



SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

NORTHERN IRELAND OFFICE  
11 MILLBANK  
LONDON  
SW1P 4PN

Professor Monica McWilliams  
The New Northern Ireland Assembly  
Parliament Buildings  
Stormont  
BELFAST  
BT4 3XX

24 November 1999

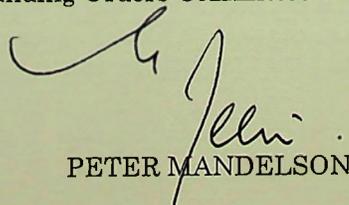
*Aw Monica,*

**REVISED INITIAL STANDING ORDERS**

As you know, I am responsible, under paragraph 10 of the Schedule to the Northern Ireland (Elections) Act 1998, for determining the Standing Orders of the Assembly during its shadow period.

I am writing to let you know that I am minded to determine the two attached draft Standing Orders before close of play tomorrow. The drafts take account of representations from the parties, to bring the provisions on the d'Hondt procedure for the appointment of Ministers (designate) (Standing Order 22) and the establishment of shadow statutory committees (Standing Order 23) into line with the relevant sections of the Northern Ireland Act. I have also decided that there is no specific requirement to retain the provisions in Standing Order 22, paragraph 2.

Given the sequence I have already outlined on the timing of devolution there is only a limited period for consultation if we want to be in a position to run D'Hondt on 29 November. Consequently I would be grateful for comments on any aspects of the draft Orders by 5.00pm tomorrow following which I intend to determine them. I am writing in similar terms to the Initial Presiding Officer, the First Minister Designate, other Party leaders in the Assembly and to the co-chairs of the Standing Orders Committee.

  
PETER MANDELSON

PM/BB

**(22) APPOINTMENT OF MINISTERS (DESIGNATE)**

- (1) Where a determination has been made and approved in accordance with Standing Order 21, the Presiding Officer shall, at the next meeting of the Assembly, supervise the allocation and, subject to paragraph (14), taking up of the Ministerial offices (designate) in accordance with the procedure set out in this Standing Order.
- (2) Having regard to the consolidated list of political parties and their members referred to in Standing Order 20, the Presiding Officer shall ask the nominating officer of the political party for which the formula in paragraph (8) gives the highest figure to select an available Ministerial office (designate) and nominate a person to hold it who is a member of his party and of the Assembly.
- (3) Immediately following the making of a nomination under this Standing Order, the Presiding Officer shall ask whether the nominee is willing to take up the office to which he has been nominated.
- (4) Where the nominee indicates his willingness to take up the office he shall do so by affirming to the Assembly the Pledge of Office in Schedule 4 to the Northern Ireland Act 1998.
- (5) Subject to paragraph (6), if:
  - (a) the nominating officer does not make the selection or nomination referred to in paragraph (2) within a maximum period of 5 minutes, or
  - (b) the nominee does not take up the selected Ministerial office (designate) in accordance with paragraph (4) within that period,the Presiding Officer shall ask the nominating officer of the political party for which the formula in paragraph (8) gives the next highest figure to select an available Ministerial office (designate) and nominate a person to hold it who is a member of his party and of the Assembly.
- (6) Paragraph (5) shall not operate where the Presiding Officer allows a brief adjournment up to a maximum of 15 minutes at the request of a nominating officer who needs further time to consider a nomination.

(7) Paragraphs (2) to (6) shall be applied as many times as may be necessary to secure that each of the Ministerial offices (designate) has been allocated and taken up.

(8) The formula is:

$$\frac{S}{I + M}$$

where S = the number of seats which were held by members of that party on the day on which the Assembly first met following its election on 25 June 1998.

M = the number of Ministerial offices (designate) (if any) which are held by members of the party.

(9) Where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the Assembly election on 25 June 1998.

(10) The holding of office as First Minister (designate) or Deputy First Minister (designate) shall not prevent a person being nominated to hold a Ministerial office (designate).

