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Committee Stage: Friday 2 July 2021

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## Northern Ireland (Ministers, Elections and Petitions of Concern) Bill (Amendment Paper)

This document lists all amendments tabled to the Northern Ireland (Ministers, Elections and Petitions of Concern) Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New Amendments: 3 to 19 and NC1 to NC3

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Colum Eastwood  
Claire Hanna

13

★ Clause 4, page 5, line 22, after “be accountable to the Assembly” insert “users of services,”

**Member’s explanatory statement**

This amendment would ensure that Ministers and Departments are accountable and responsible to users of services, as well as to the Assembly and the public.

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Louise Haigh  
Alex Davies-Jones  
Taiwo Owatemi

4

★ Clause 4, page 5, line 23, at end insert “in accordance with the current Programme for Government drawn up in accordance with section 20(3) of the Northern Ireland Act 1998 and paragraph 20 of Strand One of the Belfast Agreement,”

**Member’s explanatory statement**

This amendment requires Ministers to pay regard to the statutory duty under the Belfast (Good Friday) Agreement for the Executive Committee to seek to agree each year, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes, subject to approval by the Assembly, after scrutiny in Assembly Committees, on a cross-community basis.

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Colum Eastwood  
Claire Hanna

14

★ Clause 4, page 5, line 25, at end insert—

“(ba) ensure all reasonable requests for information from the Assembly, users of services and individual citizens are complied with; and that Departments and their staff conduct their dealings with the public in an open and responsible way;”

**Member’s explanatory statement**

This amendment would ensure that the principles of transparency and openness, as well as a duty to comply with requests for information, as outlined in Strand One, Annex A of the Good Friday Agreement, are maintained within the Ministerial Code of Conduct.

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Colum Eastwood  
Claire Hanna

17

★ Clause 4, page 5, line 25, at end insert—

“(ba) seek in utmost good faith and by using their best endeavours to implement in full the Programme for Government in “The New Decade, New Approach Deal” as regards the transparency, accountability and the functioning of the Executive; ”

**Member’s explanatory statement**

This amendment requires Ministers to implement the Programme for Government agreed in January 2020, as it relates to transparency, accountability and functioning of the Executive.

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Colum Eastwood  
Claire Hanna

18

★ Clause 4, page 5, line 25, at end insert—

“(ba) seek in utmost good faith and by using their best endeavours to implement in full any future deal on the operation of devolved government between the parties to “The New Decade, New Approach Deal” which may be approved by the Assembly; ”

**Member’s explanatory statement**

This amendment requires Ministers to implement any future deal on the operation of devolved government in Northern Ireland.

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Colum Eastwood  
Claire Hanna

19

★ Clause 4, page 5, line 26, at end insert—

“(ca) abide by and implement in every respect Annex A to Part 2 of “The New Decade, New Approach Deal” as regards the transparency, accountability and the functioning of the Executive; “

**Member’s explanatory statement**

This amendment requires Ministers to strengthen and enforce the Ministerial Code and other codes including the Special Adviser Code of Conduct.

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Stephen Farry

6

★ Clause 4, page 5, line 28, at end insert—

“(da) comply with paragraph 2.11 of the Northern Ireland Executive Ministerial Code in relation to the inclusion of ministerial proposals on the agenda for the Northern Ireland Executive, with areas for resolution to be recorded in the list of “Executive papers in circulation” against those papers still outstanding after the third meeting, in accordance with paragraph 62(c) of Section F of the Fresh Start Stormont Agreement and Implementation Plan;”

**Member’s explanatory statement**

This amendment implements a commitment further to the Fresh Start Agreement providing that an item may not be blocked for more than three meetings of the Executive through lack of agreement on the agenda.

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Louise Haigh  
Alex Davies-Jones  
Taiwo Owatemi

3

★ Clause 4, page 6, line 8, at end insert—

“(1A) “Key performance targets and objects” include commitments made in the Belfast Agreement (1998), the Hillsborough Agreement (2010), the Stormont House Agreement (2014), the Stormont House Fresh Start Agreement (2015) and the New Decade, New Approach Deal (2020).”

**Member’s explanatory statement**

This amendment makes it a requirement of the Ministerial Code of Conduct that Ministers are accountable to the Assembly and the public for fulfilling the Belfast (Good Friday) Agreement and subsequent Agreements.

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Colum Eastwood  
Claire Hanna

15

★ Clause 4, page 6, line 11, at end insert—

“(3) If an investigation by the Commissioner for Standards finds that a Minister has breached the Ministerial Code of Conduct by engaging in harassment, bullying or inappropriate or discriminatory behaviour, then the Minister shall be deemed to have resigned their ministerial post at midnight on the day of the report’s official publication, unless they have resigned before this time.”

