
Committee Stage: Tuesday 29 November 2022

Northern Ireland (Executive Formation etc) 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.

Clause 1 agreed to.

Stephen Farry

Not called 10

Clause 2, page 1, line 15, leave out “19 January 2023” and insert “a date set out in regulations by the Secretary of State”

Member's explanatory statement

This amendment gives the Secretary of State discretion to set a later deadline for the filling of Ministerial Offices.

Clause agreed to.

Gavin Robinson

Not called 12

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley

Paul Girvan

Carla Lockhart

Clause 3, page 2, line 23, at end insert—

“(4A) Guidance under subsection (4) must indicate that a senior officer of a Northern Ireland department may exercise the function of progressing arrangements

to ensure that funding is available for the remediation of unsafe non-aluminium composite material cladding, if the officer considers it to be in the public interest.”

Gavin Robinson

Not called 13

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley

Paul Girvan

Carla Lockhart

Clause 3, page 2, line 25, at end insert—

- “(5A) Guidance under subsection (4) must require senior officers of a Northern Ireland department who exercise a function in reliance on subsection (1)—
- (a) to notify in writing members of the Northern Ireland Assembly and Members of Parliament representing constituencies in Northern Ireland on each occasion that they exercise such a function, and to set out their justification and rationale for exercising the function, and
 - (b) to make themselves available to answer expeditiously any questions regarding their exercise of the function put by members of the Assembly or Members of Parliament representing constituencies in Northern Ireland.”

Colum Eastwood

Not called 7

Claire Hanna

Clause 3, page 2, line 28, after “Assembly” insert “and have due regard to the views of the First Ministers designate (the leaders of the two largest groupings elected to the Northern Ireland Assembly).”

Member's explanatory statement

This amendment would require the Secretary of State to have due regard to the First Ministers designate, defined as the leaders of the two largest groupings elected to the Northern Ireland Assembly, who are entitled to nominate the First Minister and the deputy First Minister.

Colum Eastwood

Not called 8

Claire Hanna

Clause 3, page 2, line 28, at end insert —

- “(7) Any representations made by Members of the Northern Ireland Assembly under subsection (6) must be published by the Secretary of State, who must also place a written report of those representations in the library of the Northern Ireland Assembly.”

Stella Creasy

Not called 11

Clause 3, page 2, line 28, at end insert —

5 “(7) In accordance with the requirements of section 9 of the Northern Ireland (Executive Formation etc) Act 2019, and the Abortion (Northern Ireland) Regulations 2021 (S.I. 2021/365) as amended by the Abortion (Northern Ireland) Regulations 2022 (S.I. 2022/554), guidance published under this section must include guidance to a senior officer of a Northern Ireland department on how to give effect to the Abortion Services Directions 2022 to ensure the provision of direct local access to abortion services in Northern Ireland.

10 (8) The guidance under subsection (7) must result in direct access to abortion services being available in Northern Ireland within 28 days of the date on which this Act is passed.

(9) If a Northern Ireland Executive is formed before 8 December 2022, any extant obligations arising under subsection (7) shall cease to have effect.”

As an Amendment to Stella Creasy’s proposed Amendment (No. 11):—

Sir Jeffrey M Donaldson

Not called (a)

Carla Lockhart
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley

Paul Girvan

Gavin Robinson

Line 12, at end insert “and on the date that a Northern Ireland Executive is next reformed, whenever that may be, section 9 of the Northern Ireland (Executive Formation etc) Act 2019 shall be repealed.”

Gavin Robinson

Not called 14

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley

Paul Girvan

Carla Lockhart

Clause 3, page 2, line 28, at end insert—

“(7) A senior officer must bring forward proposals to mark the centenary of the Common Travel Area between the United Kingdom and the Republic of Ireland.”

Gavin Robinson

Not called 15

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley
Paul Girvan

Carla Lockhart

Clause 3, page 2, line 28, at end insert—

“(7) A senior officer must conduct an inquiry into the impact of the introduction of the Northern Ireland Protocol since 1 January 2021 on the right granted the people of Northern Ireland in the section of the Belfast Good Friday Agreement entitled “Rights, Safeguards and Equality of Opportunity” to “pursue democratically national and political aspirations” and the right afforded women to “full and equal political participation”.”

