



**Northern Ireland
Assembly**

COMMITTEE ON PROCEDURES

Standing Orders

Introduction

1. The Standing Orders of the Northern Ireland Assembly reflect the statutory requirements of the Northern Ireland Act 1998. Section 41 of the Act requires that Standing Orders shall not be made, amended or repealed without cross-community support.
2. Where considered appropriate, parts of the Act have been quoted to assist the reader's understanding of the process.
3. It is the Committee's intention that Standing Orders will be subject to continuous review.
4. Standing Orders are augmented by Operational Advice Notes for the guidance of Members.
5. By resolution of the Assembly on 4 July 2000 it was agreed that the Committee on Procedures be authorised to update Standing Orders of the Assembly for punctuation and grammar and annually to republish Standing Orders.

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OPERATIONAL ADVICE NOTES

Preliminary Arrangements

1. THE SPEAKER

- (1) A Presiding Officer of the Assembly elected under Section 39 of the Northern Ireland Act 1998 may be called “Mr Speaker”, “Madam Speaker” or “Speaker”, and is referred to in the remaining provisions of these Standing Orders as “the Speaker”.
- (2) The Speaker’s ruling shall be final on all questions of procedure and order.
- (3) A Deputy Presiding Officer of the Assembly elected under Section 39 of the Northern Ireland Act 1998 may be called “Mr Deputy Speaker”, “Madam Deputy Speaker” or “Deputy Speaker” and is referred to in the remaining provisions of these Standing Orders as “a Deputy Speaker”.

Section 31 of the Northern Ireland Act 1998

- (4) **An Assembly elected under this section or section 32 shall meet within the period of eight**
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days beginning with the day of the poll at which it is elected.

- (5) For the purposes of subsection (4), a Saturday, a Sunday, Christmas Day, Good Friday and any day which is a bank holiday in Northern Ireland shall be disregarded.**

2. NOTICE OF FIRST MEETING OF NEW ASSEMBLY

- (1) After an Assembly election, the Clerk to the Assembly (in these Standing Orders referred to as “the Clerk”) shall send a notice to each Member:
- (a) stating that a meeting of the Assembly will be held as required by Section 31(4) of the Northern Ireland Act 1998, and
 - (b) stating the place and time and date of the meeting.
- (2) The Clerk shall send the notice as soon as may be after the election and in any event at least 3 days before the time stated in the notice.

3. PROCEDURE AT FIRST MEETING OF NEW ASSEMBLY

- (1) At the first meeting of an Assembly after dissolution, Members having met at the place and time appointed for that meeting:
- (a) the Clerk shall read the notice sent under Standing Order 2(2) convening the meeting; and
 - (b) the outgoing Speaker shall take the Chair if re-elected to the Assembly.
- (2) If, for any reason, the outgoing Speaker cannot take the Chair, it shall be taken by an Acting Speaker, who shall be the eldest Member of the Assembly.
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- (3) Members shall then take their seats by signing the Assembly's Roll of Membership. A Member shall be regarded as having taken his/her seat when he/she signs the Roll of Membership. The decision of the Speaker or Acting Speaker as to whether a Member has taken his/her seat in accordance with this paragraph shall be final.
- (4) All Members shall have the opportunity to take their seats in the manner prescribed in paragraph (3) before any other formal business is conducted in the Assembly.
- (5) The Roll of Membership shall be located in the Chamber during sitting days until it has been signed by every Member. A Member may sign the Roll of Membership either before the election of the Speaker or at any time during a sitting of the Assembly, before public business has been entered upon or after it has been disposed of, but no debate or business shall be interrupted for that purpose.
- (6) A Member shall not participate in Assembly proceedings or have title to the privileges of office until he/she has signed the Roll of Membership.
- (7) After signing the Roll a Member may enter in the Roll a designation of identity, being "Nationalist", "Unionist" or "Other". A Member who does not register a designation of identity shall be deemed to be designated "Other" for the purposes of these Standing Orders and the Northern Ireland Act 1998.
- (8) A Member may change his/her designation of identity on no more than one occasion during an Assembly session. Any such change takes effect

immediately after notification in writing is submitted to the Speaker.

- (9) The Clerk of the Assembly shall draw up a list of the party affiliations of the Members. Each Member shall have the opportunity to confirm or correct his/her affiliation as stated in that list.
- (10) A Member may change his/her party affiliation at any time. Any such change takes effect seven calendar days after notification in writing is submitted to the Speaker.

4. ELECTION OF SPEAKER

- (1) When all Members have had the opportunity to take their seats and register their party affiliation and designation of identity in the manner prescribed in Standing Order 3, the Assembly shall proceed to elect a Speaker in the following manner.
- (2) If the outgoing Speaker is in the Chair and is seeking re-election as Speaker, he/she shall leave the Chair, and the Chair shall be taken by an Acting Speaker, who shall be the eldest Member of the Assembly who is not seeking election as Speaker.
- (3) Any Member, addressing himself or herself to the outgoing Speaker or Acting Speaker, may propose a candidate (a Member whether or not present) to the Assembly for the Office of Speaker and move “That be Speaker of this Assembly”. If that motion is seconded, the candidate proposed and seconded may accept nomination by making an oral or written statement to that effect.
- (4) Where a candidate is proposed and seconded and

has accepted nomination as a candidate for the Office of Speaker, the outgoing Speaker or Acting Speaker shall then ask "Is there any further proposal?" and:

- (a) if there is no further proposal the outgoing Speaker or Acting Speaker shall say "The time for proposals has expired" and a debate relevant to the election may then take place in which no Member shall speak more than once;
 - (b) if more than one candidate is proposed and seconded and has accepted nomination as a candidate for the office of Speaker, the outgoing Speaker or Acting Speaker shall say "The time for proposals has expired", and a debate relevant to the election may then take place in which no Member shall speak more than once.
- (5) Upon the conclusion of the debate, or if there is no debate, the outgoing Speaker or Acting Speaker shall put the question, "That (being the only candidate proposed, or the candidate first proposed) be Speaker of this Assembly".
- (6) If the question be not carried with the cross-community support required by Section 39(7) of the Northern Ireland Act 1998, the outgoing Speaker or Acting Speaker shall put a similar question in relation to the second candidate proposed; whereupon if affirmed in the positive in accordance with Section 39(7) of that Act, that candidate shall be declared by the Speaker or Acting Speaker to be elected and shall forthwith take the Chair; and this shall be done in relation to each candidate proposed in the order that they are proposed as often as necessary until a candidate is chosen to be Speaker.
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- (7) Where the Assembly is unable to elect a Speaker under the foregoing provisions of this Standing Order, but where a Deputy Speaker has been elected by virtue of Standing Order 5, the Deputy Speaker shall act as Speaker. In the case of more than one Deputy Speaker being elected they shall act in turn until a Speaker is elected.
- (8) Where the Assembly is unable to elect either a Speaker under the foregoing provisions of this Standing Order, or a Deputy Speaker by virtue of Standing Order 5, the Chair shall be taken, until a Speaker or Deputy Speaker is elected, by an Acting Speaker who shall be the eldest Member of the Assembly.

5. DEPUTY SPEAKERS

- (1) There shall be elected 3 Deputy Speakers. The process of election shall be as set out in Standing Order 4.
 - (2) Where the Speaker wishes to authorise a Deputy Speaker to exercise functions on his or her behalf, he or she shall notify the Deputy Speaker of the duties which that person is to perform and the authority which that person is to exercise.
 - (3) In Standing Orders, references to the Speaker shall, unless the context requires otherwise, include a Deputy Speaker acting as Speaker:
 - (a) under Section 39(4) of the Northern Ireland Act 1998, or
 - (b) under the authorisation of the Speaker in accordance with paragraph (2).
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6. PROCEDURE WHEN OFFICE OF SPEAKER BECOMES VACANT

Where a vacancy in the Office of Speaker of the Assembly occurs during an Assembly term, a Deputy Speaker shall report the vacancy to the Assembly at the opening of its next meeting and the Assembly shall, as soon as may be, proceed to elect a Speaker in the manner provided by Standing Order 4. Where there is no agreement on the election of a Speaker, meetings of the Assembly shall be chaired by the Deputy Speakers in weekly rotation in the order in which they were elected in so far as this is possible.

Operations of the Assembly

7. PROCEEDINGS TO BE HELD IN PUBLIC

Except as otherwise prescribed in Standing Orders the proceedings of the Assembly shall be held in public.

8. PRAYERS

Before the commencement of business the Speaker shall announce the commencement of a period of two minutes silent prayer or contemplation. This period shall be known as Prayers; it shall take place in private and shall be the first item on the Order Paper for the day.

9. QUORUM

- (1) The quorum of the Assembly shall be ten Members including the Speaker.
 - (2) If, at any time, the attention of the Speaker is
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directed to the fact that a quorum is not present, he/she shall order the division bells to be rung. If at the expiration of five minutes a quorum be not present, the Speaker shall suspend the Assembly without question put, but if a quorum is then present it shall not be in order to draw the attention of the Speaker to the absence of a quorum for a period of one hour from that time. The business suspended shall be the first business when the Assembly next sits.

10. SITTINGS AND ADJOURNMENTS OF THE ASSEMBLY

- (1) The categories of business to be conducted in the Assembly shall consist of the following:
 - (a) Assembly Business
 - (b) Executive Committee Business
 - (c) Committee Business
 - (d) Questions
 - (e) Private Members' Business
 - (f) Private Business
 - (g) Adjournment Debates
 - (h) Party Business.

- (2) Subject to the authority of the Business Committee to determine the time for commencement of business in plenary session, the sittings of the Assembly shall be arranged as follows:

Monday	12.00 midday – 6.00 pm
Tuesday	10.30 am – 6.00 pm

The allocation of time for business within these sittings shall be determined by the Business Committee, except that:

- (a) on each Monday on which there is a sitting

- there shall be a period for Questions commencing at 2.30 pm and finishing at 4.00 pm;
- (b) at the end of each sitting up to one hour may be set aside for an Adjournment Debate;
 - (c) any private notice questions shall normally be asked immediately before the Adjournment Debate.
- (3) Where business on the Order Paper has not been disposed of by 6.00 pm on Monday, the Speaker may allow business to continue until 7.00 pm or until the outstanding business is completed, whichever is earlier. Consideration of business on the Order Paper not concluded by 7.00 pm shall be postponed until such a time as the Business Committee determines.
- (4) If at 7.00 pm a division is in progress, or a question is being put and a division or a vote in the chamber results, adjournment of the Assembly shall be deferred until after the declaration of the result of the division or vote in the chamber.
- (5) If Tuesday's business cannot be completed in the allocated time, the sitting may be extended into the evening, into Wednesday, or both.
- (6) Additional sittings may be arranged by the Business Committee according to the exigencies of the Assembly.
- (7) Where statements made under Standing Order 18 impinge upon the time bands specified in this Standing Order the Speaker shall take action under Standing Order 18(5).
- (8) An adjournment of the Assembly shall mean an

adjournment until the next sitting day unless the Assembly, on a motion made by a Member of the Executive Committee after notice, has ordered an adjournment to some other definite date.

