



Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016

2016 CHAPTER 10

An Act to provide for the formation of an Assembly Opposition; to provide for the passing of an Assembly and Executive Transfer of Responsibilities Motion; and to reform the Assembly and the Executive. [23rd March 2016]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Purpose

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1. The purpose of this Act is—
 - (a) to provide for the formation of an Assembly Opposition (“the Opposition”) to scrutinise the work of the Executive Committee, Ministers and departments and hold them to account,
 - (b) to confer on the Opposition certain rights and benefits within the Assembly,
 - (c) to promote constitutional change to facilitate the development and enhancement of the role of the Opposition, and
 - (d) to reform the Executive.

Assembly Opposition

Formation of the Opposition

2.—(1) Standing orders must make provision for the formation of an Opposition in accordance with this section.

(2) The Opposition may be formed by one or more qualifying parties.

(3) In this Act “qualifying party” means a political party which does not have a member who is a Minister, but which was entitled to nominate a person to Ministerial office under section 18(2) to (6) of the Northern Ireland Act 1998, at the time when those nominations were made; or whose members comprise 8% or more of the total number of members of the Assembly, and which does not contain a member who is a Minister.

Timing of formation of the Opposition

3.—(1) Standing orders must make provision for the timing of the formation of the Opposition in accordance with this section.

(2) The Opposition may be formed by one or more qualifying parties at the time when a Ministerial office is to be filled by applying section 18(2) to (6) of the Northern Ireland Act 1998 following—

- (a) the first meeting of the Assembly in accordance with section 16A of the Northern Ireland Act 1998,
- (b) all Ministers ceasing to hold office in accordance with section 18(1) of the Northern Ireland Act 1998,
- (c) the application of section 18(10) of the Northern Ireland Act 1998 where a Ministerial office is vacant for any other reason but the nominating officer of the party on whose behalf the previous incumbent was nominated does not nominate a person to hold that office.

(3) The Opposition may also be formed by one or more of the qualifying parties before the 30th June 2016.

Dissolution of the Opposition

4. Standing orders must make provision that, if all Ministers cease to hold office in accordance with section 18(1) of the Northern Ireland Act 1998, the Opposition is dissolved.

Leadership of the Opposition

5.—(1) Standing orders must make provision for the offices in the leadership of the Opposition in accordance with this section.

(2) Where the Opposition is formed by one qualifying party, then the nominating officer of that party must nominate a person to be the Leader of the Non-Executive Party.

(3) Where the Opposition is formed by two or more qualifying parties, then—

(a) the nominating officer of the largest party must nominate a person to be the Leader of the Largest Non-Executive Party,

(b) the nominating officer of the second largest party must nominate a person to be the Leader of the Second-Largest Non-Executive Party.

(4) Standing orders may provide for alternative names for the offices in the leadership of the Opposition.

Topical questions from the leadership of the Opposition

6. Standing orders must make provision that the first and second questions put to the First Minister and deputy First Minister during topical questions come from the leadership of the Opposition.

Speaking rights in the Assembly

7. Standing orders must make provision that speaking rights in the Assembly are allocated on the basis of party strength.

Enhanced speaking rights for the Opposition

8.—(1) Standing orders must make provision for enhanced speaking rights for the Opposition in accordance with this section.

(2) In this section, “enhanced speaking rights” means more speaking rights than a member of the Opposition would otherwise be entitled to on the basis of numerical party size in the Assembly, and includes a minimum of 10 days per year set aside for Opposition business.

Opposition right to chair Public Accounts Committee

9.—(1) Standing orders must make provision for the rights of the Opposition to chair any committee established to consider accounts and reports on accounts laid before the Assembly, in accordance with this section.

(2) The chairperson of the committee is to be nominated by the Leader of the Non-Executive Party or Leader of the Largest Non-Executive Party.

(3) The deputy chairperson of the committee is to be nominated by the Deputy Leader of the Non-Executive Party or Leader of the Second-Largest Non-Executive Party.

Membership of Business Committee for the Opposition

10. Standing orders must make provision for membership for the Opposition in any committee established to look after the business of the Assembly.

Financial assistance for Opposition parties

11.—(1) Section 1 of the Financial Assistance for Political Parties Act (Northern Ireland) 2000 is renumbered as subsection (1) of that section.

(2) After that subsection (as renumbered) insert—

“(2) If there is an Assembly Opposition (within the meaning of the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016), the scheme shall provide for additional payments to be made to political parties in the Opposition.”.

*Assembly and Executive Transfer of Responsibilities Motion***Assembly and Executive Transfer of Responsibilities Motion**

12.—(1) An Assembly and Executive Transfer of Responsibilities Motion is a motion, passed with cross-community support in the Assembly, requesting that the Secretary of State bring forward legislation (being legislation which is beyond the legislative competence of the Assembly), to allow matters to be dealt with as Reserved rather than Excepted matters.

(2) The Schedule makes further provision in respect of the arrangements to be dealt with as reserved rather than excepted matters.

(3) Only those arrangements laid out in the Schedule can be contained in the Assembly and Executive Transfer of Responsibilities Motion.

(4) If the Assembly passes an Assembly and Executive Transfer of Responsibilities Motion the Speaker must send a copy of it to the Secretary of State.

Tabling of Assembly and Executive Transfer of Responsibilities Motion

13.—(1) The AERC must ensure that an Assembly and Executive Transfer of Responsibilities Motion is tabled for debate as soon as is possible, and in any event not later than five sitting days after this section comes into operation.

(2) In this section and section 14—

“the AERC” means the committee established in accordance with section 29A of the Northern Ireland Act 1998 (committee to review functioning of Assembly and Executive Committee), and

“sitting day” means a day on which the Assembly sits in plenary.

Reports by the AERC

14.—(1) This section applies where the Assembly has passed an Assembly and Executive Transfer of Responsibilities Motion.

(2) Standing orders must provide for the AERC to make reports to the Assembly on progress made by the Secretary of State in bringing forward the legislation referred to in section 12 in accordance with this section.

(3) The AERC must ensure that these reports are laid before the Assembly at least every three months until the legislation has been made.

Topical questions and debate on Executive legislative timetable

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15.—(1) Standing orders must make provision that the first question put to a Minister during topical questions comes from the chairperson of the committee established to advise and assist the Minister in the formulation of policy with respect to matters within the Minister's responsibilities, in accordance with this section.

(2) But this section is subject to section 6 (topical questions from leadership of the Opposition).

(3) Standing Orders must make provision for an annual debate on the Executive legislative timetable.

General

Interpretation

16. In this Act—

“Minister” means a Northern Ireland Minister within the meaning of the Northern Ireland Act 1998,

“nominating officer” has the same meaning as it does in the Northern Ireland Act 1998,

“the Opposition” means the Assembly Opposition referred to in section 1, and

“qualifying party” has the meaning given in section 2.

Commencement

17. This Act comes into operation the day after it receives Royal Assent.

Short title

18. This Act may be cited as the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016.

SCHEDULE

Section 12.

CONTENT OF ASSEMBLY AND EXECUTIVE
TRANSFER OF RESPONSIBILITIES MOTION

Scope of Assembly and Executive Transfer of Responsibilities Motion

1. An Assembly and Executive Transfer of Responsibilities Motion shall include the provisions set out in this Schedule.

Agreement of Programme for Government

2. The motion may request that the arrangements and time frames for agreeing the terms of the Programme for Government are dealt with as Reserved rather than Excepted matters.