

2 March (received 3rd)

DRAFT ADDITIONAL STANDING ORDERS

(22) APPOINTMENT OF MINISTERS (DESIGNATE)

(1) Where a determination has been made and approved in accordance with Standing Order 21, the Presiding Officer shall, at the next meeting of the Assembly **after 9 March**, supervise the allocation and taking up of the Ministerial offices (designate) in accordance with the procedure set out in this Standing Order.

(2) This procedure shall take precedence over all other business of the Assembly, but

v. high risk - create expectation - better to know before going in. IRA will not make demands last min gesture unless other things agreed.

(a) the Presiding Officer, after consultation with the parties, may defer the start of the procedure for up to 3 hours; and

(b) without prejudice to Standing Order 6, paragraphs (3) and (4), if notice of a motion under Standing Order 24, paragraphs (1) or (2) is given, which meets the requirements of paragraph (5) of that Standing Order, he shall defer the procedure until the Assembly has voted on that motion but shall then immediately proceed.

(3) Having regard to the consolidated list of political parties and their members referred to in Standing Order 20, the Presiding Officer shall ask the nominating officer of the political party for which the formula in paragraph (9) gives the highest figure to select an available Ministerial office (designate) and nominate a person to hold it who is a member of his party and of the Assembly.

(4) Immediately following the making of a nomination under this Standing Order, the Presiding Officer shall ask whether the nominee is willing to take up the office to which he has been nominated.

(5) Where the nominee indicates his willingness to take up the office he shall do so by affirming to the Assembly his:

(a) commitment to non-violence and exclusively peaceful and democratic means;

(b) opposition to any use or threat of force by others for any political purpose;

(c) commitment to work in good faith to bring into being the arrangements set out in the Agreement reached in the multi party negotiations on 10 April 1998; and

(d) commitment to observe the spirit of the Pledge of Office at Annex B to the Initial Standing Orders.

(6) Subject to paragraph (7), if:

(a) the nominating officer does not make the selection or nomination referred to in paragraph (3) within a maximum period of 5 minutes, or

(b) the nominee does not take up the selected Ministerial office (designate) in accordance with paragraph (5) within that period,

the Presiding Officer shall disregard the nominating officer and his party for the purposes of filling the remaining Ministerial offices (designate) and shall ask the nominating officer of the political party for which the formula in paragraph (9) gives the next highest figure to select an available Ministerial office (designate) and nominate a person to hold it who is a member of his party and of the Assembly.

(7) Paragraph (6) shall not operate where the Presiding Officer allows a brief adjournment at the request of a nominating officer who needs further time to consider a nomination.

(8) Paragraphs (3) to (7) shall be applied as many times as may be necessary to secure that each of the Ministerial offices (designate) has been allocated and taken up.

(9) The formula is:

$$\frac{S}{1 + M}$$

where S = the number of seats which were held by members of that party on the day on which the Assembly first met following its election on 25 June 1998.

M = the number of Ministerial offices (designate) (if any) which are held by members of the party.

(10) Where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the Assembly election on 25 June 1998.

(11) The holding of office as First Minister (designate) or Deputy First Minister (designate) shall not prevent a person being nominated to hold a Ministerial office (designate).

(12) A Minister (designate) ceases to hold office if:

(a) he resigns by notice in writing to the First Minister (designate) and the Deputy First Minister (designate);

(b) he ceases to be a member of the Assembly;

(c) he is dismissed as such by the nominating officer of the party on whose behalf he was nominated and the Presiding Officer is notified of his dismissal; or

(d) he is excluded from holding office under a resolution passed by the Assembly in accordance with Standing Order 24, paragraph (1).

In any of these circumstances the Presiding Officer shall, within 10 days of the vacancy occurring, ask the nominating officer of the party on whose behalf the previous incumbent was nominated to nominate a person to hold the office who is a member of his party and of the Assembly.

(13) Where:

(a) a resolution of the Assembly under Standing Order 24, paragraph (2), has been passed which causes one or more Ministerial offices (designate) to become vacant; or

(b) the period of exclusion imposed by such a resolution comes to an end

all Northern Ireland Ministers (designate) shall cease to hold office and the Presiding Officer shall, at the next meeting of the Assembly, supervise the allocation and taking up of the Ministerial offices (designate) in accordance with the procedure set out in this Standing Order.

(14) Where:

(a) the Assembly has resolved under Standing Order 24, paragraph (2), that a political party does not enjoy its confidence; and

(b) the party's period of exclusion has not come to an end,

the party shall be disregarded for the purposes of any application of paragraphs (3) to (11).

