

HOUSE OF COMMONS
LONDON SW1A 0AA

Rt. Hon. Sir Patrick Mayhew QC MP
Northern Ireland Office
Stormont Castle
BELFAST
BT4 3ST

4th November 1996.

Peter Sedberry

Thank you for your letter of 23rd October 1996 asking for the views of myself and the UK Unionist Party on the Prime Minister's proposal to expand the role and remit of the Northern Ireland Grand Committee. I must first welcome this announcement and the fact that Mr. Major is concerned that the Northern Ireland Grand Committee will be reconstituted on the lines of the changes recently made to its Scottish and Welsh equivalents.

It is only a pity that there should have been any doubt about our following suit on these changes, or that there was any need for delay in opening this consultation exercise.

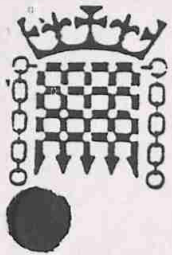
The development of the Grand Committee concept has great potential in relation to Northern Ireland, not least because of the masses of legislation, almost all in the form of Order in Council, that are always on the go. The present programme lists nearly 40 such Orders that are in gestation at the moment for conclusion within a year or eighteen months.

You specify five proposed new functions for the Grand Committee:

- (1) NIO Ministers to make statements there, such as that on expenditure (PES).
- (2) NIO Ministers to take questions.
- (3) Other Cabinet Ministers to take questions and make statements, e.g. Foreign Secretary.

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- (4) Meetings may be held in and around Ulster.
- (5) General debates including those on proposals for draft Orders in Council to be encouraged.

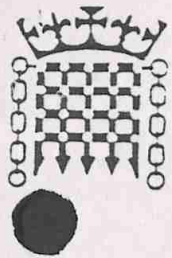
You make one comment on the question of meeting in Northern Ireland, because of the problem of arranging the attendance of the other 25 members from Great Britain constituencies. I have to ask in relation to this aspect, what is the background and reasoning for having so many "other" members on the Committee? The Welsh version permits, I understand, only five "other" members while the Scottish is restricted to the 72 Scottish constituency MPs. The problem would be lessened by a reduced number of "others".

The five proposals you make are quite commendable and I endorse each of them. The powers to hold meetings in Belfast or beyond, in Bangor for example, to summon other Cabinet Ministers could well have significant beneficial political effects, both to raise locally the standing in which Parliament is held and to encourage people to perceive that the executive is subject to a degree of accountability and that the MPs they vote into the House of Commons are effecting that accountability.

The use of short debates and specifically adjournment debates, as provided for in the new arrangements of the Scottish and Welsh Grand Committees, especially when meeting locally, is to be recommended. Such debates can again illustrate, as they do, at a distance, in the House of Commons that local issues of the moment are being addressed, and that Government Ministers are obliged to consider them.

In the words of the Secretary of State for Scotland, what the people "want is Government close to them, Government listening to them." His other words on St. Andrew's Eve 1995 about the Scottish Grand Committee, that it would assume "an increasingly pivotal role in the parliamentary government of Scotland.....and in underpinning the Union" have a welcome resonance here.

The Government's view expressed when Michael Forsyth stated that Westminster "embodies our great Union. It is the only Parliament that can effectively and powerfully secure Scotland's interests and future" is one that your Department could usefully adopt as a replacement for certain destabilising comments made by your immediate predecessor.



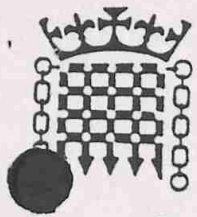
The practical difficulties in relation to Northern Ireland legislation in general are brought into focus again by your proposals. You will know that we suffer from an inordinate amount of duplicated legislative text and that I and some forty other MPs from all the parties signed an Early Day Motion last session calling for an end to replication of legislation in the fields of social security, pensions, road traffic and commercial law. More recently at the meeting of the unenhanced Northern Ireland Grand Committee on 15th October 1996 the leader of the Ulster Unionist Party, in a persuasive contribution, argued for an end to the replication of EU regulations on the environment, and their imposition instead by UK-wide statutory instruments.

If Government could work in this direction, as suggested last year by the Standing Advisory Commission on Human Rights when it called for Northern Ireland to be included in UK law, where it is parity law (as in the above examples) a reducing volume of Orders in Council and associated statutory rules would be put in train. As it is, only a handful of Orders in Council are now discussed on the floor of the House, the remainder being shunted off to a Standing Committee on Delegated Legislation where only one Northern Ireland Member sits.

This year's prominent Orders in Council will be those concerned with the licensing laws and race relations: The former particular to Northern Ireland and the latter not, being a catching-up parity law that should be dealt with by an amendment to include us in the GB Act. The question before us is how to blend the present democratic deficit in that Orders in Council are unamendable, with the enhancement of the Grand Committee.

Two options might be utilised. The first is to incorporate some aspects of a Special Select Committee, which I know you favour, into the Grand Committee. This would enable draft Orders in Council to be tested against the evidence provided by interested witnesses, allowing for give and take by the Northern Ireland Office Ministers in their responses.

The second option, which is not necessarily an alternative to the first, is to develop some sort of amendment routine to draft Orders in



Council whereby an *ersatz* committee stage could come into being with MPs having the discipline of producing amendments, and the Government at least having to answer the points made even if there was no decisive vote permitted.

There is a further fact that is worthy of mention and that is that there is no political downside to the introduction of an enhanced Northern Ireland Grand Committee. It is a development to improve government accountability and like some earlier reforms - the Northern Ireland Select Committee, the extra parliamentary seats - will be of advantage to both Unionist and Nationalist parties and will unquestionably be utilised, by the SDLP, in particular, to advance its interests and those of its voters.

No community in Northern Ireland, no member of the minority or majority will be diminished or have their rights lessened in any way by this change. As I am sure you have already gathered from the Dublin press, the government there has already discounted this reform and is thus not unduly disturbed or likely to try to place any impediment in its way.

I would hope that you might have this consultation process concluded by early December, and be in a position to make your final decision known, along with the necessary amendments to Standing Orders, in the new year. This would have the advantage of the new Northern Ireland Grand Committee being up, if not running at any speed, before the election. You would be able to enter that election being in a position to state quite fairly that in furtherance of a stronger union, Scotland, Wales and Northern Ireland had all been given greater powers of scrutiny and debate on legislative matters through enhanced Grand Committees.

Yours Ever
Bob.