- (9) A Session of the Assembly shall be that period from the commencement of business following the Summer Recess until the end of the subsequent Summer Recess. The Business Committee shall determine the dates for recess.

11. EARLIER MEETINGS OF THE ASSEMBLY

- (1) Whenever notice is given to the Speaker by the First Minister and Deputy First Minister or by not less than 30 Members that the Assembly should meet at an earlier date than that to which it stands adjourned for the purpose of discussing a specific matter of urgent public importance, or several such matters, the Speaker shall, as soon as may be, summon the Assembly to meet.
- (2) The notice given to the Speaker under paragraph (1) of this Standing Order shall be in writing over the signature of the First Minister and Deputy First Minister or the signatures of the Members desiring the recall and shall contain a statement of the specific matter or matters to be discussed.
- (3) The business to be transacted on the day on which the Assembly shall meet shall be the specific matter or matters referred to in the notice given to the Speaker and when that business has been disposed of the Assembly shall either stand adjourned to the date to which it originally stood adjourned or determine differently on a motion from

a Member when it shall next meet.

12. PUBLIC BUSINESS

- (1) Public business shall consist of stages of Bills, Statutory Committee Reports, Reports of the Committee of the Centre made by virtue of Standing Order 31(2) or 41(8) and Notices of Motions and shall include both Executive Committee and Private Members' business.
- (2) Notice of future public business shall be given in writing to the Clerk who shall prepare a Notice Paper from time to time listing the Notices received by him/her.
- (3) The items of public business to be taken on a particular day shall be disposed of in the order in which they have been arranged on the Order Paper.
- (4) At the times laid down for Executive Committee business, the Executive Committee shall have the right of placing its business in any order that it pleases prior to the issue of the Order Paper.
- (5) Unless the Assembly otherwise directs, by motion made after notice, Private Members' business shall be arranged on the Order Paper in such order as the Business Committee shall think fit.
- (6) In determining the order of Private Members' business the Business Committee shall have regard to:
 - (a) the wishes expressed by the Members in charge of the various items;
 - (b) the relative public importance in its opinion of the various items; and

(c) the desirability of giving precedence to those Bills which are furthest advanced in their passage through the Assembly.

- (7) Motions relating to the business of the Assembly shall be taken at the commencement of public business after notice and shall be decided without amendment or debate.

13. PRIVATE BUSINESS

- (1) Private Bills shall be subject to the same stages as those laid down for Public Bills and the procedure for such Bills shall be subject to such further requirements as from time to time are ordered by the Assembly.
- (2) All private business which is set down for any sitting day and which is not disposed of in the time allotted for it shall, without question being put, be postponed until such time as the Business Committee determines.
- (3) Where the time allocated for private business is insufficient for the transaction of all private business tabled, the private business to be transacted shall be chosen by ballot and the resulting unopposed private business shall have precedence over the resulting opposed private business.

14. SECONDDERS

No motion or amendment (other than the nomination of a candidate for the election of a Speaker, Deputy Speaker or First Minister and Deputy First Minister) shall require to be seconded before the question is put thereon.

15. AMENDMENTS

- (1) Amendments to motions shall be given in writing to the Speaker not later than 9.30am on the day on which the motion is to be taken.
- (2) When an amendment has been moved, the question to be put shall be, "That the amendment be made". Where an amendment is agreed the Question to be put shall be "That the question, as amended, be agreed". Where amendments are rejected the question on the substantive motion shall be put.
- (3) In respect of any motion or Bill under consideration in the Assembly, the Speaker shall have power to select the new clauses, schedules or amendments to be proposed and may, if he/she thinks fit, call upon any Member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him/her to form a judgement upon it.
- (4) By leave of the Assembly amendments may be withdrawn before a division is called.
- (5) Amendments may be withdrawn prior to debate with the agreement of the Member or Members proposing the amendments.

16. DELAYING MOTIONS

- (1) When a motion is made for the adjournment of a debate, or of the Assembly during any debate, any debate on the motion shall be confined to the matter of such motion; and any Member, having moved any such motion, shall not be entitled to move any similar motion during the same debate.

- (2) Where a motion is made for the adjournment of a debate the motion shall specify the length of adjournment and in any case it shall not be for a period greater than seven days. The Speaker shall not permit more than one adjournment on the same debate except by leave of the Assembly.
- (3) If the Speaker shall be of the opinion that a motion for the adjournment of a debate, or of the Assembly, is an abuse of the rules of the Assembly, he/she may forthwith put the question on the motion without debate or he/she may decline to put the question on the motion to the Assembly.

17. SPEECHES IN THE ASSEMBLY

- (1) A Member shall not address the Assembly unless called on to speak by the Speaker. When the Speaker rises to speak, the Member addressing the Assembly shall cease speaking and resume his/her place.
 - (2) A Member may not speak more than once to the same motion, but a right of reply shall be allowed to a Member who has moved a motion or an amendment.
 - (3) Notwithstanding paragraph (2) any Member may seek to intervene while another Member is speaking subject to that Member's consent, but may not persist in so doing if the Member refuses to give way.
 - (4) The Business Committee shall consult with the Speaker in order to establish the total time to be allocated to each debate and the general arrangements for the debate including those set out in paragraph (5) below.
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- (5) The Speaker shall determine the order of speaking and the number of speakers in any debate having due regard to the balance of opinion on the matter, the party strengths in the Assembly and the number of Members who have indicated a desire to speak.
- (6) The Speaker shall announce to the Assembly the established speaking times as above for any debate as a preliminary to the debate.
- (7) The Speaker, after having called the attention of the Assembly to the conduct of a Member who persists in irrelevance or tedious repetition, may direct the Member to discontinue his/her speech.

18. STATEMENTS

- (1) A Member of the Executive Committee shall make statements to the Assembly on matters for which the Executive Committee is responsible. He/she shall where possible make a written copy available to Members as early as possible before delivering the statement in the Assembly. Where this has not been possible he/she should state to the Assembly the reason or reasons.
 - (2) No copies of such Ministerial statements, embargoed or otherwise, shall be given to the press before they are made available to all Members.
 - (3) Notice of such statements shall be given to the Speaker not less than 2½ hours before they are due to be made and the Speaker shall communicate such information to Members as early as is practicable.
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- (4) When a statement has been made as aforesaid, a Member may move “that the statement be noted” and a period of questions on the statement which shall last no more than one hour may then ensue. The Speaker shall determine the time period taking into consideration the content of the statement, the number of Members wishing to ask questions and the pressure of other business.
- (5) Statements shall ordinarily be made outside the time bands specified in Standing Order 10(2) for Questions and Adjournment Debates. However, where a Statement is of such urgency or impact that it impinges upon any of these specified time bands, the Speaker shall make provision under Standing Order 10(5) to schedule appropriate additional time in the same week for Questions and/or an Adjournment Debate unless, by leave, the Assembly determines to dispense with this requirement.

19. QUESTIONS

- (1) Subject to the following provisions of this Standing Order, questions may be asked of:
 - (a) a Member of the Executive Committee relating to public affairs with which his/her Department is officially connected or to any matter of administration for which he/she is responsible; or,
 - (b) a Member representing the Assembly Commission in relation to any matter or matters for which the Commission carries responsibility.
- (2) Questions should not contain:
 - (a) statements of facts or names of persons, unless they are strictly necessary to make the

- question intelligible and can be authenticated;
 - (b) arguments, inferences or imputations;
 - (c) adjectives, unless they are strictly necessary to make the question intelligible;
 - (d) ironical expressions; or
 - (e) hypothetical matter.
- (3) Questions should not ask for an expression of opinion, legal or otherwise.
- (4) Notice of a question shall be given by a Member delivering the same to the Business Office. The question shall be in writing, signed by the Member and shall show the day for asking such question.
- (5) Questions shall be taken between 2.30 pm and 4.00 pm on those Mondays on which there is a sitting. If this allocation of time is insufficient in any week the Speaker may allocate appropriate additional time following the completion of other scheduled business under Standing Order 10(5). The Speaker shall from time to time consult the Business Committee on the need to provide additional time for questions.
- (6) No questions shall be taken after 4.00 pm except questions which have not been answered in consequence of the absence of the Member of the Executive Committee or representative of the Commission to whom they are addressed.
- (7) For the purposes of scrutiny, questions should be answered as clearly and fully as possible. They shall not be debated, but a supplementary question may be asked to elucidate an answer. Such supplementary questions shall be answered individually as they arise. Further supplementary
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questions may be asked at the discretion of the Speaker.

- (8) Notice of questions must appear at latest on the Notice Paper circulated two days (excluding Saturday and Sunday) before that on which the answer is desired and no earlier than ten days (excluding Saturdays and Sundays) before.
- (9) A Member shall indicate on the notice of any question whether it is for written or oral answer. Any Member who desires an oral answer to a question shall distinguish it by an asterisk.
- (10) The Member of the Executive Committee or representative of the Commission to whom a question is addressed shall cause an answer to be printed in the Official Report of Debates if the Member who gave notice of the question did not distinguish it by an asterisk.
- (11) Where a question is intended for oral answer but:
 - (a) the Member who gave notice of the question is not present to ask it, or
 - (b) on a day when the time for taking questions is between 2.30 pm and 4.00 pm, the question is not reached by 4.00 pm, or
 - (c) on a day when additional time is allocated for taking questions by the Speaker under paragraph (5), the question is not reached by the end of the time so allocated,

the Member who gave notice of the question may before the end of the time for taking questions signify to the Clerk his/her desire to postpone the question to another day.

If the Member does not signify such a desire to the Clerk, the Member of the Executive Committee or representative of the Commission to whom the question is addressed shall cause an answer to be printed in the Official Report of Debates.

- (12) Where a Member has signified that a question is for written answer on a named day the Member of the Executive Committee or representative of the Commission to whom it is addressed shall cause an answer to be given to the Member on the date for which notice has been given.
- (13) The sequence that questions are taken shall be determined by ballot carried out by the Speaker.

20. PRIVATE NOTICE QUESTIONS

- (1) Questions which have not appeared on the Order Paper but which, in the opinion of the Speaker, are of an urgent nature and relate to matters of public importance, may, if the Speaker is satisfied that adequate notice has been given to the Members of the Executive Committee concerned, normally be asked immediately prior to the Adjournment Debate.
 - (2) Notice of a proposed private notice question shall be given to the Clerk and to the Member of the Executive Committee concerned not less than four hours before the start of Question time (ie normally by 10.30 am on a Monday) and the Speaker shall, where he/she accepts a notice in accordance with paragraph (1), communicate that information to Members.
 - (3) Private notice questions must conform to the
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ordinary rules governing the content of questions.