Clause agreed to.

Stephen Farry

Not called 5

Clause 4, page 2, line 33, at end insert—

“(1A) The absence of Northern Ireland Ministers is not to be treated as preventing any senior officer of a Northern Ireland department from implementing, so far as practicable, recommendations, including any recommendations on the backdating of pay awards, from the relevant independent pay review bodies or other negotiated settlements for public services in Northern Ireland.”

Member's explanatory statement

This amendment provides clarification that senior officers may implement public sector pay awards in the absence of Northern Ireland Ministers.

Clause agreed to.

Clauses 5 to 9 agreed to.

Simon Hoare

Not called 1

Sir Robert Buckland

Clause 10, page 5, line 22, leave out “may” and insert “must”

Member's explanatory statement

The intention of this amendment is to require the Secretary of State to make a determination reducing the salary of Northern Ireland Assembly Members during a period in which the Northern Ireland Assembly is not functioning.

Simon Hoare

Not called 2

Sir Robert Buckland

Clause 10, page 5, line 24, leave out "in respect of some or all of that period" and insert "with effect from 1 January 2023 (unless the Northern Ireland Assembly is functioning by then)"

Simon Hoare

Not called 3

Sir Robert Buckland

Clause 10, page 5, line 28, at end insert—

"(2A) The first determination must reduce by 50 per cent the salaries of Northern Ireland Assembly Members payable during a period in which the Northern Ireland Assembly is not functioning."

Simon Hoare

Not called 4

Sir Robert Buckland

Clause 10, page 5, line 40, leave out "would have had were it not for" and insert "have had under"

Member's explanatory statement

The intention of this amendment is to link the pension entitlement of Northern Ireland Assembly Members to the salary they actually receive.

Colum Eastwood

Not called 9

Claire Hanna

Clause 10, page 6, line 28, at end insert —

"(11) Members of the Northern Ireland Assembly who do not vote in any election for a Speaker or Presiding Officer of the Northern Ireland Assembly, or vote against all candidates standing in such an election, will have their entire salaries reduced to zero from the date on which that election vote is held."

Clause agreed to.

Colum Eastwood

Not called 6

Claire Hanna

Clause 11, page 6, line 34, after “Executive.” insert “Any increases made to the regional rate for year ending 31 March 2024 should be funded out of the Treasury Department and not the Northern Ireland block grant.”

Clause agreed to.

Clauses 12 to 15 agreed to.

Colum Eastwood

Not called NC1

Claire Hanna

To move the following Clause—

“Report to Northern Ireland Affairs Select Committee

- (1) The Secretary of State must provide a written report to the Northern Ireland Affairs Select Committee of the House of Commons about the exercise of departmental functions under section 3 of this Act, no later than six weeks after the date on which this Act is passed, and thereafter at intervals of no more than six weeks until Ministerial appointments are made to the Executive.
- (2) In this section “the Northern Ireland Affairs Select Committee of the House of Commons” means the Select Committee of the House of Commons known as the Northern Ireland Affairs Select Committee or any successor of that committee.”

Colum Eastwood

Not called NC2

Claire Hanna

To move the following Clause—

“Consultation with Government of Ireland

The Secretary of State must have due regard to the views of the Government of Ireland when issuing guidance under section 3 of this Act.”

Colum Eastwood

Not called NC3

Claire Hanna

To move the following Clause—

“Consultation with First Ministers designate

The Secretary of State must have due regard to the views of the First Ministers Designate (the leaders of the two largest groupings entitled to nominate First Minister and deputy First Minister) in issuing guidance under section 3 of this Act.”

Colum Eastwood

Not called NC4

Claire Hanna

To move the following Clause—

“Nomination of First Ministers

- (1) Section 16A of the Northern Ireland Act 1998 (appointment of First Minister, deputy First Minister and Northern Ireland Ministers following Assembly election) is amended as follows.
- (2) After subsection (3) insert—
 - “(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.”
- (3) Omit subsections (4) to (7).
- (4) Omit subsection (9).”