**Member’s explanatory statement**

This amendment would ensure that if the Commissioner for Standards found that a Minister had engaged in harassment, bullying or inappropriate or discriminatory behaviour, in breach of the Ministerial Code of Conduct, then the Minister would be deemed to have resigned.

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Colum Eastwood  
Claire Hanna

16

★ Clause 4, page 6, line 11, at end insert—

“(3) Ministers shall cooperate with any relevant investigation by the Commissioner for Standards, give due respect to the findings of any report by the Commissioner in respect of themselves or their Special Advisers and responsibly reflect on the findings of other reports by the Commissioner in order to enable them to duly comply with the obligations of their Pledge of Office, the Ministerial Code of Conduct and/or related rules or codes.”

**Member’s explanatory statement**

This amendment would ensure that Ministers cooperate with any investigation and give due regard to existing standards including reports from the Commissioner for Standards.

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Stephen Farry  
Colum Eastwood  
Claire Hanna

7

★ Clause 5, page 7, line 12, leave out from “or” to end of subsection.

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Colum Eastwood  
Claire Hanna

11

★ Clause 5, page 7, line 12, at end insert—

“(5A) When a petition of concern is lodged and confirmed against a measure, proposal or a decision by a Minister, Department or the Executive (“the matter”), the Assembly shall appoint a special committee to examine and report on whether the matter is in conformity with equality and human rights requirements, including the European Convention on Human Rights and any Bill of Rights for Northern Ireland.

(5B) Consistent with paragraphs 11, 12 and 13 of Strand One of the Belfast Agreement, a committee as provided for under Section 13(3) may also be appointed at the request of the Executive Committee, a Northern Ireland Minister or relevant Assembly Committee.

(5C) A committee appointed under this section—

- (a) shall have the powers to call people and papers to assist in its consideration; and
- (b) shall take evidence from the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission.

(5D) A committee appointed under this section shall—

- (a) report in terms that reflect evidence regarding human rights and equality assessments relating to the matter; and
- (b) identify relevant clarification, adjustments and amendments (in the case of legislation) and/or other assurances which would address the stated concerns.

(5E) The Assembly shall consider the report of any committee appointed under this section and determine the matter in accordance with the requirements for cross-community support.

(5F) In relation to any specific petition of concern or request under subsection (5B), the Assembly may decide, with cross-community support, that the procedure in subsections (5A) and (5C) shall not apply.”

**Member’s explanatory statement**

This amendment provides for a petition of concern to lead to a special procedure, described in paragraphs 11-13 of Strand One of the Belfast Agreement, whereby a special committee shall consider the stated concern(s) relating to equality requirements and/or human rights. Such a special committee could also be appointed at the request of the Executive Committee, a Northern Ireland Minister or relevant Assembly Committee.

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Mr Robin Walker

1

Clause 5, page 7, line 16, leave out “including” and insert “which may include”

**Member’s explanatory statement**

This amendment means that the standing orders need not specify the minimum period of notice for a petition of concern.

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Mr Robin Walker

2

Clause 5, page 7, line 17, leave out from beginning to first “the” on line 18 and insert “the presentation of the petition and the time when”

**Member’s explanatory statement**

This amendment means that the standing orders may specify a minimum period of notice of less than a day for a petition of concern.

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Stephen Farry

8

★ Clause 5, page 7, line 19, at end insert—

“(aa) make provision for the minimum period under (a) to be reduced in prescribed circumstances to be determined by the Assembly;”

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Colum Eastwood  
Claire Hanna

12

★ Clause 5, page 7, line 27, at end insert—

“(ca) specify the size, timescale and terms of reference for such a committee;  
(cb) specify procedure(s) to allow for subsection (5E).”

**Member’s explanatory statement**

This amendment is consequential on Amendment 11 and would further clarify how standing orders should make due provision for the working terms for the sort of special committee/ procedure in respect of stated human rights or equality concerns as outlined in paragraphs 11-13 of Strand One of the Good Friday Agreement.

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Stephen Farry

9

★ Clause 5, page 7, line 31, at end insert—

“(e) make provision to allow petitioners to withdraw a petition of concern at any stage in the process.”

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Stephen Farry

10

★ Clause 5, page 7, line 37, at end insert “unless prescribed circumstances to be determined by the Assembly to reduce this period, apply.”

