

Making Laws

KEY:

N: Narrator

N: The Northern Ireland Assembly makes most of the laws for Northern Ireland. This includes major laws, known as primary legislation, and smaller pieces of law, or secondary legislation.

A 'bill' is a proposal for a new law. The most common type are executive bills introduced by the ministers who lead Northern Ireland's nine government departments. MLAs can also introduce their own private member's bill, and an Assembly committee can propose a committee bill.

Before a bill begins its journey through the Assembly, the Speaker carries out legal checks: Can the Assembly legislate in this area? Does the Bill comply with equality laws and laws protecting human rights?

Then comes the First Stage in the Assembly's legislative process – a brief announcement in the Assembly Chamber that the Bill has arrived. The Bill is published online, and MLAs normally have two weeks to study it.

The Second Stage is when MLAs debate and vote on the Bill's purpose or main aims: its 'general principles'. Does Northern Ireland need this law? Do they want to consider it further?

If a majority vote 'Yes', the Committee Stage is next: a smaller group of MLAs who specialise in the Bill's subject matter scrutinise it line by line. They also listen to experts, stakeholder groups and the public. The committee produces a report for the Assembly, which will often recommend changes, called 'amendments'.

Then, it's back to the Chamber for Consideration Stage. MLAs debate and vote on every part or 'clause' of the Bill, including any amendments proposed by the committee or other MLAs. Committees often persuade ministers to bring forward their proposed amendments based on the evidence they've gathered.

The Further Consideration Stage is the last opportunity for MLAs to debate and vote on proposed amendments.

At the Final Stage, the Assembly debates the whole bill one last time and votes on whether it should become law. If a majority of MLAs vote 'Aye', the Bill is passed.

Northern Ireland's most senior lawyers, the Attorney General and Advocate General, then carry out final legal checks.

The Bill is sent off for formal approval by the Monarch, called Royal Assent and, when this is received, the Speaker makes an announcement in the Chamber and the Bill becomes an Act of the Northern Ireland Assembly.

This whole process can take several months, depending on the size of the Bill and how controversial it is.

'Accelerated Passage' allows a bill to skip the Committee Stage and pass through the Assembly in 10 days. However, the Assembly must give permission for this through a cross-community vote, with nationalists and unionists supporting the decision. This procedure is used for Budget bills because the Finance Minister consults the Assembly before they are introduced.

Bills that become Acts are primary legislation that set out the main requirements of the law. However, secondary legislation is just as much part of the law of the land. Statutory rules and regulations add detail and help Acts to be implemented. So, an Act might impose a fine for breaking a law and grant power to the Minister to subsequently make a statutory rule, which sets the amount of that fine. Often, the same statutory rules are brought forward each year to update things such as fines or charges.

The Assembly needs to approve statutory rules. Some are passed by affirmative resolution – a vote in the Assembly Chamber. Others are passed by negative resolution – these can become law automatically, without a vote, unless the Assembly passes a motion called a Prayer of Annulment to overturn them. The Assembly's Examiner of Statutory Rules helps committees to scrutinise statutory rules.

Using secondary legislation means that the Assembly can update laws quickly, rather than going through the whole process of making a completely new piece of primary legislation.

You can see all the Acts passed and Bills currently going through the Assembly on the Northern Ireland Assembly website.