

received 11/6/99.

**ADDITIONAL STANDING ORDERS (Proposed amendments underlined and deletions marked by [.....])**

**(22) NOMINATION OF PERSONS TO HOLD MINISTERIAL OFFICE FROM THE APPOINTED DAY**

(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 10 March, supervise the nomination of persons to hold Ministerial office from the day appointed under Section 3 of the Northern Ireland Act 1998, 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, without prejudice to Standing Order 6, paragraphs (3) and (4), if notice of a motion under Standing Order 24, paragraph [...] (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.

*P.O. directs order of business  
exclusion of party.*

(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) gives the highest figure to select an available Ministerial office and nominate a person to hold it with effect from the appointed day 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 with effect from the appointed day.

[.....]

(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 indicate his willingness to take up from the appointed day the office to which he has been nominated within that period,

the Presiding Officer shall disregard the nominating officer and his party for the purposes of nominating persons to the remaining Ministerial offices 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 Ministerial office and nominate a person to hold it with effect from the appointed day who is a member of his party and of the Assembly.

- (6) Paragraph (5) shall not operate where the Presiding Officer allows a brief adjournment up to a maximum of 15 minutes at the request of a nominating officer who needs further time to consider a nomination. X
- (7) Paragraphs (3) to (6) shall be applied as many times as may be necessary to secure that each of the Ministerial offices has been allocated.
- (8) 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 (if any) in respect of which members of the party have been nominated and have indicated their willingness to take up office from the appointed day.

- (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) 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 with effect from the appointed day.
- X (11) A nomination under this Standing Order shall cease to have effect if, before the appointed day, the person nominated:

*-how much notice?*  
(a) gives notice in writing to the First Minister (designate) and the Deputy First Minister (designate) that he is no longer willing to take up office with effect from the appointed day;

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

(c) has his nomination withdrawn by the nominating officer of the party on whose behalf he was nominated and the Presiding Officer is notified of this withdrawal in writing; or

(d) 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 nominee was nominated to nominate a person to hold the office with effect from the appointed day who is a member of his party and of the Assembly.

(12) Where:

(a) a resolution of the Assembly under Standing Order 24, paragraph (2), has been passed before the appointed day which causes one or more nominations to cease to have effect; or

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

(c) no Order in Council under Section 3 of the Northern Ireland Act 1998 has been made before 30 June 1999 and the Assembly has not passed before then, with cross-community support, a motion proposed jointly by the First Minister (designate) and the Deputy First Minister (designate) confirming the nominations as a whole under this Standing Order \*

all nominations made under this standing order shall cease to have effect and the Presiding Officer shall supervise nominations in their place in accordance with the procedure set out in this Standing Order.

(13) 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 (10).

### (23) ESTABLISHMENT OF 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 to advise and assist each Northern Ireland Minister from the appointed day 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 which it will advise and assist. The motion shall specify:

(a) the Northern Ireland Minister or Ministers which each Committee will advise and assist;

(b) the number of members <sup>not name</sup> to be appointed to each Committee in accordance with paragraph (2) (b).

(2) Where nominations of persons to hold Ministerial office from the appointed day have been made 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 those nominated to hold office from the appointed day as Ministers and Junior Ministers.

(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) gives the highest figure to select an available 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 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 up to a maximum of 15 minutes 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 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 person nominated to serve, from the appointed day, as a Minister or junior Minister may not be the Chairman or Deputy Chairman of a Statutory Committee.
- (11) No member may be nominated to serve as a Chairman or Deputy Chairman of a Statutory Committee if he is the Chairman or Deputy Chairman of another Statutory 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 from the appointed day who according to the nominations made under standing order 22 would be a member of his party.
- (13) A Chairman or Deputy Chairman of a 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 writing.

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 person nominated to take up office from the appointed day as a Northern Ireland Minister or a Junior Minister 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 to be made on taking office;

he shall be excluded from being nominated for or 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 be nominated to take up office as Northern Ireland Ministers or Junior Ministers from the appointed day observing the other terms of the pledge to be made on taking office,

members of that party shall be excluded from being nominated for or 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:

*to qualify for order paper?*

(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 person nominated to take up office from the appointed day as a Northern Ireland Minister or Junior Minister 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 excluded or 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 person nominated to serve as a Minister, from the appointed day and was excluded from Ministerial office by virtue of a resolution under paragraph (1) arrange for the vacancy to be filled in accordance with paragraph (11) of Standing Order 22;

(c) if that member was a person nominated to serve as a Minister, from the appointed day and was excluded from Ministerial office by virtue of a resolution under paragraph (2) arrange for the procedure for the nomination of persons to hold Ministerial office from the appointed day under Standing Order 22 to be re-run in accordance with paragraph (12) of that Standing Order.

**(25) DETERMINATION OF MEMBERS NOMINATED TO SERVE FROM THE APPOINTED DAY AS JUNIOR MINISTERS**

(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 nominated to serve from the appointed day, as Junior Ministers in accordance with such procedures for their appointment as are so specified; and

(b) that the functions exercisable from the appointed day 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 nomination under this standing order shall cease to have effect, and for the making of nominations in substitution.
- (4) Where a member is nominated under the procedures referred to in paragraph (1), the Presiding Officer shall ask whether the nominee is willing to take up from the appointed day the office of Junior Minister.
- (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 nominating persons to hold Ministerial office from the appointed day whichever is the later.

## (26) PLEDGE OF OFFICE

- (1) When notified by the Secretary of State that she has laid before Parliament the draft of an Order in Council under section 3 of the Northern Ireland Act 1998, the Presiding Officer shall, as soon as practicable, invite the First Minister (designate), Deputy First Minister (designate), and each person nominated to hold office as a Northern Ireland Minister or a Junior Minister from the appointed day to affirm to the Assembly the Pledge of Office in schedule 4 to Northern Ireland Act 1998.
- (2) If any of these persons fails to affirm the Pledge of Office before the appointed day by an Order in Council under section 3 of the

*reaffirm pledge of  
Office.*

Northern Ireland Act 1998, the office shall be vacant from the appointed day and shall be filled in accordance with the provisions of the Northern Ireland Act 1998