in specific areas including human rights requirements). The Law Officers have the power to refer a Bill for decision by the Supreme Court where they consider it may be outside legislative competence.

In the event the Supreme Court finds that a provision of a Bill is outside legislative competence, Assembly rules provide for a Reconsideration Stage of the Bill, the purpose of which is remedying the relevant issue with the Bill through amendment.

**Royal Assent** – The Secretary of State for Northern Ireland sends the Bill to the Monarch for Royal Assent under section 14 of the Northern Ireland Act 1998.

*\*The Abortion Services (Safe Access Zones) Bill - Private Member’s Bill, sponsored by Claire Bailey MLA) to provide for ‘safe access zones’, i.e. defined spaces around premises wherein it was a criminal offence to influence, impede or harass etc protected persons passed its Final Stage in the Assembly.*

*The Attorney General for Northern Ireland asked the Supreme Court to consider whether clause 5 (2) (a) of the Bill was a disproportionate interference with the rights of those who wish to express opposition to or protest against abortion services. This was because it does not contain provision for reasonable excuse for the accused. The Supreme Court determined that the relevant clause was within the Assembly’s legislative competence in January 2023. The Bill received Royal Assent in February 2023.*

## **Assembly Questions**

During the mandate, over 3,000 **oral** questions and over 31,000 **written** questions were tabled.

The Minister of Health was asked the most written questions (over 8,000), followed by the Minister for Infrastructure (over 5,000)

During Covid-19, Oral and Topical Questions were briefly suspended at the start of the pandemic. Orals were re-introduced on a phased basis but Topical Questions were suspended for a longer period.

There was a voluntary agreement to minimise the number of **Written** Questions asked of Ministers during the early phases of the pandemic. Both written and oral question arrangements were kept under ongoing review by the Business Committee throughout.

## Members' Statements

In July 2021 the Assembly agreed to introduce a new category of business called "*Members' Statements*". The purpose of its introduction was to create a new opportunity for Members to raise more easily topical issues in plenary session.

A member who wishes to make such a statement must rise in his or her place, and may be selected by the Speaker. A statement must relate to a topical matter of public interest (which could be local, national or international). A member may speak on an issue for up to a maximum of 3 minutes.

Members' Statements have become a popular item of business and are usually scheduled on a weekly basis as the first item of business on Monday's order paper.

## Implementation of New Decade, New Approach Agreement

This was the Agreement which led to the restoration of the Executive in January 2020

- An Ad Hoc Committee on a **Bill of Rights** was set up to consider the issue of a Bill of Rights for Northern Ireland. It had been specified in New Decade, New Approach that a panel of five experts was to be appointed jointly by the FM and dFM to inform the work the Committee but this did not happen. The Committee reported in February 2022, after 2 years of engagements with experts and the public, that although many Committee members agreed with the creation of a Bill of Rights in principle, further work and discussions were required to establish and agree next steps. In a press release the Chair of the Committee, Emma Sheerin, stated: "*I recognise that some may be disappointed that **we were unable to agree a way forward**. However, we are pleased to have contributed to the wider conversation about human rights and equality here and trust that our ... thorough consultation, research and report will ... assist future work and negotiations.*"
- The issues of the **Petition of Concern** mechanism, **sustainability of the institutions** (after 3 years of no government January 2017 to January 2020) and **transparency and accountability** (following the RHI Inquiry Report) were dealt with by legislation passed in Westminster in February 2022: The Northern Ireland (Ministers, Elections and Petitions of Concern) Act ('MEPOC'). The Assembly's Committee on Procedures tracked the passage of the Bill through Parliament, as its enactment required Standing Orders to be amended in order for some of the operational changes to be made. The Committee discussed an "issues paper" which it agreed should be sent to Party Leaders underlining the need for a number of key decisions to be taken in order to implement the changes to SOs arising from the legislation. The Committee did not receive responses to the issues paper in sufficient time to develop proposals for amendments to be made Standing Orders before dissolution in March 2022. The Committee on Procedures in the new mandate will need to revisit this, and try to find a consensus for changes to be made to SOs, for which motions will then need to be brought to the Assembly for approval.

