

ANNEX C3
DUP SUBMISSION
WEIGHTED MAJORITIES AND THRESHOLDS

8th June 1992

This brief paper considers some of the areas for which the referral mechanism could be triggered and it also looks at the options for setting off override procedures.

In facing this subject we much remember that constitutionally any Assembly or Panel would be ultimately subject to the UK Parliament. This has always been the position as Section 75 of the 1920 Act emphatically maintained the supreme authority of the UK parliament over Northern Ireland notwithstanding the existence of Stormont.

So by virtue of the very nature of devolving powers within the UK Westminster has constitutional override powers which can never be diminished.

Nonetheless, if other mechanisms are employed with the agreement of Westminster then parliament need not intervene.

We feel most strongly that to bestow upon a Panel or the Secretary of State unrestricted powers particularly of review and direction would be a recipe for the one thing which above all else must be avoided in any new structure in Northern Ireland, namely instability. Such would undermine the system and good and efficient government would be severely jeopardised.

In relation to a referral from the Assembly which could be to the Panel we are assuming that this would be a replacement for the principle enshrined in Section 18(2) of the 1973 Act which gives this power to the Secretary of State in respect of proposed legislation.

We would prefer that if 35% of those who are elected to the Assembly sign a petition seeking a referral of a legislative or executive decision the mechanism would be activated and the Panel could consider the merits underlying the petition. We do enter a concern that we must be careful that we do not open the flood-gates to frivolous referrals and an exploitation of the process for obstructionist purposes.

Likewise when weighted majorities are necessary for purposes which shall be specified ie election of Speaker and highly contentious measures this should be by 65% of those elected to the Assembly.