21. ADJOURNMENT DEBATES

- (1) At such time as is set aside in Standing Orders, the question shall be put by the Speaker, “That the Assembly do now adjourn”, upon which question a Member who has the leave of the Speaker may raise any matter.
- (2) Any Member who wishes to raise a matter under the provisions of this Standing Order shall give notice to the Speaker of at least eight days.
- (3) Where the subject matter of an adjournment debate is the responsibility of a member of the Executive Committee ten minutes shall be allotted for a Ministerial response at the end of the debate.

22. PUBLIC PETITION

- (1) Every Member offering to present a petition to the Assembly, not being a petition for a private Bill or relating to any private Bill before the Assembly, shall confine himself/herself to a statement of the parties from whom it comes, the number of signatures attached to it and the material allegations contained in it, and to reading the prayer of such petition.
- (2) Every petition presented under this Standing Order, not containing matter in breach of the privileges of the Assembly shall be notified to the Clerk of the Business Committee, which Committee shall consider whether and when it shall be taken in the Assembly.
- (3) A petition shall relate to matters that are within the legal competence of the Assembly as defined

by exception in Section 6 of the Northern Ireland Act 1998.

23. PRESENTATION OF PAPERS AND ACCOUNTS

- (1) Papers and Accounts which are to be presented to the Assembly shall be delivered to the Business Office of the Assembly and the listing of the same in the Journal of Proceedings of the Assembly shall constitute presentation for all purposes. Any papers or Accounts so placed shall be regarded as matters for the public domain.
- (2) The above procedure shall also be followed when there is a statutory requirement to lay any document before the Assembly.
- (3) Any papers or Accounts which are deposited in the Assembly library shall be regarded as material for the private use of Members.

Voting

24. CLOSURE OF DEBATE

- (1) After “the question” of a motion has been proposed, any Member who has not already spoken to it, or to any amendment to it which has been proposed, may move that “the question be now decided”; and unless it shall appear to the Speaker that any of the parties present has not had a reasonable opportunity to contribute to the debate or that such motion is otherwise an abuse of these Standing Orders, the question that “the question be now decided” shall be put forthwith and decided without amendment or debate.
 - (2) Where a division is held on a question for the closure of debate on an issue the resolution of which requires cross-community support the question shall not be carried unless at least 30 Members have voted in support of it.
 - (3) If a question for the closure of debate has been carried, the Speaker shall put forthwith the question on any amendment already proposed to the motion
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and the question on any other amendment which he/she may then select to be proposed, and shall then put forthwith the question on the motion or (as the case may be) on the motion as amended.

25. VOTING – GENERAL

- (1) Every decision of the Assembly shall be taken by a simple majority of those voting other than a decision:
 - (a) in relation to which a provision of the Northern Ireland Act 1998 or Standing Orders provide otherwise; or
 - (b) on a vote, resolution or Act which:
 - (i) appropriates a sum out of the Consolidated Fund of Northern Ireland or increases a sum to be appropriated; or
 - (ii) imposes or increases a tax.Such decisions mentioned in sub-paragraph (b) shall require cross-community support within the meaning of Section 4(5) of the Northern Ireland Act 1998.
- (2) The Speaker, or a Deputy Speaker when in the Chair, shall not be entitled to a vote on any matter.
- (3) The Speaker shall judge whether the motion be carried or not by collecting voices or by a show of hands as he/she considers appropriate.
- (4) A vote shall not be taken on any matter if a Quorum is not present.
- (5) If any Member is present within the precincts of the Assembly and is disabled by infirmity from passing through the lobby, his/her name may be communicated by his/her party whip to the Clerks

and Tellers and may be included in the numbers counted (see Standing Order 26).

26. VOTING WHERE THE SPEAKER'S DECISION IS CHALLENGED

- (1) If the opinion of the Speaker as to the decision of a question is challenged he/she shall direct that the lobby be cleared and the division bells shall be sounded.
 - (2) After the lapse of three minutes from this direction he/she shall put the question again and, if his/her opinion is again challenged, he/she may either:
 - (a) call for the nomination of tellers and divide the Assembly in the manner provided below; or
 - (b) if, in his/her opinion the division is unnecessarily claimed, take the vote of the Assembly by calling upon the Members who support and who challenge his/her decision successively to rise in their places and he/she shall thereupon, as he/she thinks fit, either declare the determination of the Assembly or call for the nomination of tellers and divide the Assembly in the manner provided below.
 - (3) When tellers have been nominated, the Speaker shall direct the Assembly to divide, "ayes" to the right and "noes" to the left. The division bells shall be sounded. After the lapse of four minutes from putting the question again he/she shall direct that the doors giving access to the division lobbies be secured. When all Members in the lobby have voted the tellers shall bring the division lists to the Clerk who will announce the result.
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- (4) A Member may vote in a division although he/she did not hear the question put.
- (5) A Member shall not be obliged to vote.
- (6) If the votes in a division are equal the amendment or motion shall not be carried.

27. PETITION OF CONCERN

- (1) A Petition of Concern in respect of any matter shall be in the form of a notice signed by at least 30 Members presented to the Speaker. No vote may be held on a matter which is the subject of a Petition of Concern until at least one day after the Petition of Concern has been presented.
- (2) Other than in exceptional circumstances, a Petition of Concern shall be submitted at least one hour before the vote is due to occur. Where no notice of the vote was signalled or such other conditions apply that delay the presentation of a Petition of Concern the Speaker shall determine whether the Petition is time-barred or not.

Legislation

PUBLIC BILLS

The following extracts from the Northern Ireland Act 1998 are relevant and should be read alongside the Standing Orders on Public Bills which follow them.

Section 9 of the Northern Ireland Act 1998

- (1) A Minister in charge of a Bill shall, on or before introduction of it in the Assembly, make a statement to the effect that in his view the Bill would be within the legislative competence of the Assembly.**
- (2) The statement shall be in writing and shall be published in such manner as the Minister making the statement considers appropriate.**

Section 10(2) and (3) of the Northern Ireland Act 1998

- (2) Subject to subsection (3) –**
 - (a) the Presiding Officer shall consider a Bill both on its introduction and before the Assembly enters on its final stage; and**

- (b) if he considers that the Bill contains –**

 - (i) any provision which deals with an excepted matter and is ancillary to other provisions (whether in the Bill or previously enacted) dealing with reserved or transferred matters; or**
 - (ii) any provision which deals with a reserved matter,**

he shall refer it to the Secretary of State; and
 - (c) the Assembly shall not proceed with the Bill or, as the case may be, enter on its final stage unless –**

 - (i) the Secretary of State’s consent to the consideration of the Bill by the Assembly is signified; or**
 - (ii) the Assembly is informed that in his opinion the Bill does not contain any such provision as is mentioned in paragraph (b)(i) or (ii).**
- (3) Subsection (2)(b) and (c) shall not apply –**
- (a) where, in the opinion of the Presiding Officer, each provision of the Bill which deals with an excepted or reserved matter is ancillary to other provisions (whether in the Bill or previously enacted) dealing with transferred matters only; or**
 - (b) on the introduction of a Bill, where the Bill has been endorsed with a statement that the Secretary of State has consented to the Assembly considering the Bill.**

28. PUBLIC BILLS: INTRODUCTION AND FIRST STAGE

- (1) A Minister or Member of the Assembly who proposes to introduce a Public Bill shall submit the**
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full text of the Bill to the Speaker not less than seven days (excluding Saturdays and Sundays) before the date proposed for the introduction of the Bill in the Assembly.

- (2) A Member of the Assembly in charge of a Private Member's Bill shall, when submitting the text of the Bill to the Speaker, in accordance with paragraph (1), also submit a statement in writing to the effect that in his/her view the Bill would be within the legislative competence of the Assembly. The statement shall be published with the Bill on its introduction.
- (3) No Bill shall be introduced in the Assembly if the Speaker decides that any provision of it would not be within the legislative competence of the Assembly.
- (4) When the Speaker has signified to the Minister or Member of the Assembly in charge of the Bill that in his/her opinion it may properly be introduced, notice of introduction may be given for any subsequent sitting day.
- (5) On the introduction of a Bill, its title shall be read to the Assembly by the Clerk and this shall constitute the Bill's First Stage; the Bill shall be ordered to be printed and shall be set down in the list of pending future business until a date for its Second Stage is determined.
- (6) The Speaker shall, as soon as is reasonably practicable after the introduction of a Bill, send a copy of it to the Northern Ireland Human Rights Commission.

29. STAGES IN CONSIDERATION OF PUBLIC BILLS

Subject to Standing Orders 31(1), 38 and 40(3), the

stages in the Assembly's consideration of a Public Bill shall be as follows:

- (a) Second Stage: a general debate on the Bill, with an opportunity for Members to vote on its general principles.
- (b) Committee Stage: detailed investigation by a Committee, followed by report to the Assembly.
- (c) Consideration Stage: consideration of, and an opportunity for Members to vote on, the details of the Bill, including amendments proposed to the Bill.
- (d) Further Consideration Stage: an opportunity for Members to consider and vote on amendments proposed to the Bill.
- (e) Final Stage: passing or rejection of the Bill, without further amendment.

30. PUBLIC BILLS: SECOND STAGE

- (1) The debate on the motion, "That the Second Stage of the Bill be agreed" shall be confined to the general principles of the Bill.
- (2) Amendments may be proposed to this motion, to leave out the words after "That" and insert words which state a reason for the Assembly not to agree to the Second Stage of the Bill.
- (3) If an amendment proposed in accordance with paragraph (2) of this Standing Order is negatived the Speaker shall forthwith put the question that the Second Stage of the Bill be agreed.

31. PUBLIC BILLS: COMMITTEE STAGE

- (1) Subject to paragraph (2), on the Second Stage of a Bill being agreed, the Bill shall stand referred to the

appropriate Statutory Committee, unless the Assembly shall order otherwise.

- (2) Where the First Minister and Deputy First Minister acting jointly are in charge of a Bill, the Bill shall stand referred to the Committee of the Centre unless the Assembly shall order otherwise. The provisions of this Standing Order and of Standing Order 33 shall apply in relation to the Committee of the Centre acting by virtue of this paragraph as they apply in relation to a Statutory Committee.
- (3) A Statutory Committee to which a Bill stands referred under this Standing Order, may, within the period of thirty working days from date of referral (excluding any periods when the Assembly is adjourned for more than three working days), consider and take evidence on the provisions of the Bill, and report its opinion thereon to the Assembly.
- (4) A report made to the Assembly under paragraph (3) may include proposals for amendments to the Bill that may be proposed at Consideration Stage.
- (5) Before the conclusion of the period specified in paragraph (3), a motion may be made in the Assembly by:
 - (a) a Minister; or
 - (b) the Chairperson of the relevant Statutory Committee (or Deputy Chairperson acting in the Chairperson's stead)to extend the period until a date specified in the motion. The question on any such motion may be decided after the expiration of the time for opposed business.
- (6) On a report being made to the Assembly under

paragraph (3), or on the conclusion of any period specified in this order or extended by the Assembly under this order, the Bill shall be set down on the list of pending future business until a date for its Consideration Stage is determined.

