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Report Stage: Tuesday 26 October 2021

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## Northern Ireland (Ministers, Elections and Petitions of Concern) Bill, As Amended (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 Any withdrawn amendments are listed at the end of the document.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.

This document should be read alongside the Speaker's provisional Selection and Grouping, which sets out the order in which the amendments will be debated.

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Stephen Farry

NC1

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).”

**Member's explanatory statement**

This new clause provides that the deputy First Minister can come from the second largest political party without prescribing that the post be filled by a member from the second largest designation.

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Stephen Farry

NC2

To move the following Clause—

**“Appointment of Joint 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 Joint 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 support of two thirds of members present and voting.
  - (3ZC) The Joint First Ministers—
    - (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)” is replaced by a reference to “subsections (3ZA) to (3ZC)”.
- (4) Any reference in the Northern Ireland Act 1998 to the First Minister or deputy First Minister is to be taken as a reference to the Joint First Ministers.”

**Member’s explanatory statement**

This new clause provides for the joint election of First Ministers, and further prescribes a weighted majority vote in the Assembly, without the use of designations, for this purpose.

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Stephen Farry  
Colum Eastwood  
Claire Hanna

NC3

To move the following Clause—

**“First Minister and deputy First Minister to be referred to as Joint First Ministers**

The First Minister and deputy First Minister elected under the Northern Ireland Act 1998 are to be referred to as Joint First Ministers, and all references in that Act (other than to their election) to the First Minister and deputy First Minister are to be read as references to the Joint First Ministers.”

**Member’s explanatory statement**

This new clause provides that First Minister and deputy First Minister be referred to as Joint First Ministers reflecting their identical status, powers and responsibilities.

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Colum Eastwood  
Claire Hanna

NC4

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 joint 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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Colum Eastwood  
Claire Hanna

8

Clause 4, page 5, line 22, after “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 6  
Alex Davies-Jones  
Sir Alan Campbell

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

“(ba) actively support the adoption and implementation of a Bill of Rights for Northern Ireland that is faithful to the stated intention of the 1998 Agreement”

**Member’s explanatory statement**

This amendment requires Northern Ireland Ministers to support actively the adoption of a Bill of Rights for Northern Ireland as envisaged in the Belfast (Good Friday) Agreement 1998 and in paragraphs 5.26 to 5.29 of Annex E (Rights, language and identity) to The New Decade, New Approach Deal 2020.

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Colum Eastwood 9  
Claire Hanna

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 10  
Claire Hanna

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 11  
Claire Hanna

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

“(bb) seek in utmost good faith and by using their best endeavours to implement in full any future deal 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 the any future deal on the operation of devolved government in Northern Ireland.

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Colum Eastwood 12  
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;”

**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 2

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 moves from guidance to statute a commitment in 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  
Sir Alan Campbell

7

Clause 4, page 5, line 32, at end insert “and by supporting the establishment of the consultative Civic Forum established in pursuance of paragraph 34 of Strand One of the Belfast Agreement and by obtaining its views on social, economic and cultural matters;”

**Member’s explanatory statement**

The intention of this amendment is to require Northern Ireland Ministers to support the reestablishment of a consultative Civic Forum for Northern Ireland to enable the Assembly to obtain views on social, economic and cultural matters as envisaged in the Belfast (Good Friday) Agreement 1998.

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Colum Eastwood  
Claire Hanna

13

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

- “(5A) When a petition of concern is lodged 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 (Strand 1) of the Belfast Agreement, a committee as provided for under subsection (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 and the 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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Stephen Farry

3

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;”

**Member’s explanatory statement**

This amendment gives the Assembly the discretion via its Standing Orders to reduce the timescales in relation to Petitions of Concerns in circumstances to be determined by the Assembly.

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Colum Eastwood  
Claire Hanna

14

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

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

**Member’s explanatory statement**

This amendment is consequential on Amendment 13 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

4

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.”

**Member’s explanatory statement**

This amendment would allow for a Petition of Concern to be withdrawn and to enable the affected matter of business to proceed without waiting for any statutory timetable to be concluded.

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Stephen Farry

5

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

1

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

**Member’s explanatory statement**

This amendment enables the Bill to be commenced with Royal Assent.

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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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