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Stephen Farry  
 Louise Haigh  
 Alex Davies-Jones  
 Taiwo Owatemi

5

- ★ Clause 8, page 8, line 8, leave out “at the end of the period of two months beginning with” and insert “on”

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Louise Haigh  
 Alex Davies-Jones  
 Taiwo Owatemi

NC1

- ★ To move the following Clause—

**“Report on implementation of The New Decade, New Approach Deal**

- (1) The Secretary of State must lay a report before each House of Parliament and before the Northern Ireland Assembly no later than six months after the date on which this Act is passed.
- (2) The report under subsection (1) must set out —
  - (a) whether, and how, each provision of this Act has been implemented, and
  - (b) what plans the Government has to bring forward further legislative proposals to implement the remainder of The New Decade, New Approach Deal.”

**Member’s explanatory statement**

This new clause requires the Government to report on what parts of The New Decade, New Approach Deal have been achieved under this Act, and what plans the Government has to implement the remainder of the deal.

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Stephen Farry

NC2

- ★ To move the following Clause—

**“Appointment of First Minister and Deputy First Minister**

- (1) The Northern Ireland Act 1998 is amended as follows.
- (2) In section 16A (Appointment of First Minister, deputy First Minister and Northern Ireland Ministers following Assembly election), in subsection 4, omit the words “of the largest political designation”.
- (3) For subsection (5) of that section, substitute—
 

“(5) The nominating officer of the second largest political party shall nominate a member of the Assembly to be the deputy First Minister.”.
- (4) In section 16(B) (Vacancies in the office of First Minister or deputy First Minister), in subsection (4), omit the words “of the largest political designation”.

- (5) For subsection (5) of that section, substitute—  
 “(5) The nominating officer of the second largest political party shall nominate a member of the Assembly to be the deputy First Minister.”.
- (6) In section 16C (Sections 16A and 16B: supplementary), omit subsection (6).”

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Colum Eastwood  
 Claire Hanna

NC3

★ To move the following Clause—

**“Appointment of First Ministers**

- (1) The Northern Ireland Act 1998 is amended as follows.
- (2) In subsection 16A (appointment of Ministers following Assembly election), leave out subsections (4) to (7) and subsection (9), and insert after subsection (3)—  
 “(3ZA)Each candidate for the office of First Minister or deputy First Minister, or jointly First Ministers, must stand for election jointly with a candidate for the other office.  
 (3ZB)Two candidates standing jointly shall not be elected to the two offices without one or more of the following measures of representational support—  
 (a) the support of a majority of members, a majority of designated Nationalists and a majority of Unionists; or  
 (b) the support of 60 per cent of members, 40 per cent of designated Nationalists and 40 per cent of designated Unionists; or  
 (c) the support of two thirds of members.  
 (3ZC)The First Minister and the deputy First Minister—  
 (a) shall not take up office until each of them has affirmed the terms of the pledge of office; and  
 (b) subject to the provisions of this Part, shall hold office until the conclusion of the next election for First Ministers.”.
- (3) In subsection (3)(a) the reference to “subsections (4) to (7)” shall be replaced by a reference to “subsections (3ZA) to (3ZC)”.

**Member’s explanatory statement**

This new clause would restore the Good Friday Agreement provision for joint election by the Assembly of the joint First Ministers.

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## Order of the House

**[22 June 2021]**

That the following provisions shall apply to the Northern Ireland (Ministers, Elections and Petitions of Concern) Bill:

### **Committal**

1. The Bill shall be committed to a Public Bill Committee.

### **Proceedings in Public Bill Committee**

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 8 July 2021.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

### **Proceedings on Consideration and Third Reading**

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

### **Other proceedings**

7. Any other proceedings on the Bill may be programmed.

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## Order of the Committee

**[29 June 2021]**

### **That—**

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 29 June) meet—
  - (a) at 2.00 pm on Tuesday 29 June;
  - (b) at 9.25 am and 2.00 pm on Tuesday 6 July;
  - (c) at 11.30 am and 2.00 pm on Thursday 8 July;
2. the Committee shall hear oral evidence in accordance with the following Table:

<b>Date</b>	<b>Time</b>	<b>Witness</b>
Tuesday 29 June	Until no later than 10.30 am	The Committee on the Administration of Justice; Professor Jonathan Tonge, University of Liverpool
Tuesday 29 June	Until no later than 11.25 am	Lilah Howson-Smith
Tuesday 29 June	Until no later than 2.30 pm	Sir Jonathan Stephens
Tuesday 29 June	Until no later than 3.15 pm	Emma Little-Pengelly
Tuesday 29 June	Until no later than 4.00 pm	Mark Durkan
Tuesday 29 June	Until no later than 4.45 pm	Alan Maskey, Speaker of the Northern Ireland Assembly; Lesley Hogg, Clerk of the Northern Ireland Assembly; Dr Gareth McGrath, Director of Parliamentary Services, Northern Ireland Assembly

3. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 8 July.
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