32. PUBLIC BILLS: HUMAN RIGHTS ISSUES

- (1) For the purpose of obtaining advice as to whether a Bill, draft Bill or proposal for legislation is compatible with human rights (including rights under the European Convention on Human Rights) the Assembly may proceed on a motion made in pursuance of paragraph (2).
- (2) Notice may be given by any Member of a motion “That the Northern Ireland Human Rights Commission be asked to advise whether the Bill (or draft Bill or proposal for legislation) is compatible with human rights”.
- (3) In the case of a draft Bill or proposal for legislation, notice of such a motion may be given at any time after the draft Bill or proposal for legislation is published for public consultation.
- (4) In the case of a Bill, notice of such a motion may be given at any time after the Bill’s introduction.
- (5) On a motion being made under paragraph (2) a brief explanatory statement may be made by the Member who proposes the motion and by a Member who opposes it, and the Speaker shall then put the question without further debate.
- (6) Any advice tendered to the Assembly by the Northern Ireland Human Rights Commission in response to a

request made in pursuance of paragraph (2) shall be circulated to all Members of the Assembly and published in a manner determined by the Speaker.

33. PUBLIC BILLS: EQUALITY ISSUES

- (1) For the purpose of obtaining advice as to whether a Bill, draft Bill or proposal for legislation is compatible with equality requirements (including rights under the European Convention on Human Rights) the Assembly may proceed on a motion made in pursuance of paragraph (2).
 - (2) Notice may be given by:
 - (a) any member of the Executive Committee, or
 - (b) the Chairman of the appropriate Statutory Committee (or another Member of that Statutory Committee acting on the Chairman's behalf), of a motion "That the Bill (or draft Bill or proposal for legislation) be referred to an Ad Hoc Committee on Conformity with Equality Requirements".
 - (3) On a motion being made under paragraph (2), a brief explanatory statement may be made by the Member who proposes the motion and by a Member who opposes it, and the Speaker shall then put the question without further debate.
 - (4) In the case of a draft Bill or proposal for legislation, notice of such a motion may be given at any time after the draft Bill or proposal for legislation is published for public consultation.
 - (5) In the case of a draft Bill or proposal for legislation, if a motion under paragraph (2) is agreed, an Ad Hoc Committee on Conformity with Equality
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Requirements shall consider and report only whether the provisions of the draft Bill or proposal are in conformity with the requirements for equality and observance of human rights. The Committee shall report its opinion thereon to the Assembly within the period of thirty working days after the motion is agreed or at a time agreed by the Assembly.

- (6) In the case of a Bill, notice of such a motion may be given at any time after the Bill's introduction.
- (7) Except as provided in paragraph (9) an Ad Hoc Committee on Conformity with Equality Requirements shall consider and report only whether the provisions of the Bill are in conformity with the requirements for equality and observance of human rights. The Committee shall report its opinion thereon to the Assembly within the period of thirty working days after the motion is agreed to or at a time agreed by the Assembly.
- (8) If notice of such a motion is given at the conclusion of the Second Stage of a Bill, the motion shall also specify whether:
 - (a) the Bill is to be referred to an Ad Hoc Committee on Conformity with Equality Requirements instead of the appropriate Statutory Committee, and
 - (b) whether the Bill is to be referred to the appropriate Statutory Committee after the Assembly receives the report of an Ad Hoc Committee on Conformity with Equality Requirements.
- (9) If the Bill is referred to an Ad Hoc Committee on Conformity with Equality Requirements instead of the Statutory Committee, the provisions of Standing

Order 31 shall apply to the consideration of the Bill by an Ad Hoc Committee on Conformity with Equality Requirements.

- (10) If notice of such a motion is given after a Bill has been referred to a Statutory Committee, and before that Committee has reported or the period for reporting has expired, the motion shall also:
- (a) order that the Bill be transferred from the Statutory Committee to an Ad Hoc Committee on Conformity with Equality Requirements, and
 - (b) specify whether an Ad Hoc Committee on Conformity with Equality Requirements shall:
 - (i) consider only and report only whether the provisions of the Bill are in conformity with the requirements for equality and observance of human rights, or
 - (ii) in addition to considering and reporting on those matters, carry out the role of the Statutory Committee in relation to the Bill.
- (11) In the case of a motion specifying that an Ad Hoc Committee on Conformity with Equality Requirements should act as mentioned in paragraph (10)(b)(i), the Bill shall stand referred to the Statutory Committee again when an Ad Hoc Committee on Conformity with Equality Requirements reports to the Assembly.
- (12) In the case of a motion specifying that an Ad Hoc Committee on Conformity with Equality Requirements should act as mentioned in paragraph (10)(b)(ii), the Committee Stage of the Bill shall be complete when an Ad Hoc Committee on Conformity with Equality Requirements reports to the Assembly.

- (13) If such a motion is agreed after the appropriate Statutory Committee has reported, or the time for reporting has expired, the Consideration Stage of the Bill shall not begin until an Ad Hoc Committee on Conformity with Equality Requirements reports to the Assembly.
- (14) If such a motion is agreed after the Consideration Stage of the Bill has begun but before that stage has been completed, the Consideration Stage shall be adjourned until an Ad Hoc Committee on Conformity with Equality Requirements reports to the Assembly.
- (15) On resuming an adjourned Consideration Stage, the Assembly may, instead of considering the remaining clauses and schedules in the order in which they stand in the Bill, on a motion moved by the Member in charge of the Bill decide to consider them in a different order, and to consider again and amend, provisions of the Bill which have already been ordered to stand part of the Bill, and to consider new clauses and schedules even if the time for considering them has passed.
- (16) If such a motion is agreed after the end of the Consideration Stage of a Bill, no date shall be determined for the Further Consideration Stage of the Bill until an Ad Hoc Committee on Conformity with Equality Requirements reports to the Assembly.
- (17) If such a motion is agreed after the Further Consideration Stage of the Bill has begun but before that stage has been completed, the Further Consideration Stage shall be adjourned until an Ad Hoc Committee on Conformity with Equality Requirements reports to the Assembly.

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- (18) On resuming an adjourned Further Consideration Stage, the Assembly may, instead of considering the remaining amendments in the order in which the relevant clauses or schedules stand in the Bill, on a motion moved by the Member in charge of the Bill decide to consider them in a different order, and to consider again and amend, provisions of the Bill which have already been agreed, and to consider new clauses and schedules even if the time for considering them has passed.
- (19) If such a motion is agreed after the end of the Further Consideration Stage of a Bill, no date shall be determined for the Final Stage of the Bill until an Ad Hoc Committee on Conformity with Equality Requirements reports to the Assembly.
- (20) A decision by the Assembly to agree to a report by an Ad Hoc Committee on Conformity with Equality Requirements under paragraph (7) shall require cross-community support within the meaning of the Northern Ireland Act 1998.

34. PUBLIC BILLS: CONSIDERATION STAGE

- (1) Any amendments proposed to be made to a Bill at Consideration Stage shall be deposited with the Clerk in time for inclusion on a Notice Paper circulated on a day before the day appointed for the Consideration Stage. Amendments shall be arranged in the order in which the Bill is to be considered. Amendments may be moved, at the discretion of the Speaker, in very exceptional circumstances without such notice.
- (2) On consideration of a Bill, the clauses and

schedules shall be considered in the order in which they stand in the Bill unless the Assembly, on a motion moved after notice by the Member in charge of the Bill, decides otherwise. The question shall be put in respect of each clause and schedule, that the clause or schedule (or, as the case may be, the clause or schedule, as amended) stand part of the Bill.

- (3) The preamble and the long title shall stand postponed until after the consideration of the clauses and of any schedules.
- (4) Members may speak more than once in debate during the Consideration Stage. At the completion of the Consideration Stage, the Bill shall stand referred to the Speaker.

35. PUBLIC BILLS: FURTHER CONSIDERATION STAGE

- (1) Any amendments proposed to be made to a Bill at Further Consideration Stage shall be deposited with the Clerk in time for inclusion on a Notice Paper circulated on a day before the day appointed for the Further Consideration Stage, and shall be arranged in the order in which the Bill is to be considered; provided, however, that at the discretion of the Speaker, amendments may be moved in very exceptional circumstances without such notice.
- (2) During proceedings at Further Consideration Stage, debate and vote shall be confined to those amendments which have been selected. The amendments shall be considered in the order in which the relevant clauses or schedules stand in the Bill.
- (3) Any amendments selected which relate to the long

title shall be considered after those relating to the clauses and schedules of the Bill.

- (4) Members may speak more than once in debate during the Further Consideration Stage.
- (5) At the conclusion of the debate on the Further Consideration Stage the Bill shall stand referred to the Speaker.

36. PUBLIC BILLS: AMENDMENTS

Amendments proposed to a Bill shall be relevant to the provisions of the Bill and shall not be in conflict with the principle of the Bill as agreed to at Second Stage.

37. PUBLIC BILLS: FINAL STAGE

- (1) After the completion of the Further Consideration Stage of a Bill, the Bill shall be set down on the list of pending future business until a date for its Final Stage is determined.
- (2) No date may be determined for the Final Stage of a Bill until:
 - (a) the Speaker has considered the Bill in accordance with Section 10 of the Northern Ireland Act 1998 and signified to the Minister or Member of the Assembly in charge of the Bill that in his/her opinion it may properly proceed to its Final Stage; or
 - (b) if the Bill is referred to the Secretary of State by the Speaker under Section 10(2)(b) of that Act, the Secretary of State has signified his/her consent, or informed the Assembly of his/her opinion, under Section 10(2)(c) of that Act.

- (3) Debate at the Final Stage shall be on the motion “That the Bill do now pass” and shall be confined to the content of the Bill. No amendments may be made to the Bill at the Final Stage.

38. PUBLIC BILLS: RECONSIDERATION

- (1) Notwithstanding that a Bill has been passed under Standing Order 37 or approved under paragraph (3) of this order, it shall be set down in the list of pending future business as awaiting reconsideration if (but only if):
- (a) the Judicial Committee decide that any provision of the Bill is not within the legislative competence of the Assembly;
 - (b) a reference to the Judicial Committee made by the Attorney General for Northern Ireland in relation to a provision of the Bill under Section 11 of the Northern Ireland Act 1998 has been withdrawn following a request for withdrawal under Section 12 of that Act;
 - (c) a decision is made by the Secretary of State under Section 14(4) or (5) of that Act not to submit the Bill for Royal Assent; or
 - (d) a motion under Section 15(1) of that Act that the Bill shall not be submitted for Royal Assent has been passed by either House of Parliament.
- (2) During proceedings on reconsideration of a Bill, the Assembly shall consider only amendments proposed to be made to the Bill; and the provisions of Standing Order 34(1) shall apply to such amendments.
- (3) Where a Bill has been amended during proceedings on reconsideration, the question, that the Bill, as
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amended, be approved shall be put forthwith and decided without amendment or debate.