(23) ESTABLISHMENT OF SHADOW STATUTORY COMMITTEES

- (1) Where a determination has been made and approved in accordance with Standing Order 21, the Standing Orders Committee shall, as soon as practicable, bring forward a motion establishing Committees of members of the Assembly (Shadow Statutory Committees) to advise and assist each Northern Ireland Minister (designate) in the formulation of policy with respect to matters within his responsibilities. Each Committee will have responsibility for undertaking a scrutiny, policy development and consultation role with respect to each of the Ministers (designate) which it will advise and assist. The motion shall specify:
 - (a) the Northern Ireland Minister or Ministers (designate) which each Committee will advise and assist;
 - (b) the number of members to be appointed to each Committee in accordance with paragraph (2) (b).
- (2) Where the Ministerial offices (designate) have been allocated and taken up in accordance with Standing Order 22 and the Assembly has approved a motion brought forward in accordance with paragraph (1), the Presiding Officer shall, as soon as practicable, supervise:
 - (a) the appointment of a Chairman and Deputy Chairman to each Committee in accordance with the procedure set out in this Standing Order; and thereafter
 - (b) the appointment of members to each Committee having regard to the balance of parties in the Assembly and in such a way as to ensure that the opportunity of membership of a Committee is available to all members of the Assembly other than Ministers (designate) and Junior Ministers (designate).
- (3) Having regard to the consolidated list of political parties and their members referred to in Standing Order 20, the Presiding Officer shall ask the nominating officer of the political party for which the formula in paragraph (8) give the highest figure to select an available Shadow Statutory Committee and nominate a person who is a member of his party and of the Assembly, to be Chairman or Deputy Chairman of it,
- (4) Immediately following the making of a nomination in accordance with paragraph (3), the Presiding Officer shall ask whether the nominee is willing to take up the office for which he has been nominated and if the nominee indicates his willingness to take up office then the Presiding Officer shall announce his appointment.

(5) Subject to paragraph (6), if:

(a) the nominating officer does not make the selection or nomination referred to in paragraph (3) within a maximum period of 5 minutes; or

(b) the nominee does not take up the selected office in accordance with paragraph (4) within that period

the Presiding Officer shall disregard the nominating officer and his party for the purposes of filling the remaining appointments as Chairmen and Deputy Chairmen and shall ask the nominating officer of the political party for which the formula in paragraph (8) gives the next highest figure to select an available Shadow Statutory Committee and nominate a person who is a member of his party and of the Assembly to be Chairman or Deputy Chairman of it.

(6) Paragraph (5) shall not operate where the Presiding Officer allows a brief adjournment at the request of a nominating officer who needs further time to consider a selection or nomination.

(7) Paragraphs (3) to (6) shall be applied as many times as may be necessary to secure that a Chairman and Deputy Chairman are appointed to each of the Shadow Statutory Committees.

(8) The formula is:

$$\frac{S}{1 + C}$$

where S = the number of seats which were held by members of that party on the day on which the Assembly first met following its election on 25 June 1998.

C = the number (if any) of Chairmen and Deputy Chairmen of Committees established under this Standing Order which are held by members of the party

(9) Where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the Assembly election on 25 June 1998.

(10) A Minister (designate) or junior Minister (designate) may not be the Chairman or Deputy Chairman of a Shadow Statutory Committee.

- (11) No member may be nominated to serve as a Chairman or Deputy Chairman of a Shadow Statutory Committee if he is the Chairman or Deputy Chairman of another Committee
- (12) In making nominations of members to be Chairmen or Deputy Chairmen of Committees under this Standing Order, nominating officers shall prefer Committees in which they do not have a party interest over ones in which they do have a party interest. For these purposes, a nominating officer has a party interest in a Committee if it is established to advise and assist a Minister (designate) who is a member of his party
- (13) A Chairman or Deputy Chairman to a Shadow Statutory Committee shall cease to hold office if:
- (a) he resigns by notice in writing to the Presiding Officer;
 - (b) he ceases to be a member of the Assembly; or
 - (c) he is dismissed as such by the nominating officer of that party on whose behalf he was nominated and the Presiding Officer is notified of his dismissal.

In any of these circumstances, the Presiding Officer shall, within 10 days of the vacancy occurring, ask that the nominating officer of the party on whose behalf the previous incumbent was nominated nominate a person to hold the office who is a member of his party and of the Assembly. The vacancy shall then be filled by applying paragraphs (4) to (6) as appropriate.