(11) A Minister (designate) ceases to hold office if:

(a) he resigns by notice in writing to the First Minister (designate) and the Deputy First Minister (designate);

(b) he ceases to be a member of the Assembly;

(c) he is dismissed as such by the nominating officer of the party on whose behalf he was nominated and the Presiding Officer is notified of his dismissal in writing;  
or

(d) he is excluded from holding office under a resolution passed by the Assembly in accordance with Standing Order 24, paragraph (1).

In any of these circumstances the Presiding Officer shall, within 10 days of the vacancy occurring, ask the nominating officer of the party on whose behalf the previous incumbent was nominated to nominate a person to hold the office who is a member of his party and of the Assembly.

(12) Where:

(a) a resolution of the Assembly under Standing Order 24, paragraph (2), has been passed which causes one or more Ministerial offices (designate) to become vacant; or

(b) the period of exclusion imposed by such a resolution comes to an end

all Northern Ireland Ministers (designate) shall cease to hold office and the Presiding Officer shall supervise the allocation and taking up of the Ministerial offices (designate) in accordance with the procedure set out in this Standing Order.

(13) Where:

(a) the Assembly has resolved under Standing Order 24, paragraph (2), that a political party does not enjoy its confidence; and

(b) the party's period of exclusion has not come to an end,

the party shall be disregarded for the purposes of any application of paragraphs (2) to (10).

(14) On the completion of the procedure for the appointment of Ministers (designate) under this Standing Order, the persons appointed shall only continue to hold Ministerial office (designate) if they include at least 3 designated Nationalists and 3 designated Unionists.

## **(23) ESTABLISHMENT OF SHADOW STATUTORY COMMITTEES**

(1) Where a determination has been made and approved in accordance with Standing Order 21, the Standing Orders Committee shall, as soon as practicable, bring forward a motion establishing Committees of members of the Assembly (Shadow Statutory Committees) to advise and assist each Northern Ireland Minister (designate) in the formulation of policy with respect to matters within his responsibilities. Each Committee will have responsibility for undertaking a scrutiny, policy development and consultation role with respect to each of the Ministers (designate) which it will advise and assist. The motion shall specify:

(a) the Northern Ireland Minister or Ministers (designate) which each Committee will advise and assist;

(b) the number of members to be appointed to each Committee in accordance with paragraph (2) (b). Notwithstanding Standing Order 15, the number of members to be appointed to each Committee shall be 11.

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(b) the period of exclusion imposed by such a resolution comes to an end

all Northern Ireland Ministers (designate) shall cease to hold office and the Presiding Officer shall supervise the allocation and taking up of the Ministerial offices (designate) in accordance with the procedure set out in this Standing Order.

(13) Where:

(a) the Assembly has resolved under Standing Order 24, paragraph (2), that a political party does not enjoy its confidence; and

(b) the party's period of exclusion has not come to an end,

the party shall be disregarded for the purposes of any application of paragraphs (2) to (10).

(14) On the completion of the procedure for the appointment of Ministers (designate) under this Standing Order, the persons appointed shall only continue to hold Ministerial office (designate) if they include at least 3 designated Nationalists and 3 designated Unionists.

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(a) the Northern Ireland Minister or Ministers (designate) which each Committee will advise and assist;

(b) the number of members to be appointed to each Committee in accordance with paragraph (2) (b). Notwithstanding Standing Order 15, the number of members to be appointed to each Committee shall be 11.

- (2) Where the Ministerial offices (designate) have been allocated and taken up in accordance with Standing Order 22 and the Assembly has approved a motion brought forward in accordance with paragraph (1), the Presiding Officer shall, as soon as practicable, supervise:
  - (a) the appointment of a Chairman and Deputy Chairman to each Committee in accordance with the procedure set out in this Standing Order; and thereafter
  - (b) the appointment of members to each Committee having regard to the balance of parties in the Assembly and in such a way as to ensure that the opportunity of membership of a Committee is available to all members of the Assembly other than Ministers (designate) and Junior Ministers (designate).
- (3) Having regard to the consolidated list of political parties and their members referred to in Standing Order 20, the Presiding Officer shall ask the nominating officer of the political party for which the formula in paragraph (8) gives the highest figure to select an available Shadow Statutory Committee and nominate a person who is a member of his party and of the Assembly, to be Chairman or Deputy Chairman of it.
- (4) Immediately following the making of a nomination in accordance with paragraph (3), the Presiding Officer shall ask whether the nominee is willing to take up the office for which he has been nominated and if the nominee indicates his willingness to take up office then the Presiding Officer shall announce his appointment.
- (5) Subject to paragraph (6), if:
  - (a) the nominating officer does not make the selection or nomination referred to in paragraph (3) within a maximum period of 5 minutes; or
  - (b) the nominee does not take up the selected office in accordance with paragraph (4) within that period