This is what the Act says about the **Petition of Concern**. A Petition will still require 30 signatures (even though the size of the Assembly is smaller since 2017) and must have signatures from more than one party. Whereas, previously, the cross-community vote would have taken place on the next sitting day following the submission of the petition, there will now be a 14 day consideration (cooling off)

period before a valid petition can be confirmed. The Act also prevents the mechanism being used for matters which concern the conduct of an Assembly member or for second stage votes on a Bill.

Certain envisaged aspects of the new rules have not yet been incorporated into Standing Orders. The next Committee on Procedures will need to discuss and agree how this should work in practice and propose the relevant changes to the SOs, which, again, will only change if they are approved on a cross-community consensus vote by the Assembly.

**Sustainability of the institutions** was also addressed by MEPOC, with a view to preventing the situation arising again where Northern Ireland is left without a Government and operating Assembly. The Act states that, if either the FM or dFM resigns and is not replaced, the other will cease to hold office but other Ministers will remain in office and the Assembly will continue to operate for a period of up to 24 weeks. When the DUP First Minister, Paul Givan, resigned in February 2022, these provisions within the Act took effect and the Assembly continued to carry out its work until the scheduled dissolution in March. The Act also says that, after an election, there is a period of up to 24 weeks for an Executive to be appointed. If this does not happen, then the Secretary of State must call another election. (Previously, the timescale was 2 weeks.) The Act also provided that during this period Ministers from the previous mandate would continue to hold office. These provisions came into effect when, following the May 2022 election, the Assembly failed to elect a Speaker and form a government. Those who had held ministerial office before the election continued in their posts, with the exception of the Infrastructure Minister (Nichola Mallon, who lost her seat in the election). As the SDLP no longer had enough seats in the Assembly to secure a ministerial position in the new mandate, they declined to replace Nichola Mallon in the interim period and announced their intention to go into Opposition. The post of Infrastructure Minister was filled by John O'Dowd of Sinn Féin. An Executive was still not formed by the 24-week deadline in October at which point the extant ministers ceased to hold office. Since then government departments in Northern Ireland have been run by unelected civil servants (who have limited powers compared to Ministers). The Secretary of State had to pass new legislation at Westminster to extend the deadline by which the Executive should be formed. This new deadline also passed and further legislation has since been passed at Westminster to extend the deadline to 2024.

**Transparency and accountability.** The Act also strengthened the code of conduct which Ministers must sign up to (under oath), in accordance with a request from the Northern Ireland Executive and in line with the New Decade, New Approach Deal (following the outcome of the public inquiry into the Renewable Heat Incentive Scheme (RHI)).

- **Language legislation and new Office of Identity and Cultural Expression.** The UK Parliament passed the Identity and Language (Northern Ireland) Act 2022. The UK Government said that this act gave effect to the legislative commitments on identity and language set out in NDNA by establishing a new Office of Identity and Cultural Expression; giving official recognition of the status of the Irish language in Northern Ireland; and providing for the appointments of an Irish Language Commissioner and a Commissioner for the Ulster Scots and the Ulster British Tradition.