Colum Eastwood

Not called NC5

Claire Hanna

To move the following Clause—

“Nomination of Presiding Officer

- (1) Section 39 of the Northern Ireland Act 1998 (Presiding Officer) is amended as follows.

(2) For subsection (7) substitute —

- “(7)(a) The Presiding Officer shall not be elected 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.”

Peter Kyle

Not called NC6

Tonia Antoniazzi

To move the following Clause—

“Reports on progress towards forming an Executive

- (1) The Secretary of State must, on or before 8 December 2022, publish a report explaining what progress has been made towards the formation of an Executive in Northern Ireland (unless an Executive has already been formed).
- (2) The Secretary of State must lay a copy of each report published under subsection (1) before each House of Parliament by the end of the day on which it is published.
- (3) The Secretary of State must make a further report under subsection (1) on or before 19 January 2023.
- (4) For the purposes of this section an Executive is formed once the offices of the First Minister, deputy First Minister and the Northern Ireland Ministers are all filled.”

Gavin Robinson

Not called NC7

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley

Paul Girvan

Carla Lockhart

To move the following Clause—

“Local elections in 2023

- (1) The Secretary of State may by regulations made by statutory instrument set a different date for the local council elections due to take place on 4 May 2023.
- (2) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Gavin Robinson

Not called NC8

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley
Paul Girvan

Carla Lockhart

To move the following Clause—

“Date of Local Government Election 2023

The Secretary of State may change the date of the Northern Ireland local elections so that there is no conflict between the time required to count STV votes and the Coronation of King Charles III.”

Gavin Robinson

Not called NC9

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley
Paul Girvan

Carla Lockhart

To move the following Clause—

“Cladding remediation

The Secretary of State may progress Grenfell remediation for non ACM cladding in the absence of a functioning Executive.”

Gavin Robinson

Not called NC10

Sir Jeffrey M Donaldson
Sammy Wilson
Mr Gregory Campbell
Jim Shannon
Ian Paisley
Paul Girvan

Carla Lockhart

To move the following Clause—

“Governance of Northern Ireland and Belfast Good Friday Agreement Twenty Fifth Anniversary

- (1) The Secretary of State must produce and publish a report on compliance with international law and domestic law set out in Article 2(1) of the Protocol on Ireland/Northern Ireland (“the Protocol”) with respect to the right granted the people of Northern Ireland in the section of the Belfast Agreement entitled “Rights, Safeguards and Equality of Opportunity” to “pursue democratically national and political aspirations” and the right afforded women to “full and equal political participation”.

- (2) The report must make recommendations about the changes that should be made to Articles 3 to 18 of the Protocol under Article 13(8) so that obligations under Article 2(1) of the Protocol can be complied with before the 25th anniversary of the Belfast Agreement.
- (3) The report must be published by 1 January 2023 and laid before Parliament."

Gavin Robinson

Not called NC11

Sir Jeffrey M Donaldson
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley

Paul Girvan

Carla Lockhart

To move the following Clause—

"Governance of Northern Ireland and Non-Majoritarianism

- (1) The Secretary of State must produce and publish a report assessing—
 - (a) the benefits to Northern Ireland arising from the decision that majoritarian decisions should not be permitted at Stormont on controversial matters that divide the nationalist and unionist communities which has been effective since 31 March 1972; and
 - (b) the implications of the decision to abandon this approach in 2024 to permit the first majoritarian decision at Stormont on a controversial matter that divides the nationalist and unionist communities since 1972 in response to Article 18 of the Protocol on Ireland/Northern Ireland in terms of peace and security in Northern Ireland.
- (2) The report must be published by 23 December 2022 and laid before Parliament."

Sir Jeffrey M Donaldson

Not called NC12

Carla Lockhart
 Sammy Wilson
 Mr Gregory Campbell
 Jim Shannon
 Ian Paisley

Paul Girvan

Gavin Robinson

To move the following Clause—

"Section 9 Northern Ireland (Executive Formation etc) Act 2019: repeal

On the formation of an Executive, Section 9 of the Northern Ireland (Executive Formation etc) Act 2019 (Abortion etc: implementation of CEDAW recommendations) will be repealed."

Bill reported.

Bill read the third time, and passed.

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.

Negatived: rejected without a vote.

Negatived 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.