39. PUBLIC BILLS: EXPLANATORY AND FINANCIAL MEMORANDA

Public Bills on introduction shall be accompanied, inter alia, by an explanatory and financial memorandum detailing as appropriate:

- (a) the nature of the issue the Bill is intended to address;
- (b) the consultative process undertaken;
- (c) the main options considered;
- (d) the option selected and why;
- (e) the cost implications of the proposal/s.

40. PUBLIC BILLS: SPECIAL SCHEDULING REQUIREMENTS

- (1) There shall be a minimum interval of five working days between each stage of a Bill, save in the following cases:
 - (a) between Second Stage and Committee Stage; and
 - (b) where a Bill is subject to the accelerated passage procedure in accordance with paragraph (2) or (4).
- (2) Where on or before the Second Stage of a Budget Bill the Chairperson of the Committee for Finance and Personnel (or another Member of that Committee acting on his/ her behalf) confirms to the Assembly that the Committee is satisfied that there has been appropriate consultation with it on the public expenditure proposals contained in the Bill, the Bill shall proceed under the accelerated passage procedure which shall exclude any Committee Stage.

- (3) Where, exceptionally, a Bill (other than a Budget Bill) is thought to require accelerated passage, which shall exclude any Committee Stage, the Member in charge of the Bill shall, before introduction of the Bill in the Assembly, explain to the appropriate Committee:
- (a) the reason or reasons for accelerated passage;
 - (b) the consequences of accelerated passage not being granted; and, if appropriate,
 - (c) any steps he/she has taken to minimise the future use of the accelerated passage procedure.
- (4) Before Second Stage the Member in charge of the Bill shall move a motion "That the Bill proceed under the accelerated passage procedure".

In moving the motion the Member shall explain to the Assembly:

- (a) the reason or reasons for accelerated passage;
- (b) the consequences of accelerated passage not being granted; and, if appropriate,
- (c) any steps he/she has taken to minimise the future use of the accelerated passage procedure.

A motion under this Standing Order shall require cross-community support within the meaning of Section 4(5) of the Northern Ireland Act 1998.

- (5) No Bill shall pass all its required stages in the Assembly in less than ten days.
- (6) Where a Bill has not completed its passage by the end of an Assembly session it shall be carried forth and its passage continued into the next session.
- (7) A Bill shall not be carried forth if the Assembly stands dissolved.

41. SCRUTINY OF STATUTORY RULES

- (1) Every statutory rule or draft statutory rule which:
 - (a) is laid before the Assembly; and
 - (b) is subject to Assembly proceedings,shall stand referred to the appropriate Committee for scrutiny.
- (2) The appropriate Committee may also scrutinise any statutory rule which:
 - (a) deals with a transferred matter (within the meaning of the Northern Ireland Act 1998); and
 - (b) is not subject to Assembly proceedings,whether or not the statutory rule is laid before the Assembly.
- (3) To assist Committees in the scrutiny of instruments under this Standing Order there shall be an officer of the Assembly known as the Examiner of Statutory Rules who shall carry out any functions delegated to him/her under paragraph (4)(b).
- (4) The appropriate Committee may:
 - (a) scrutinise the instrument itself; or
 - (b) delegate to the Examiner of Statutory Rules any of its functions in relation to the technical scrutiny of the instrument.
- (5) Where a Committee has delegated functions to the Examiner of Statutory Rules under paragraph (4)(b), references to the Committee in the following provisions of this Standing Order, in relation to functions so delegated, include references to the Examiner.
- (6) In scrutinising an instrument the appropriate

Committee shall inter alia consider the instrument with a view to determining and reporting on whether it requires to be drawn to the special attention of the Assembly on any of the following grounds, namely, that:

- (a) it imposes a charge on the public revenues or prescribes the amount of any such charge;
- (b) it contains provisions requiring any payment to be made to any Northern Ireland department or public body in respect of any approval, authorisation, licence or consent or of any service provided or to be provided by that department or body or prescribes the amount of any such payment;
- (c) the parent legislation excludes it from challenge in the courts;
- (d) it purports to have retrospective effect where the parent legislation confers no express authority so to provide;
- (e) there appears to have been unjustifiable delay in the publication of it or in the laying of it before the Assembly;
- (f) there appears to be a doubt whether it is intra vires or it appears to make some unusual or unexpected use of the powers conferred by the parent legislation;
- (g) it calls for elucidation;
- (h) it appears to have defects in its drafting;

or on any other ground which does not impinge on its merits or the policy behind it.

- (7) The appropriate Committee shall where practicable report on an instrument before any resolution or motion relating to that instrument is moved in the Assembly.

(8) In this Standing Order:

"Committee" means:

- (a) a Statutory Committee; or
- (b) in the case of an instrument which has been made or is to be made by the First Minister and Deputy First Minister acting jointly, or by the Office of the First Minister and Deputy First Minister, the Committee of the Centre;

"instrument" means a statutory rule or a draft statutory rule;

"the parent legislation", in relation to an instrument, means the legislation under which the instrument is made or is to be made;

"statutory rule" has the same meaning as in the Statutory Rules (Northern Ireland) Order 1979.

(9) For the purposes of this Standing Order a statutory rule or draft statutory rule is subject to Assembly proceedings if, in pursuance of the parent legislation, proceedings may be taken in the Assembly in relation to it.

Ministerial Appointments

42. APPOINTMENT OF NORTHERN IRELAND MINISTERS – TIME LIMITS

- (1) The periods within which steps must be taken in the process of appointing Northern Ireland Ministers under Section 18 of the Northern Ireland Act 1998 are as set out in paragraphs (2), (3) and (4) of this Standing Order.
 - (2) Ministerial offices must be filled by applying the procedures set out in Section 18(2) to (6) within a period of seven days beginning with the day on which:
 - (a) the Assembly first meets following the election mentioned in Section 18(1)(a);
 - (b) the determination mentioned in Section 18(1)(b) takes effect;
 - (c) the resolution mentioned in Section 18(1)(c) is passed; or
 - (d) the period of exclusion mentioned in Section 18(1)(d) comes to an end.
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- (3) Where the office becomes vacant as mentioned in Section 18(10) the nominating officer of the party on behalf of which the previous incumbent was nominated, shall within a seven day period, nominate a person to hold the office.
- (4) Where the Speaker requests a nominating officer to select a Ministerial office and nominate a person to hold it:
 - (a) the nominating officer must exercise that power, and
 - (b) the person nominated must affirm the terms of the pledge of office and take up the office, within 15 minutes of the request, unless the nominating officer, the person nominated, or another Member of the Assembly asks the Assembly to extend that time limit, and gives a reason or reasons for so asking, and the Assembly approves the extension.

43. JUNIOR MINISTERS

Where the First Minister and Deputy First Minister make a determination under Section 19 of the Northern Ireland Act 1998 specifying procedures for appointing Members as junior Ministers, those procedures shall be applied within a period of seven days beginning with the day on which the determination takes effect.

Committees

44. COMMITTEES OF THE ASSEMBLY — GENERAL

- (1) The Assembly shall establish Committees to:
 - (a) discharge duties in relation to Departments (Statutory Committees); and
 - (b) carry out any other functions deemed necessary.
- (2) Committees to assist the Assembly in the discharge of its business shall be appointed by motion made after notice setting out terms of reference, quorum and composition and/or referring to any Standing Order, as appropriate, which prescribes these.
- (3) All Committees of the Assembly shall have leave to sit during a sitting of the Assembly and notwithstanding any adjournment of the Assembly.
- (4) The names of the Members present at each sitting of a Committee shall be entered in the minutes of evidence or in the minutes of proceedings of the Committee (as the case may be) and reported to the Assembly in any report of such Committee.
- (5) A general record of the proceedings of a Committee

shall be brought up and laid before the Members of the Assembly with the report of the Committee.

- (6) If, at any time, during the sitting of a Committee, the quorum of Members fixed by the Assembly is not present, the Clerk of the Committee shall call the attention of the Chairperson to the fact, and the Chairperson shall thereupon suspend the proceedings of the Committee until a quorum is present, or adjourn the Committee to some future day.
- (7) Every Committee shall have leave to report its opinions and observations upon any matters referred to it by the Assembly, together with the minutes of any evidence taken before it and also to make a special report of any matters which the Committee may think fit to bring to the notice of the Assembly.
- (8) No document received by the Clerk of a Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

45. STATUTORY COMMITTEES

The number of Statutory Committees established and their membership shall be determined by the Assembly following

- (a) the appointment of the Executive Committee; and
 - (b) consideration and recommendation by the Business Committee having regard to –
 - (i) the need to ensure that membership of Committees is in proportion to party strengths within the Assembly (see Standing Order 46);
 - (ii) the overall number of the Assembly members; and
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- (iii) the best arrangement for allowing the Assembly to discharge its functions.

46. ESTABLISHMENT OF STATUTORY COMMITTEES

- (1) As soon as practicable after the appointment of Ministers, the Speaker shall supervise:
- (a) the establishment of Committees of Members of the Assembly (“Statutory Committees”) to advise and assist each Minister in the formulation of policy with respect to matters within his/her responsibilities as a Minister. Each such Committee shall carry out such role in relation to one or more Ministerial Portfolios; and
 - (b) the allocation of Committee Chairs and Deputy Chairs to parties in accordance with the following procedure.
- (2) Statutory Committees shall have the powers described in paragraph 9 of Strand One of the Belfast Agreement (CM 3883) and may, in particular, exercise the power in Section 44 (1) of the Northern Ireland Act 1998.
- (3) The Speaker shall supervise the establishment of Statutory Committees. Each Committee shall have one Chairperson, one Deputy Chairperson and a number of Members other than himself/herself to be determined by the Assembly subject to the requirements upon the Speaker to ensure that all Members who do not hold Ministerial or junior Ministerial office are offered at least one Statutory Committee place (see Standing Order 47).
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- (4) By reference to the consolidated list of political parties and their members, the Speaker shall calculate each party's figure for the purpose of this Standing Order by applying the formula:

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

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

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

Where two or more parties have an identical figure they shall be ranked by applying the formula:

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

where V is the total number of first preference votes cast for the party at the most recent general election of Members of the Assembly, and C has the same meaning as above.