- **Strengthening of Official Opposition** Following New Decade, New Approach, the Assembly and Executive Review Committee (AERC) commissioned an Independent Review into the adequacy and effectiveness of the Statement of Entitlements for an Official Opposition. When the AERC report was agreed by the Assembly, the Procedures Committee set about reviewing the relevant Standing Orders (SOs) and proposing the changes to the Assembly for cross-community approval. As a result, the entitlements of an official opposition have increased and a party can now enter the Official Opposition up to 2 years following the formation of the Executive (rather than when d'Hondt is run after the election). The entitlements of 'The Opposition' (as it will be referred to) are now set out in Standing Orders as follows:
  - **Opposition business:** where there is an opposition, in each session of the Assembly ten days shall be allotted for opposition business
  - **Ministerial Statements** – where there is an opposition, the first question on the statement shall be asked by a member of the opposition;
  - **Topical Questions;** where there is an opposition, the first Topical Question to a Minister shall be asked by a member of the opposition;
  - **Committee Membership** - where there is an opposition, and so far as practicable, at least one seat on each statutory committee is allocated to a member of the opposition;
  - **Business Committee:** where there is an opposition at least one member of the Business Committee must be a member of the opposition.
  - **Public Accounts Committee:** where there is an opposition, the chairperson of the committee is to be nominated by the Leader of the Opposition and the deputy chairperson is to be nominated by the Deputy Leader of the Opposition (if any).

Further to the rights of the Opposition within Standing Orders, it is expected that the Speaker of the Assembly would call on the Opposition to speak first or ask a question at times not set out in Standing Orders. For example, it is expected that the Speaker would call a member of the Opposition to speak first after the Minister in debates about the Budget and Programme for Government and after the Committee Chairperson on Executive Bill debates.

The proposals to change Standing Orders to provide that the first listed oral question to a Minister and the first supplementary question after the tabling member for (a) the first three listed oral questions and (b) urgent oral questions should be from a member of the Opposition did not receive the necessary cross-community support, although the Assembly had previously approved it in principle. However, when there are listed oral questions to Ministers it is for the Speaker to decide which Members are then called to ask supplementary questions. The Speaker may use this discretion to allow the Opposition to ask these supplementary questions.

## Committees

In the 2017-2022 mandate, statutory committees were extremely busy considering a large amount of legislation, as well as scrutinising government actions in relation to Covid-19 decisions. Committees had to adapt their working arrangements to abide by Covid-19 restrictions. They used Starleaf, a virtual meeting platform, to facilitate virtual attendance at meetings. They held extra meetings to ensure effective scrutiny. A new consultation tool,

called Citizenspace, was introduced to make it easier for stakeholders and the public to give their views (evidence) to Committees on bills and inquiry issues.

For examples of committee work, see separate documents on the work of a number of committees.

The issue of effectiveness of committee scrutiny came to light as a result of the RHI Inquiry Report. Following recommendations in the report, the Chairpersons' Liaison Group (of Assembly Committees) considered how committee scrutiny could be strengthened.

### **Report on Strengthening Committee Scrutiny by the Chairpersons' Liaison Group (CLG ) [Report on Strengthening Committee Scrutiny \(niassembly.gov.uk\)](https://niassembly.gov.uk)**

The [Report of the Independent Public Inquiry into the Non-domestic Renewable Heat Incentive \(RHI\) Scheme](#) identified "limitations inherent in [the Enterprise, Trade and Investment (ETI) Committee's] role" and found that "reasons for this included its own limited resources and its dependence on the Department for information and analysis to allow it to perform its challenge function robustly".

As a result, the Inquiry's report made recommendations around strengthened Assembly committees to increase scrutiny. It also recommended that the Assembly consider further what steps are needed to strengthen its scrutiny role, particularly as conducted by Assembly committees, in the light of lessons from the RHI, with a view to "significantly increasing the resources available to statutory committees and, generally, identifying what steps are needed to improve the effective scrutiny of Departments and their initiatives, whether in Assembly Committees or in the Assembly Chamber itself".

The Assembly's Chairpersons' Liaison Group (CLG), made up of Assembly committee chairpersons, undertook a review to identify how the recommendations of the RHI report could be implemented. As a result of this review, in March 2022 CLG made a total of 33 recommendations aimed at strengthening the scrutiny of primary and subordinate legislation to ensure that the Assembly produces high quality, robust legislation. CLG said it was essential that its recommendations were acted upon to ensure that the Assembly delivers on its obligations as detailed in the RHI Inquiry Report.