(24) EXCLUSION OR REMOVAL FROM OFFICE

- (1) If the Assembly resolves that the First Minister (designate) or the Deputy First Minister (designate) or a Minister (designate) or a junior Minister (designate) no longer enjoys the confidence of the Assembly:
- (a) because he is not committed to non-violence and exclusively peaceful and democratic means; or
 - (b) because of any failure of his to observe any other terms of the affirmation made on taking office;

he shall be excluded from holding Ministerial office for a period of twelve months beginning with the date of the resolution.

(2) If the Assembly resolves that a political party does not enjoy the confidence of the Assembly:

(a) because it is not committed to non-violence and exclusively peaceful and democratic means; or

(b) because it is not committed to such of its members as are or might become Ministers (designate) observing the other terms of the pledge to be made on taking office,

members of that party shall be excluded from holding Ministerial office for a period of twelve months beginning with the date of the resolution.

(3) The Assembly may, before a period of exclusion comes to an end, resolve to extend it for twelve months beginning with the date of the resolution.

(4) A period of exclusion shall come to an end if the Assembly resolves to bring the exclusion to an end.

(5) A motion for a resolution under paragraphs (1) to (4) shall not be moved unless:

(a) it is supported by at least 30 members of the Assembly;

(b) it is moved by the First Minister (designate) and the Deputy First Minister (designate) acting jointly; or

(c) it is moved by the Presiding Officer in pursuance of a notice from the Secretary of State advising him that, in her opinion, in particular taking into account whether the Minister (designate) or junior Minister (designate) or the political party-

(a) is committed to the use now and in the future of only democratic and peaceful means to achieve his or its objectives;

(b) has ceased to be involved in any acts of violence or of preparation for violence;

(c) is directing or promoting acts of violence by other persons;

(d) is co-operating fully with any Commission of the kind referred to in section 7 of the Northern Ireland Arms Decommissioning Act 1997 in implementing the Decommissioning section of the Belfast Agreement,

the Assembly ought to consider a motion for such a resolution.

- (6) The Presiding Officer shall ensure that the person moving the motion and the member who, or leader of the party which, would be excluded have sufficient opportunities to present their case and to reply to arguments presented by the other side; and, when necessary to achieve this, the Presiding Officer may suspend debate on that motion until a time and date he shall set for its resumption.
- (7) A motion for a resolution under paragraphs (1), (2), (3) or (4) shall not be passed without cross-community support.
- (8) Where a member is removed from office under this Standing Order the Presiding Officer shall, as appropriate:
- (a) if that member was the First Minister (designate) or Deputy First Minister (designate) arrange for an election to be held under standing order 14 of the Assembly's Initial Standing Orders within 10 days;
 - (b) if that member was a Minister (designate) and was removed from Ministerial office (designate) by virtue of a resolution under paragraph (1) arrange for the vacancy to be filled in accordance with paragraph (12) of Standing Order 22;
 - (c) if that member was a Minister (designate) and was removed from Ministerial office (designate) by virtue of a resolution under paragraph (2) arrange for the procedure for appointing Ministers (designate) under Standing Order 22 to be re-run in accordance with paragraph (13) of that Standing Order.

(25) DETERMINATION OF JUNIOR MINISTERS (DESIGNATE)

- (1) The First Minister (designate) and the Deputy First Minister (designate), acting jointly, may at any time determine:
- (a) that a number of members of the Assembly specified in the determination shall be appointed as Junior Ministers (designate) in accordance with such procedures for their appointment as are so specified; and
 - (b) that the functions exercisable by virtue of each Junior Ministerial office shall be those specified in relation to that office in the determination.
- (2) The procedures specified in a determination made under paragraph (1) may apply such formulae or other rules as the First Minister

(designate) and Deputy First Minister (designate) consider appropriate.

- (3) A determination under paragraph (1) shall make provision as to the circumstances in which a Junior Minister (designate) shall cease to hold office, and for the filling of vacancies.
- (4) Where the member nominated under the procedures referred to in paragraph (1) indicates his willingness to take up the office of Junior Minister (designate) he shall do so by affirming to the Assembly his:
 - (a) commitment to non-violence and exclusively peaceful means;
 - (b) opposition to any use or threat of force by others for any political purpose;
 - (c) commitment to work in good faith to bring in to being the arrangements set out in the Agreement reached in the multi-party negotiations on 10 April 1998; and
 - (d) commitment to observe the spirit of the Pledge of Office at Annex B to the Initial Standing Orders.
- (5) A determination under paragraph (1) shall not take effect until it has been approved by a resolution of the Assembly.
- (6) Where a determination under paragraph (1) takes effect, the procedures specified in the determination shall be applied within seven days of that determination or within seven days of the completion of the procedure for appointing Ministers (designate), whichever is the later.