- (5) The Speaker shall then invite the nominating officer of the party with the highest figure to nominate a member of that party who is a Member of the Assembly to be Chairperson or Deputy Chairperson of one of the Committees referred to in paragraph (3) above; and to specify which Committee that Member is nominated to Chair or to serve on as Deputy Chairperson as the case may be. In making nominations, nominating officers shall prefer Committees in which they do not have a party interest over ones in which they do have a party interest.
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- (6) For the purposes of paragraph (5) a nominating officer has a party interest in a Committee if it is established to advise and assist a Minister who is a member of his/her party.
- (7) Subject to paragraph (8), where the Speaker asks the nominating officer to make a nomination under paragraph (5):
- (a) if he/she fails to do so within 15 minutes of the request being made (whether the nominating officer was present when the request was made or not), or
 - (b) if the person nominated does not take up the specified office within 15 minutes, of the request being made, (whether that person was present when nominated or not),
- unless the nominating officer, the person nominated, or another Member of the Assembly asks the Assembly to extend that time limit, and gives a reason or reasons for so asking and the Assembly approves the granting of the extension, the power shall be exercisable by the nominating officer of the party for which the formula in paragraph (4) gives the next highest figure.
- (8) Paragraph (7) shall not operate whilst the Assembly is adjourned.
- (9) Paragraphs (5) to (7) shall be applied as many times as may be necessary to secure that each of the Chairperson and Deputy Chairperson offices has been allocated and taken up as required by paragraph (1).
- (10) A Minister or junior Minister may not be the Chairperson or Deputy Chairperson of a Statutory Committee.
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- (11) Where a nomination is made, on acceptance, the Speaker shall announce and confirm the appointment.
 - (12) No person may be nominated to serve as a Chairperson or Deputy Chairperson of a Committee if they have already been appointed as a Chairperson or Deputy Chairperson of a Committee established under this Standing Order.
 - (13) A Chairperson or Deputy Chairperson shall cease to hold office if:
 - (a) he/she resigns by notice in writing to the Speaker;
 - (b) he/she ceases to be a Member of the Assembly; or
 - (c) he/she is dismissed by the nominating officer of the party which nominated him/her and the Speaker is notified of his/her dismissal.
 - (14) The nominating officer of a party may at any time nominate a different member of the party to replace a Chairperson or Deputy Chairperson of a Committee established under paragraph (3) who is a member of that party and shall nominate such a replacement within ten days if a Chairperson or Deputy Chairperson of a Committee who is a member of the party resigns or ceases to be a Member of the Assembly. If the nominating officer fails to make a nomination within ten days or the nominated person does not take up office within ten days the power of nomination shall become exercisable by the nominating officer of the party for which the formula in paragraph (4) gives the next highest figure. Any such nomination must comply with paragraphs (6), (10) and (12). Any such nomination shall be announced and confirmed by the Speaker at the next following meeting of the Assembly.
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47. MEMBERSHIP OF STATUTORY COMMITTEES

- (1) Each Statutory Committee shall consist of 11 Members.
 - (2) In the following provisions of this Standing Order the offices of Chairperson and Deputy Chairperson (which are filled in accordance with Standing Order 46) count as seats on a Committee.
 - (3) All Statutory Committees shall be constituted to reflect, as far as possible, the different political parties into which the Members of the Assembly are divided except in so far as individual parties or individual Members may waive their rights.
 - (4) Seats on Statutory Committees will be allocated on a proportional basis in accordance with the following basic principles:
 - (a) that not all the seats on a Statutory Committee are allocated to the same political party;
 - (b) that the majority of the seats on each Statutory Committee is allocated to a particular political party if the number of persons belonging to that party is a majority of the Assembly membership;
 - (c) subject to paragraphs (a) and (b) above, that the number of seats on the Statutory Committees of the Assembly which are allocated to each political party bears the same proportion to the total of all the seats on the Committees as is borne by the number of Members of that party to the membership of the Assembly; and
 - (d) subject to paragraphs (a) and (c) above, that the number of seats on each Statutory Committee which is allocated to each political party as far as possible bears the same proportion to the number of seats on that Committee as is borne by the number of
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members of that party to the membership of the Assembly.

- (5) The allocation of seats to parties or individual Members shall be undertaken by the Business Committee and shall be approved by resolution of the Assembly.
- (6) The Business Committee shall review the representation of the different political parties as soon as may be following any numerical changes to party memberships in the Assembly.
- (7) The quorum of every Statutory Committee shall be five and such quorum shall be deemed to be present where Members are linked by a video-conferencing facility.
- (8) The period of the continuance of every Statutory Committee shall be for the duration of the Assembly unless the Assembly determines otherwise.
- (9) All questions at a Statutory Committee shall be decided by a simple majority. Voting shall be by show of hands unless otherwise requested by a Member of the Committee.

48. NON-STATUTORY COMMITTEES

- (1) Unless otherwise specified in Standing Orders there shall be two types of Non-Statutory Committee in the Assembly, namely Standing Committees and Ad Hoc Committees.
- (2) Standing Committees shall be permanent Committees of the Assembly.
- (3) The Chairs and Deputy Chairs of Standing

Committees (with the exception of the Business Committee) shall be filled in the manner prescribed in paragraphs (3)-(13) of Standing Order 46. This shall be done as part of a process that is separate and distinct from the process of filling the Chairs and Deputy Chairs of Statutory Committees.

- (4) Standing Committees unless otherwise specified in Standing Orders shall be constituted in the manner prescribed in Standing Order 47.
- (5) Paragraphs (6), (7) and (9) of Standing Order 47 shall also apply to Standing Committees.
- (6) Unless otherwise provided for in Standing Orders, the quorum of Standing Committees shall be the same as that for Statutory Committees.
- (7) Ad Hoc Committees shall be established from time to time to deal with any specific time-bounded terms of reference that the Assembly may set. The Assembly shall decide the membership of any such Committee and may direct its method of operation.

49. COMMITTEE ON PROCEDURES

- (1) There shall be a Standing Committee of the Assembly to be known as the Committee on Procedures to consider and review on an ongoing basis the Standing Orders and procedures of the Assembly.
- (2) The procedures of the Committee shall be such as the Committee shall determine.

50. BUSINESS COMMITTEE

- (1) There shall be a Standing Committee of the

Assembly to be known as the Business Committee which shall make arrangements for the business of the Assembly and perform such other duties as the Speaker may request or the Assembly determine.

- (2) The Speaker shall be Chairperson of the Business Committee.
- (3) The Speaker shall nominate two members of the Committee, either of whom, in his/her unavoidable absence shall act as Chairperson of the Business Committee.
- (4) The procedures of the Business Committee shall be such as the Committee shall determine.
- (5) The Business Committee shall consist of thirteen members.
- (6) Each party delegation shall be entitled to cast the number of votes equivalent to the number of members who adhere to the Whip of that party.
- (7) The Business Committee shall determine the dates of Recess.

51. PUBLIC ACCOUNTS COMMITTEE

- (1) There shall be a Standing Committee of the Assembly designated “the Public Accounts Committee” to consider accounts, and reports on accounts laid before the Assembly.
- (2) The Committee shall have power to send for persons, papers and records and to report from time to time.
- (3) Neither the Chairperson nor Deputy Chairperson of

the Committee shall be a member of the same political party as the Minister of Finance & Personnel or of any junior Minister appointed to the Department of Finance and Personnel.

52. COMMITTEE ON STANDARDS AND PRIVILEGES

- (1) There shall be a Standing Committee of the Assembly called the Committee on Standards and Privileges:
 - (a) to consider specific matters relating to privilege referred to it by the Assembly;
 - (b) to oversee the work of the Assembly Clerk of Standards; to examine the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interests established by the Assembly; and to review from time to time the form and content of those registers;
 - (c) to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches of any code of conduct to which the Assembly has agreed and which have been drawn to the Committee's attention;
 - (d) to recommend any modifications to the code of conduct mentioned in paragraph (c);
 - (e) to perform the functions described in Standing Order 64(6) and (7);
 - (f) to make a report to the Assembly on any matter falling within this Standing Order.

- (2) The Committee shall be appointed at the commencement of every Assembly and shall have power to send for persons, papers and records that are relevant to its enquiries.

- (3) There shall be an officer of the Assembly, to be known as the Assembly Commissioner for Standards, who shall carry out an investigation into any matter falling within paragraph (4) referred to him by the Assembly Clerk of Standards and shall make a report thereon to the Committee on Standards and Privileges.
- (4) Those matters are:
- (a) matters relating to Members and Assembly privilege, including alleged breach of privilege;
 - (b) specific complaints about Members made in relation to the registering or declaring of interests; and
 - (c) matters relating to the conduct of Members, including specific complaints in relation to alleged contravention of:
 - (i) any Code of Conduct to which the Assembly has agreed; or
 - (ii) any Guide to the Rules Relating to the Conduct of Members approved by the Assembly.
- (5) A report made under paragraph (3) may not include any recommendations for any sanction or penalty to be imposed upon any Members of the Assembly.
- (6) The Assembly Commissioner for Standards shall not, in the exercise of any of his functions, be subject to the direction or control of the Assembly.
- (7) The Assembly Commissioner for Standards shall not be dismissed unless:
- (a) the Assembly so resolves; and
 - (b) the resolution is passed with the support of a number of Members of the Assembly which equals or exceeds two-thirds of the total number of seats in the Assembly.

53. AUDIT COMMITTEE

The Assembly, by resolution, shall establish a Committee to exercise the functions laid upon the Assembly by Section 66 of the Northern Ireland Act 1998. In accordance with Section 66(2) of the Act, no more than one Member of the Committee shall at the same time be a Member of the Public Accounts Committee.

The Committee shall have a membership of five and a quorum of two.

54. COMMITTEE OF THE CENTRE

- (1) There shall be a Standing Committee of the Assembly to be known as the Committee of the Centre, to examine and report on the following functions carried out in the Office of the First and Deputy First Minister, and on any other related matters determined by the Assembly:
- (a) Economic Policy Unit (other than the Programme of Government);
 - (b) Equality Unit;
 - (c) Civic Forum;
 - (d) European Affairs and International Matters;
 - (e) Community Relations;
 - (f) Public Appointments Policy;
 - (g) Freedom of Information;
 - (h) Victims;
 - (i) Nolan Standards;
 - (j) Public Service Office;
 - (k) Emergency Planning;
 - (l) Women's Issues; and
 - (m) Those functions relating to the Planning Appeals Commission and the Water Appeals Commission

transferred to the Office of the First Minister and Deputy First Minister by The Departments (Transfer of Functions) Order (Northern Ireland) 2001.

- (2) This Committee shall also have the functions conferred by virtue of Standing Orders 31(2) and 41(8).
- (3) This Committee shall replace the Standing Committees on European Affairs and Equality, Human Rights and Community Relations. Standing Orders “Standing Committee on European Affairs” and “Committee on Equality, Human Rights and Community Relations” are revoked.
- (4) The Committee shall consist of 17 Members.
- (5) The Committee shall have the power to send for persons and papers.
- (6) The procedures of the Committee shall be such as the Committee shall determine.

55. CONFORMITY WITH EQUALITY REQUIREMENTS – SPECIAL COMMITTEE ON

- (1) The Assembly may appoint an Ad Hoc Committee to examine and report on whether a Bill or proposal for legislation is in conformity with equality requirements (including rights under the European Convention on Human Rights or any Northern Ireland Bill of Rights).
- (2) The Committee shall have the power to call for people and papers to assist in its consideration of matters referred to it.