The recommendations included: more pre-legislative scrutiny (before a bill is introduced to the Assembly), more post-legislative scrutiny (checking that Acts are being implemented in full and in good time); more staff for committees; training for MLAs in legislative scrutiny; more consultation with experts; more online consultation and video-conferencing, and taking evidence in alternative formats

### **Covid-19 Arrangements** (in addition to changes in relation to questions and consultation methods mentioned above)

When the COVID-19 pandemic arrived in March 2020, it became apparent that the Assembly would need to take steps to be able to continue to function and that **temporary changes to Standing Orders** were needed to enable the continuation of Assembly Business, whilst adhering to Public Health Advice and keeping Members and staff as safe as possible.

The Procedures Committee prepared Temporary Provisions which enabled proxy voting in plenary sittings; the wholesale introduction of remote participation in committee proceedings (either in fully virtual or hybrid committee meetings); proxy voting in committees; and

decision making by committees without meeting. On 31 March 2020 the Assembly agreed to put these in place and decided to extend them a number of times. They remained in place until July 2022.

**Remote participation** In January 2021 the Committee, having received correspondence from amongst others both the Speaker and from the Executive, agreed that there was need to facilitate participation in plenary proceedings by alternative (remote) means. The Committee agreed that hybrid proceedings should be implemented not only to accommodate Ministers and Members who could not come to the Chamber because they were self-isolating, but also to reduce the number of Members needing to travel to Parliament Buildings. The Committee brought forward a new temporary Standing Order (110A) to allow for the general principle of remote participation in plenary, subject to the discretion and guidance of the Speaker. This was agreed by the Assembly on 1st February 2021.

## **The Northern Ireland Youth Assembly**

The Northern Ireland Youth Assembly was established by the Assembly during this mandate. In 2021, 90 members were recruited for a 2-year term. Membership is for young people aged 13-17. The Youth Assembly has held plenary meetings in the Assembly Chamber on a number of occasions. Members agreed to focus on 4 areas of government during their 2-year term – education, health, environment, rights and equality and they work on these in smaller groups. It has not been easy for the inaugural Youth Assembly, because of Covid-19 and political difficulties which prevented the operation of the Northern Ireland Assembly following the May 2022 election. The Youth Assembly would normally be working closely with Assembly Committees. In the absence of a working Assembly, the Youth Assembly has responded to Executive consultations and has been worked with others, including the Commissioner for Children and Young People to promote the voice of young people in democratic decision-making. For more information, go to <https://niyouthassembly.org/>

## **The Role of the Speaker**

### **Introduction**

The Speaker plays a key role in ensuring that the Assembly fulfils its statutory functions in an effective manner and this is reflected in the fact that election to this position is the first item of business in a new Assembly mandate. Given the critical nature of this post, the Northern Ireland Act 1998 requires a Speaker to be elected before any further business can be conducted e.g. appointing ministers and committee chairpersons.

The Speaker has a number of key responsibilities that play a huge role in determining the effectiveness of the Assembly:

1. As chairperson in the Assembly Chamber, he has responsibility for ensuring that procedures are correctly followed, that debates are orderly, and that all sides are given an opportunity to put their arguments. He oversees any votes taken in debates and responds to points of order when a matter of procedure is raised. The Speaker also has a number of legal duties in relation to legislation and the appointment of Members and Ministers;
2. As chairperson of the Business Committee he plays a key role in deciding the business to be considered during sittings in the Assembly Chamber. Members

frequently seek to submit an Urgent Oral Question or Matter of the Day for debate in the Chamber – the Speaker has the final say in whether or not they are selected;

3. As chairperson of the Assembly Commission he is required under legislation, along with the other appointed representatives, to ensure that the Assembly is provided with the property, staff and services it requires to carry out its work.

