

*These notes refer to the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016 (c.10) which received Royal Assent on 23 March 2016*

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

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 1 – Purpose*

This section sets out the purpose of the Act. A purpose section is not obligatory, but it is helpful in setting out the aim of the Act. The main purpose is to facilitate the formation of an Opposition.

#### *Section 2: Formation of the Opposition*

An Opposition can be formed if one or more qualifying parties form it, qualifying parties being parties which could have a Ministerial office but don't, or parties which do not contain a Minister but whose members comprise 8% of the total number of Members of the Assembly.

#### *Section 3: Timing of formation of the Opposition*

The formation of an Opposition follows the formation of the Executive. It can also be formed whenever a qualifying party leaves the Executive or by one or more qualifying parties before 30 June 2016.

#### *Section 4: Dissolution of the Opposition*

If the Executive falls then logically there is nothing to oppose, so the Opposition is also dissolved at that time. It can be re-formed if the Executive is subsequently re-formed.

#### *Section 5: Leadership of the Opposition*

The Opposition will be led in accordance with this section. Where the Opposition is formed by one qualifying party, then that party will nominate a Leader of the Non-Executive Party. Where the Opposition is formed by two or more qualifying parties, then the largest party must nominate a Leader of the Largest Non-Executive Party and the second largest party must nominate a Leader of the Second largest Non-Executive Party. These names may be changed by standing orders.

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### ***Section 6: Topical questions from the Leadership of the Opposition***

The leadership of the Opposition has the first opportunity to question the First Minister and deputy First Minister during topical questions.

### ***Section 7: Speaking rights in the Assembly***

Standing orders will provide that speaking rights in the Assembly are allocated according to party strength.

### ***Section 8: Enhanced speaking rights for the Opposition***

The Opposition are to have greater speaking rights than their numbers would otherwise entitle them to. They are to have a minimum of 10 days a year for Opposition business in the Assembly.

### ***Section 9: Opposition right to chair Public Accounts Committee***

It is for the Opposition to determine who the chairperson and deputy chairperson of the Public Accounts Committee are.

### ***Section 10: Membership of Business Committee for the Opposition***

The Opposition are entitled to be represented on the Business Committee.

### ***Section 11: Financial Assistance for Opposition parties***

Political parties within the Assembly are entitled to payments under the Financial Assistance for Political Parties Act (Northern Ireland) 2000. This section provides for additional payments to be made to political parties in the Opposition.

### ***Section 12: Assembly and Executive Transfer of Responsibilities Motion***

An Assembly and Executive Transfer of Responsibilities Motion is a motion passed with cross-community consent requesting that the Secretary of State bring forward legislation to allow matters to be dealt with as Reserved rather than Excepted matters.

### ***Section 13: Tabling of Assembly and Executive Transfer of Responsibilities Motion***

The Assembly and Executive Review Committee is responsible for ensuring that an Assembly and Executive Transfer of Responsibilities Motion is tabled within 5 days of this section coming into operation.

### ***Section 14: Reports by the AERC***

The Assembly and Executive Review Committee must report to the Assembly at least once every 3 months on the progress being made by the Secretary of State in bringing forward legislation to reform the Assembly and the Executive.

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***Section 15: Topical questions and debate on Executive legislative timetable***

During topical questions to Ministers, the first question is to come from the chairperson of the committee established to advise and assist that Minister; and Standing Orders must provide for an annual debate in the Assembly on the Executive's legislative timetable.

***Section 16: Interpretation***

This section defines some phrases used in the Act.

***Section 17: Commencement***

The Act will come into operation the day after it receives Royal Assent.

***Section 18: Short title***

***Schedule: Content of Assembly and Executive Transfer of Responsibilities Motion***

The Schedule, established by section 12, provides that the motion may request that the Secretary of State legislates to enable the arrangements and time frames for agreeing the terms of the Programme for Government are dealt with as reserved rather than excepted matters.