the Presiding Officer shall ask the nominating officer of the political party for which the formula in paragraph (8) gives the next highest figure to select an available Shadow Statutory Committee and nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.
- (6) Paragraph (5) shall not operate where the Presiding Officer allows a brief adjournment up to a maximum of 15 minutes at the request of a nominating officer who needs further time to consider a selection or nomination.

- (7) Paragraphs (3) to (6) shall be applied as many times as may be necessary to secure that a Chairman and Deputy Chairman are appointed to each of the Shadow Statutory Committees.
- (8) The formula is:

$$\frac{S}{1 + C}$$

where S = the number of seats which were held by members of that party on the day on which the Assembly first met following its election on 25 June 1998.

C = the number (if any) of Chairmen and Deputy Chairmen of Committees established under this Standing Order which are held by members of the party

- (9) Where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the Assembly election on 25 June 1998.
- 
- (10) A Minister (designate) or junior Minister (designate) may not be the Chairman or Deputy Chairman of a Shadow Statutory Committee.
- (11) No member may be nominated to serve as a Chairman or Deputy Chairman of a Shadow Statutory Committee if he is the Chairman or Deputy Chairman of another Statutory Committee
- (12) In making nominations of members to be Chairmen or Deputy Chairmen of Committees under this Standing Order, nominating officers shall prefer Committees in which they do not have a party interest over ones in which they do have a party interest. For these purposes, a nominating officer has a party interest in a Committee if it is established to advise and assist a Minister (designate) who is a member of his party
- (13) A Chairman or Deputy Chairman to a Shadow Statutory Committee shall cease to hold office if:
- (a) he resigns by notice in writing to the Presiding Officer;
  - (b) he ceases to be a member of the Assembly; or
  - (c) he is dismissed as such by the nominating officer of that party on whose behalf he was nominated and the Presiding Officer is notified of his dismissal in writing.





the new  
Northern Ireland  
Assembly

Parliament Buildings  
Belfast BT4 3XX

Peter Mandelson MP  
Secretary of State  
Castle Buildings  
Stormont Estate

25<sup>th</sup> November 99

Dear *Pete*

Revised Initial Standing Orders

Thank you for your letter yesterday setting out the determinations you are minded to make before close of play today. Please find below our response:

- We agree that there is no specific requirement to retain the provisions in Standing Order 22, paragraph 2, and are pleased that you will not be doing so.
- To maintain as close a parallel as possible with the Act, perhaps an additional line reading "*A Northern Ireland Minister shall not take up office until he (sic) has affirmed the terms of the pledge of office.*" This could be inserted after, or as part of, paragraph (4), or as a new paragraph, being inserted after paragraph (10).
- We suggest that (11) (b) and (23) (b) be amended to read "*he (sic) ceases to be a member of the Assembly otherwise than by virtue of a dissolution*"
- We reiterate our objection to paragraph (24) (2) on the grounds that the Belfast Agreement does not envisage whole parties being excluded (Strand 1, paragraph 25). We feel it, and references to it [(12) (a) (b); (13) (a) (b) (c)] should be deleted.
- We suggest, to preserve style, that "*Shadow Statutory*" be deleted from (23) (3), (23) (5), (23) (7), (23) (10), (23) (11). In (23)(11), *Statutory* should be deleted from the second reference to Committee.

We are happy to clarify any of the above if necessary. I hope these comments are of use.

Yours sincerely

*Monica McWilliams*

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