As Speaker he also performs an important representational role which includes: receiving VIP visitors to the Assembly, such as Heads of State, Ambassadors and senior political figures. He attends external events to promote the work of the Northern Ireland Assembly. In September 2022, Speaker Alex Maskey delivered a message of condolence on behalf of the people of Northern Ireland to King Charles at Hillsborough Castle following the death of the Queen. The Speaker also hosts events at Parliament Buildings to widen public access to their locally devolved institution. In April 2023, Speaker Maskey hosted a high-profile event to mark the 25<sup>th</sup> anniversary of the Good Friday / Belfast Agreement, which included contributions from many of the key negotiators at that time.

### **Role of the Speaker in Managing of the Effectiveness of the Assembly (2020-2022)**

Following political agreement between the parties with the publication of the 'New Decade, New Approval' Deal in January 2020, the Assembly convened on Saturday 11 January and elected Alex Maskey MLA (Sinn Féin) as Speaker. The wider political significance of the return of devolved government, and the role that the Speaker would play in this, was recognised by both the UK Prime Minister, Boris Johnson, and the Taoiseach of Ireland, Leo Varadkar, meeting with Speaker Maskey just a couple of days following his election to the position.

On taking up his post, a key leadership challenge for Speaker Maskey was to ensure that the Assembly moved rapidly from being in a state of hiatus for 3 years into a fully functioning scrutiny body through the effective operation of plenary business and its committees. In addition, he played a leading role in instigating changes to the way the Assembly carried out its business to increase its effectiveness as a scrutiny body and also to meet the challenges imposed by external events, such as the global pandemic. Examples of this are set out below:

#### **(a) Increased support to MLAs re Private Members' Bills (PMBs)**

As a legislative body the Speaker was keen to support the increased interest shown by elected Members wishing to develop their own legislative proposals and to facilitate them in bringing forward PMBs to deliver on these objectives. The Speaker considered and approved over 20 Final Proposals from Members (a significant increase from previous mandates), enabling Members to access professional drafters to develop a Bill for introduction to the Assembly. Speaker Maskey was also the first person holding this position to give evidence to an Assembly Committee, when he discussed the matter of PMBs with the Procedures Committee in 2021.

#### **(b) Meeting the challenges presented by the Covid pandemic**

The Speaker engaged with The Executive Office and led arrangements to set up of Ad Hoc Committee on Covid in March 2020 which was made up of all MLAs and which he chaired in the plenary chamber. This Committee enabled Ministers to make statements in the Chamber on Covid matters more regularly and facilitated questioning by Members to scrutinise their actions. The Speaker led discussions with the parties to agree to new business practices in

the Chamber, such as proxy voting (where Members could vote on behalf of others to limit numbers in the Chamber) in response to the need to strictly limit face-to-face contact.

(c) Developing the scrutiny function of plenary

- i. The Speaker proposed to the parties a new way for the parties to raise topical issues in the Chamber without those issues having to meet the strict criteria for Matters of the Day and Urgent Oral Questions. This new practice is known as Members' Statements;
- ii. Towards the end of the mandate, when the Assembly was considering a large amount of legislation, the Speaker worked with party whips to ensure that all this business was considered, including chairing extra sittings of the Assembly.

During this mandate, Speaker Alex Maskey, played an important role in instigating changes to the way the Assembly carries out its business. He asked the Procedures Committee look at a number of issues:

- how the Assembly handles Private Members' Bills (due to a significant increase in the number of MLAs wishing to introduce their own Bills);
- a new way of allowing Members to raise topical issues in the Chamber without those issues having to meet the strict criteria for Matters of the Day and Urgent Oral Questions; and
- electronic voting in the Chamber (to replace the current, traditional voice vote and division method).

The Business Committee (which the Speaker Chairs) also wrote to the Procedures Committee asking them to review the system for handling public petitions. The Procedures Committee had already set its strategic priorities for the mandate and was not able to oblige.