

**The NI Assembly - Relationships
with other UK Assemblies**

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The New Northern Ireland Assembly: Transition Programme
The NI Assembly - Relationships with other UK Assemblies

Devolution in the United Kingdom
(within the context of an evolving constitution)

Introduction

Compare FEDERALISM (Canada, USA, Australia) and DEVOLUTION. Key elements of Federalism: Legislatures of *co-ordinate* status (centre/regions), with areas of *exclusive* competence, their respective powers deriving from a *written constitution*, which is *amendable* only by a *special procedure* involving *both* centre and regions. Key elements of Devolution: central legislature → *superordinate*, "regional" assemblies/Parliaments → *subordinate*; their powers deriving from an *Act* of the central legislature which it *alone* (usually) has the power to amend. The "regional" Assembly/Parliament in a devolved system does *not* possess *exclusive* areas of competence. The Act devolving the power may thus provide for different types of devolution - legislative, executive - and it may also contain different elements of central political or of judicial control, but a devolved system is also capable of evolution in different ways. *Note*: the above is a formal legal description, but devolution too can also represent new constitutional concepts where the terminology would instead speak of "partnership", best levels of decision-making, mutual sharing of interests, participative democracy, local accountability.

4 key areas here:-

- (A) relationship between Westminster and devolved Assembly/Parliament, considered re Westminster.
 - (B) The same, considered re the devolved Assembly/Parliament.
 - (C) Matters of (comparative) interest.
 - (D) British-Irish Council - mutual sharing of issues of common concern.
- A: Representation at Westminster: number of MPs? Role? Role of NI Select and Grand Committees?
Input at Westminster into reserved matters from devolved "region"?
Role of Secretary of State?
Relationship (concordats?) between NI Executive and Westminster/Whitehall?
Power of Westminster to debate transferred/devolved matters?
Nature of reformed Second Chamber at Westminster?
- B: Ability of devolved Assembly to debate reserved matters?
Ability of devolved Assembly to scrutinise reserved matters?
Who decides on the timing of the Elections - fixed term as determined by devolution Act?
Any Westminster override or enforcement powers?
- C: Size of devolved Assembly/Parliament? Voting system used in the elections?
Role of Presiding Officer - "political", impartial?
Nature of the devolved Executive - Cabinet? Collective responsibility?
Relationship between the Executive and devolved Assembly/Parliament? Distinctive/separate role for the latter? Role of Assembly Committees?
Role of the courts - judicial determination of the powers of the devolved body?
The Protection of Human Rights? - the Human Rights Act 1998 and the additional provisions in the NI legislation.
Redress of grievances - role of the Assembly/Parliamentary Ombudsman?
Relationship between devolved Assembly/Parliament and "Quangos".
- D: Role of the British - Irish Council (overseas experience).
(*Note*: the North South Ministerial Council/North/South Co-operation, dealt with on 9 September 1998).

One final general point: consideration also needs to be given to the *principles* upon which the devolved Assembly/Parliament should proceed:- *eg* openness, participative, role of Civic Forum.

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