- (3) The Assembly shall consider all reports of the Committee and determine the matter in accordance with the procedures on cross-community support within the meaning of Section 4(5) of the Northern Ireland Act 1998.
- (4) Where there is a Petition of Concern the Assembly shall vote to determine whether the measure or proposal for legislation may proceed without reference to the above procedure. If this fails to achieve support on a parallel consent basis the procedure as at (1) – (3) above shall be followed.

56. SERVICE ON COMMITTEES

Within one week of the establishment of any Committee of the Assembly, the Speaker shall seek nominations of Members to serve on that Committee from party leaders (or their nominees).

57. COMMITTEE MEMBERS VOTING IN THE CHAMBER

Where it is known to a Committee of the Assembly that a vote of any kind is to be taken imminently at a sitting of the Assembly in Plenary, the Chairperson of the Committee or a Deputy acting in his/her stead shall suspend the proceedings of the Committee to enable Members to vote.

58. SUB COMMITTEES

- (1) Each Committee (“the parent Committee”), in the discharge of its functions, may establish sub-Committees.

- (2) Unless with the approval of the Business Committee and the Assembly, a parent Committee shall establish no more than one sub-Committee to operate at any one time.
- (3) A sub-Committee shall be appointed to consider specific, time-bounded matters within the terms of reference set by the parent Committee and shall:
 - (a) report only to that Committee; and
 - (b) stand dissolved on disposal of those matters.
- (4) A sub-Committee shall not take any decision on behalf of the parent Committee.
- (5) A parent Committee may appoint a member to be the Convenor of a sub-Committee.
- (6) Each sub-Committee shall, in as far as is practicable, reflect the party strengths in the Assembly.
- (7) The quorum of a sub-Committee shall be determined by the parent Committee.
- (8) The proceedings of a sub-Committee shall be such as the parent Committee shall determine.

59. OVERLAP OF COMMITTEE BUSINESS

- (1) Where legislation or other subject matter due for consideration appears to fall within the remit of more than one Committee, the Chairpersons of the affected Committees shall consult and agree upon which Committee the matter should fall to for disposal. Where the matter remains unresolved, the Chairpersons affected should make their views known to the Business Committee which shall rule on the matter.
- (2) A Committee taking the lead on a matter that

affects another Committee shall, as a matter of course, seek the views and establish the interests of the other Committee on the subject at issue before arriving at any conclusions and may invite the other Committee to carry out the consideration of any stated issue and provide it with a draft report.

Good Order

60. ORDER IN THE ASSEMBLY

- (1) The Speaker may, if any Member:
 - (a) wilfully assaults, molests, obstructs or acts in a disorderly manner towards the Speaker or any other Member;
 - (b) persistently and wilfully obstructs the business of the Assembly;
 - (c) is guilty of disorderly conduct;
 - (d) wilfully assaults, obstructs or resists any police constable or officer of the Assembly acting under the authority of the Speaker;
 - (e) uses unparliamentary words which he/she refuses to withdraw;
 - (f) persistently or wilfully refuses to conform with Standing Orders; or
 - (g) persistently or wilfully disregards the authority of the Speaker

order the Member to withdraw immediately from the Chamber and its precincts during the remainder of that day's sitting and the Keeper of the House shall act upon any instructions as he/she may receive from

the Speaker in pursuance of this Standing Order; or whenever a Member shall have been named by the Speaker, immediately after the commission of the offence of disregarding the authority of the Speaker, or of persistently and wilfully obstructing the business of the Assembly by abusing the rules of the Assembly or otherwise, then if the offence has been committed by such Member in the Assembly, the Speaker shall forthwith put the question, on a motion being made, 'That such Member be suspended from the service of the Assembly' for a period of up to five sitting days.

- (2) Where for any reason the Speaker does not declare the suspension of a Member under this Standing Order at the sitting of the Assembly during which the offence occurred, he/she shall inform the Assembly at its next sitting of the Member's offence and shall forthwith put the question on a motion being made, "that such Member be suspended from the service of the Assembly" for a period of up to five sitting days.
 - (3) A Member who is suspended under this Standing Order shall not be admitted to the Assembly chamber or its precincts. For the purposes of this Standing Order the precincts shall include any part of Parliament Buildings.
 - (4) The Speaker shall take whatever steps he/she deems necessary in the circumstances to prevent conduct which would constitute a criminal offence or a contempt of court.
 - (5) In the case of grave disorder arising in the Assembly, the Speaker may, if he/she thinks it necessary, adjourn the Assembly without question put or suspend any sitting for one hour.
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61. VISITORS TO THE ASSEMBLY

- (1) When the Assembly is sitting visitors may be admitted only to such places as may be reserved for them by the Speaker.
- (2) The Speaker may, whenever he/she thinks fit, order the withdrawal of visitors from all or any part of Parliament Buildings.
- (3) Visitors shall only be admitted to the Public Gallery after Prayers.
- (4) Visitors shall not be permitted to take into the Public Gallery of the Assembly any mobile telephone, tape recorder, briefcase or large bag.
- (5) For the purposes of this Standing Order the term "visitors" includes all persons other than Members, officers and servants of the Assembly.

62. VISITORS TO COMMITTEE

Chairpersons of Committees shall, in relation to visitors, exercise the same powers as the Speaker within those places and precincts of the Assembly that are from time to time assigned to their use for the purposes of Committee business. For the purposes of this Standing Order anyone who is not a Member or officer of the Committee may be regarded as a visitor.

63. KEEPER OF THE HOUSE

- (1) The Keeper of the House attending the Assembly shall remove any visitor whom he/she may see, or who may be reported to him/her to be, in any part
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of the Assembly or gallery appropriated to the Members of the Assembly, and also any visitor who, having been admitted into any other part of the Assembly or gallery, shall misconduct himself/herself, or shall not withdraw when visitors are directed to withdraw, while the Assembly, or any Committee of the Assembly, is sitting.

- (2) The power conferred upon the Keeper of the House by paragraph (1) of this Order may, if the Chairman of a Committee so directs, be exercised in respect of any person who is not a Member of the Committee or officer of the Assembly serving the Committee.

Standards and Privilege

64. MEMBERS' INTERESTS

- (1) A Register of Members' Interests, which shall list the categories of registrable interest, shall be established, published and made available for public inspection.
- (2) The Clerk of Standards shall compile, and from time to time publish, the Register of Members' Interests.
- (3) Every Member of the Assembly shall inform the Clerk of Standards of such particulars of his/her registrable interests as shall be required, and of any alterations to such interests within four weeks of each change occurring.
- (4) Before taking part in any debate or proceeding of the Assembly or its Committees, a Member shall declare any interest, financial or otherwise, which is relevant to that debate or proceeding, where such

interest is held by the Member or an immediate relative.

- (5) No Member of the Assembly shall, in any proceeding of the Assembly, in return for payment or benefit mentioned in paragraph 61 of the Guide to the Rules Relating to the Conduct of Members, approved by the Assembly on 15 October 2001 [“the Guide”]:
- (a) advocate or initiate any cause or matter on behalf of any outside body or individual;
 - (b) urge any other Member of the Assembly to do so.
- (6) Where it appears to the Committee on Standards and Privileges that a Member has failed to comply with any provision of this Order or any Code of Conduct agreed by the Assembly, the Committee may make a report to the Assembly.
- (7) A report made under paragraph (6) may include a recommendation that the Member:
- (a) be excluded from proceedings of the Assembly for a specified period; and
 - (b) have his/her rights and privileges as a Member withdrawn for that period.
- (8) In this Standing Order:-
- “Financial interest” means any registrable interest other than one falling within paragraph 26 or 27 of the Guide;
- “Registrable interest” means any category of registrable interest falling within paragraphs 14 to 37 of the Guide.

65. PRIVILEGE

- (1) Any Member who wishes to raise a matter of

privilege shall give the Speaker notice of his/her intention and acquaint the Speaker of the details of the matter in writing.

- (2) At any time after any Questions have been disposed of, other than when a division is in progress, a Member who has given notice and details as above may rise in his/her place and claim to move that a specific matter affecting the privilege of the Assembly shall be referred to the Committee on Standards and Privileges.
 - (3) If in the opinion of the Speaker a prima facie case of breach of privilege has been made out by a Member under paragraph (1) of this Standing Order and if it also appears to the Speaker that the matter has been raised at the first available opportunity then the Speaker shall so inform the Assembly and refer the matter to the Committee on Standards and Privileges. Provided that when a matter of privilege is raised of which the Speaker has not received sufficient notice, the Speaker may defer informing the Assembly of his/her decisions on the matters aforesaid until the next day on which the Assembly shall meet.
 - (4) Any Member complaining to the Assembly of a statement in a newspaper, book or other publication as a breach of privilege shall hand in to the Speaker a copy of the newspaper, book, publication or any other medium containing the statement in question.
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Other Orders

66. OATH

Where an oath is to be administered it shall be in the following form –

“I swear by Almighty God that the evidence I shall give shall be truthful and honest, and that I will give the Committee/Assembly all such information and assistance as I can to enable it to discharge its responsibilities”;

but where the person giving the evidence prefers to affirm, the affirmation shall be in the following form:

“I do solemnly, sincerely and truly declare that the evidence I shall give shall be truthful and honest, and that I will give the Committee/Assembly all such information and assistance as I can to enable it to discharge its responsibilities”.

67. ADMINISTRATION OF OATH

In addition to the Speaker the following persons may administer an oath and require any person

giving evidence in the proceedings of the Assembly or its Committees, as appropriate, to take such oath:

- (a) Deputy Speaker;
- (b) Committee Chairpersons or Deputy Chairpersons;
- (c) the Clerk;
- (d) the Deputy Clerk;
- (e) the Clerk Assistant;
- (f) a Committee Clerk.

68. SUB JUDICE

Subject always to the discretion of the Chair and to the right of the Assembly to legislate on any matter within its legislative competence,

- (1) matters awaiting or under adjudication in all courts exercising a criminal jurisdiction and in courts martial should not be referred to:
 - (a) in any Motion (including a Motion for leave to bring in a Bill),
 - (b) in debate, or
 - (c) in any question to a Minister including a supplementary question.

 - (2) matters awaiting or under adjudication in a civil court should not be referred to:
 - (a) in any Motion (including a Motion for leave to bring in a Bill),
 - (b) in debate, or
 - (c) in any question to a Minister including a supplementary question from the time that the case has been set down for trial or otherwise brought before the court, as for example by notice of motion for an injunction; such matters may be referred to before such date unless it appears
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to the Chair that there is a real and substantial danger of prejudice to the trial of the case.

