
Committee Stage: Tuesday 6 July 2021

Northern Ireland (Ministers, Elections and Petitions of Concern) Bill (Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage. A glossary with key terms can be found at the end of this document.

First to Third Sittings

FIRST AND SECOND SITTINGS

Mr Robin Walker

Agreed to

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:

Date	Time	Witness
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

Date	Time	Witness
Tuesday 29 June	Until no later than 4.45 pm	Alex 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.

Mr Robin Walker

Agreed to

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Mr Robin Walker

Agreed to

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

The following Witnesses gave oral evidence:

Daniel Holder, Deputy Director, Committee on the Administration of Justice

Professor Jonathan Tonge, Professor of Politics, University of Liverpool

Lilah Howson-Smith, former Special Advisor to Julian Smith at Northern Ireland Office

Sir Jonathan Stephens, former Permanent Secretary, Northern Ireland Office

Emma Little-Pengelly, former Member of Parliament, DUP, and former Special Advisor, Northern Ireland Assembly

Mark Durkan, former Member of Parliament, SDLP, and negotiator of Good Friday Agreement

Alex Maskey, Speaker, Northern Ireland Assembly

Lesley Hogg, Clerk, Northern Ireland Assembly

Dr Gareth McGrath, Director of Parliamentary Services, Northern Ireland Assembly

THIRD SITTING

Clauses 1 to 3 agreed to.

Colum Eastwood Claire Hanna	Withdrawn after debate	13
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Clause 4, page 5, line 22, after “be accountable to the Assembly” insert “users of services,”

Louise Haigh Alex Davies-Jones Taiwo Owatemi	Withdrawn after debate	4
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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,”

Colum Eastwood Claire Hanna	Not called	14
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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;”

Colum Eastwood Claire Hanna	Not called	17
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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; ”

Colum Eastwood Claire Hanna	Not called	18
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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; ”

Colum Eastwood **Not called** 19
 Claire Hanna

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; “

Stephen Farry **Not called** 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;”

Louise Haigh **Not called** 3
 Alex Davies-Jones
 Taiwo Owatemi

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).”

Colum Eastwood **Withdrawn after debate** 15
 Claire Hanna

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.”

Colum Eastwood **Not called** 16
 Claire Hanna

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.”

Clause agreed to.

Stephen Farry Colum Eastwood Claire Hanna	Withdrawn after debate	7
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Clause 5, page 7, line 12, leave out from “or” to end of subsection.

Colum Eastwood Claire Hanna	Withdrawn after debate	11
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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."

Mr Robin Walker **Agreed to** **1**
 Clause 5, page 7, line 16, leave out "including" and insert "which may include"

Mr Robin Walker **Agreed to** **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"

Stephen Farry **Not called** **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;"

Colum Eastwood **Not called** **12**
 Claire Hanna
 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)."

Stephen Farry **Withdrawn after debate** **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."

Stephen Farry **Not moved** **10**
 Clause 5, page 7, line 37, at end insert "unless prescribed circumstances to be determined by the Assembly to reduce this period, apply."

Clause, as amended, agreed to.

Clauses 6 and 7 agreed to.

Stephen Farry
 Louise Haigh
 Alex Davies-Jones
 Taiwo Owatemi

Withdrawn after debate 5

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

Clause agreed to.

Clause 9 agreed to.

Louise Haigh
 Alex Davies-Jones
 Taiwo Owatemi

Withdrawn after debate 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.”

Stephen Farry

Withdrawn after debate 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).”

Colum Eastwood
Claire Hanna

Negatived on division 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)”.

Bill, as amended, to be reported.

Glossary

Added: New Clause agreed without a vote and added to the Bill.

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negated: rejected without a vote.

Negated on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.
