

31 March 1998

Strand One Issues - SDLP Outline

**1. LEGISLATION**

New Westminster legislation will be enacted following the agreement, setting out the functions and responsibilities of the new Northern Ireland Institutions, including

- (i) an Executive Commission
- (ii) an Assembly
- (iii) Assembly Committees
- (iv) an Assembly Chairperson and Deputy Chairperson.

The legislation will also specify

- (I) the safeguards to be adopted at Executive, Assembly and Committee levels to ensure that the new institutional arrangements will be founded, and operate, on the basis of widespread cross-community support, and
- (ii) the obligations of office to be undertaken by all those who hold office in the new institutions.

**2. ASSEMBLY**

**A. Functions of the Assembly**

The Assembly will be responsible for the enactment of legislation, both primary and secondary, on all devolved matters. The Budget brought forward by the Executive Commission must be approved by the Assembly. The Assembly will scrutinise the work of the Executive Commission through questions in the full Assembly and through the activity of a number of standing Committees.

**B: Votes in the Assembly**

A normal simple majority of members voting will be sufficient unless

- (a) the use of a qualified majority is sought by 20% of all members or
- (b) a proposition has failed to obtain the necessary majority in a Committee (see below).

In addition, a qualified majority is also required to appoint the Chairperson of the Assembly.

A qualified majority will consist of sufficient consensus, i.e. a majority of members, including those who between them represent a majority of both unionist and nationalist members.

### **C. Assembly Committees**

Chairpersons of the Committees will be appointed on the basis of the d'Hondt system. The Chairpersons of all the Assembly Committees together shall form a Committee of Selection which will appoint the individual members of each Committee. The membership of the Assembly Committees will be broadly proportional to overall party strengths. Votes in the Committees will normally be by simple majority unless at least two members request that it be by qualified majority. A proposition failing to secure a qualified majority in such circumstances in a Committee will be referred to the full Assembly for decision. Committees will have an important role in the regular scrutiny of the Executive and of draft legislation.

### **D. Term of the Assembly**

The Assembly will have a fixed four-year term, unless resolved otherwise by a qualified majority, or in the view of the Secretary of State, and on an exceptional basis, new elections were required to allow the possibility of an Executive Commission with a stable majority and the necessary cross-community support.

## **3. THE EXECUTIVE COMMISSION**

### **A. Function and Composition of the Executive Commission**

There will be an Executive Commission which will have responsibility for all transferred matters, including the power to initiate legislation, propose the Budget and to appoint members to relevant public bodies. The Commission will be drawn from the members of the Assembly. It will be appointed on the basis of the d'Hondt system. The First Minister will be from the largest individual political party. The Deputy First Minister will normally be from the next largest party but in any case he/she to be from a different tradition.

In addition to presiding over meetings of the Executive Commission, the First and Deputy First Ministers will have responsibilities with respect to relationships with other institutions established under this agreement.

There will be 10 members of the Commission, in addition to the First Minister and the Deputy First Minister. Each of these members will have Departmental responsibilities. The functions of existing six Northern Ireland Departments, together with any functions which may be devolved from the Northern Ireland Office, will be reorganised and distributed on a new agreed basis.

If a party is unable to accept the responsibilities of office, its place on the Executive Commission will pass to another party from the same community background, on the basis of the d'Hondt system.

Members of the Executive Commission shall pledge themselves in the presence of the Assembly to discharge the obligations of office in accordance with the Code of Practice outlined below.

#### **B. Code of Practice**

There will be a requirement on all those who take up office in the Executive Commission

- (a) to discharge the functions of office, including appropriate participation in all institutions established under this agreement;
- (b) to serve all the people equally and to act in accordance with the general obligations on government to promote equality and prevent discrimination;
- (c) to commit themselves to principles of democracy and non violence;
- (d) to declare any personal interest in any matter presented for a Commission member's consideration or decision. In this regard the interests of immediate family members should also be declared; and
- (e) to support the collective decisions of the Commission in discharging their responsibilities. The Commission will be collectively responsible for Departments, administered by individual members of the Commission.

Failure to comply with any of the requirements of this Code of Practice could be a reason for dismissal by the First Minister and Deputy First Minister, acting together. In such a case, to be replaced by a member of the same party, if appropriate, or by a party from the same community background, using the d'Hondt system.

#### **C. Decision Making in the Executive Commission**

The legislation will delineate the relative powers and functions of individual members of the Commission and the Commission as a whole. Strenuous efforts to achieve full consensus within the Commission on matters under consideration. The First and Deputy First Ministers will have a special responsibility for ensuring the maximum consensus in the Commission. Where full consensus is not possible, decisions must be made on the basis of sufficient consensus, i.e. a majority of members, including a majority of both nationalist and unionist members. The First Minister and the Deputy First Minister will together decide if a proposal meets this requirement.

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