- (3) Paragraphs (1) and (2) of the Order should have effect:
 - (a) in the case of a criminal case in courts of law, including courts martial, from the moment the law is set in motion by a charge being made;
 - (b) in the case of a civil case in courts of law, from the time that the case has been set down for trial or otherwise brought before the court, as for example by notice of motion for an injunction;
 - (c) in the case of any judicial body to which the Assembly has expressly referred a specific matter for decision and report, from the time when the Resolution is passed.

 - (4) Paragraphs (1) and (2) of the Order should cease to have effect:
 - (a) in the case of courts of law, when the verdict and sentence have been announced or judgement given, but resumed when notice of appeal is given until the appeal has been decided;
 - (b) in the case of courts martial, when the sentence of the court has been confirmed and promulgated, but resumed when the convicted person petitions the Army Council, the Air Council or the Board of Admiralty;
 - (c) in the case of any judicial body to which the Assembly has expressly referred a specific matter for decision and report, as soon as the report is laid before the Assembly.

 - (5) Notwithstanding the above and subject to the discretion of the Chair reference may be made in Questions, Motions or debate to matters awaiting or under adjudication in all civil courts, in so far as
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such matters relate to a Ministerial decision which cannot be challenged in court except on grounds of misdirection or bad faith, or concern issues of importance such as the economy, public order or the essentials of life.

- (6) In exercising its discretion the Chair should not allow reference to such matters if it appears that there is a real and substantial danger of prejudice to the proceedings.

69. NEWS MEDIA

- (1) Notwithstanding anything contained elsewhere in Standing Orders (see Visitors), unless otherwise ordered, members of the news media shall be admitted under supervision only to such places in the Assembly Building and its precincts as may be specified by the Speaker.
 - (2) The Speaker may, if he/she thinks fit, order the withdrawal of members of the news media from sittings of the Assembly and its Committees.
 - (3) Members of the news media shall not be permitted to take into the Assembly any mobile telephone, tape recorder, briefcase or large bag.
 - (4) Unless the prior permission of the Speaker has been sought and granted, members of the news media shall not be permitted to take a camera into the Assembly Chamber or its precincts.
 - (5) Unless the prior permission of the Speaker has been sought and granted, members of the news media shall not be permitted to photograph, interview or record in areas not designated for the purpose.
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- (6) Chairpersons of Committees and those acting in their stead under these Standing Orders shall, in relation to the news media, exercise the same powers as the Speaker within those places and precincts of the Assembly that are from time to time assigned for the purposes of Committee business.

70. OFFICE OF CLERK AND RECORDS OF THE ASSEMBLY

- (1) All proceedings of the Assembly shall be noted by the Clerk and the minutes of proceedings after being perused and signed by the Speaker, shall be printed and shall constitute the Journal of the Proceedings of the Assembly.
- (2) The Clerk shall have custody of all Journals of Proceedings, records and other documents belonging to the Assembly.
- (3) During any vacancy in the Office of Clerk, or in his/her absence, the functions and duties of the Clerk shall be exercised and performed by the Deputy Clerk or if there is a vacancy in that office also or he/she is also absent, by the Clerk Assistant.

71. REMUNERATION AND PENSIONS

- (1) Any determination made by the Assembly on Remuneration and Pensions under Section 47 of the Northern Ireland Act 1998 shall be published by the Speaker in the Belfast Gazette and/or in such other publication/s as the Assembly shall from time to time direct.
- (2) The Speaker shall also make arrangements for the publication of details for each financial year of
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sums paid by the Assembly to its current Members and its former Members. The Speaker shall also publish a list of the offices in the Assembly the holders of which receive salaries or allowances greater than the salaries and allowances received by Members in general, together with the salary or allowance each such office-holder is entitled to receive.

72. SUSPENSION OF STANDING ORDERS

Subject to the requirements of the Northern Ireland Act 1998, a Member may move a motion for the suspension of one or more Standing Orders in whole or in part. A motion under this Standing Order shall require cross-community support within the meaning of Section 4(5) of the Northern Ireland Act 1998.

73. LANGUAGE

Members may speak in the language of their choice.

74. APPOINTMENTS TO THE ASSEMBLY COMMISSION

- (1) The Assembly shall by resolution appoint the prescribed number of Members of the Assembly to be members of the Commission.
- (2) Appointments under paragraph (1) shall be made within 28 days after the first sitting of the Assembly after dissolution.
- (3) Any resolution under this Standing Order shall require cross-community support.

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- (4) In the event of a vacancy occurring, the Speaker shall, as soon as may be possible, inform the Assembly of the vacancy. Any vacancy shall be filled by resolution of the Assembly within 28 sitting days of the vacancy occurring.
 - (5) A person shall not be eligible for appointment as a member of the Commission if he/she holds a relevant office.
 - (6) Where a Member of the Assembly is appointed to a relevant office he/she shall forthwith cease to be a member of the Commission.
 - (7) A Commissioner may at any time resign by giving notice in writing to the Speaker.
 - (8) In this Standing Order a relevant office means a Minister, a junior Minister or a Chairperson or Deputy Chairperson of:
 - (a) a Statutory Committee;
 - (b) the Public Accounts Committee;
 - (c) the Audit Committee.

75. OFFICIAL REPORT (HANSARD)

- (1) A substantially verbatim report of the proceedings at all sittings of the Assembly and Committee meetings that form part of the legislative process or at which evidence that will contribute to a report by a Committee is being taken shall be prepared and published. The report shall be known as the Official Report (Hansard) and shall be a record of the proceedings in the language spoken.
- (2) A revised edition of the Official Report (Hansard) for all Assembly sittings and Committee meetings

which form part of the legislative process shall be prepared in bound volume form at such times as the Speaker shall determine. Such bound volumes shall also contain written questions and answers for the period covered.

- (3) Editorial control of the Official Report (Hansard) shall rest ultimately with the Speaker but shall be exercised on his/her behalf by the Editor of Debates.

Statements

On any day on which the Assembly is sitting in plenary session, a Minister may, on his own initiative, make a statement on any event or policy decision. Although prior permission is not required, the Speaker must be notified at least 2 ½ hours before the Minister makes the statement. Written copies of the statement should be made available to Members as soon as possible and not later than the time of the statement. No copies of the statement (even if embargoed) should be given to the Press before they are available to Members. Ordinarily the Press is informed of the content of a statement only as the Minister begins to make the statement in the Chamber. Customarily, the Minister will open his statement by saying “With your permission, Mr. Speaker, I wish to make a statement on ...”. The statement is followed by a short question and answer session. Depending on the level of interest and pressure of business, questions may be put for up to one hour after the statement. Normally, a statement is made outside the times set aside for Questions (2:30 pm to 4:00 pm on each Monday) and Adjournment Debates (one hour at the end of each sitting).

Private Notice Questions

Private Notice Questions (PNQ's) provide for a special form of oral question, a Private Notice Question. These questions are normally taken immediately before the start of the Adjournment Debate. The criteria governing acceptance of PNQ's are the same as for other Questions. In addition the Speaker needs to be satisfied the subject is:

- (a) sufficiently urgent;
- (b) relates to matters of public importance; and
- (c) that the Member of the Executive Committee will have adequate notice, to justify waiving the normal requirements for notice of Questions and to allow the Minister to provide a substantive reply.

PNQ'S can be tabled at any time, but not less than four hours notice is required. Thus, a PNQ must be tabled by not later than 10.30 a.m. on the day of the Plenary session at which an answer is required. After the Minister answers, he/she may then be asked a number of supplementary questions. The number of questions and the duration of

the time available will be at the Speaker's discretion. The Speaker will rule "out of order" any question without a direct and clear relationship to the original question. Normally the Speaker will allow up to 20 minutes for supplementary questions on a Private Notice Question. In all cases, but particularly on a PNQ, the Speaker will constrain Members to the subject of the question before the Assembly in considering the admissibility of supplementary questions.

Questions

A Member may ask a question of a member of the Executive Committee or a member representing the Assembly Commission. The Member decides whether he/she wishes to receive an oral or written reply. Certain rules apply to both forms: an Assembly question must be a question, with the purpose of asking for information or clarification, not a disguised statement or debating point. It must not ask for an opinion, legal or otherwise. A question should not be based on a highly contentious supposition, or contain hypothetical matter, nor should it be tendered in a spirit of mockery, or be designed merely to annoy. A question should not contain statements of fact or names of persons, unless they are strictly necessary to make the question intelligible and can be authenticated. If the Member is in doubt about the admissibility of his/her question, he/she may find it helpful to discuss the wording with a member of the Business Office staff before submitting the question. The Business Office may make minor changes to the wording of questions to regularise their drafting. Significant changes will be referred back to the Member for approval. Appeals against inadmissibility may be lodged with the Speaker, whose decision on the matter is final. The Member in whose name a question is

to appear should normally table the question, and must declare whether he/she has an interest in the matter dealt with. Questions can be submitted on his behalf by his/her staff so long as that person has been authorised by the Member, and may be delivered by hand, post or fax, but not by e-mail.

While the foregoing applies to all questions, there are some differences in how questions for oral and written answers are handled.

Questions for **oral** answer are taken in the Assembly between 2:30 pm and 4:00 pm on Mondays on which there is a sitting. A rota allows Members to scrutinise the work of 3 Departments each week (30 minutes each). Questions can be tabled up to 3:00 pm on the last but one Tuesday before they are due to be answered, but no more than 2 weeks before the answer is due. A maximum of one question per Member per Department for each Question Time is allowed. From questions submitted for each Department a maximum of 20 questions is randomly selected by computer. Questions selected for answer are published on the Assembly website www.niassembly.gov.uk by 8:30 am each Wednesday and are available in printed form from that time from the Business Office. Questions not selected are regarded as fallen and the Member informed. He/she may re-table the question for written or oral answer at a later date.

Questions for **written** answer may be submitted up to 4:00 pm Monday to Friday. Questions received after 4:00 pm are treated as having been received on the next working day. The question should be tabled ten clear working days before it is due for answer. (If it is a priority question the Member can request that it be answered within 2 clear working days of publication). A maximum of

5 questions for written answer per day may be tabled. Questions cleared for answer are published on the Assembly website by 8:30 am on each following day and are available in printed form from the Business Office. A consolidated list of questions for which answers have not been received, or whose date for answer has not been reached, is posted in pigeonholes each Monday morning. Where it is not possible to answer a question by a due date, a 'holding' answer will be given.

Occasionally, an answer to a question may be refused if the information sought is not readily available or can be obtained only at disproportionate cost.

Examples of appropriate forms and content for Assembly questions are given in the Appendix.

CONVENTIONS FOR QUESTION TIME

1. Questions will be for 30 minutes per Minister, starting at 2:30 pm. Ministers should be in their place a short time before the start of questions to their respective Departments.
 2. When called, the Member on the published list needs only to call the number of his/her question. After the Minister has answered, the Member will be called to pose a supplementary. Ordinarily the Speaker will not call more than one Member of any Party to pose a supplementary to any one question.
 3. Where a Minister groups questions on the published list together for answer, each of the named Members will usually be called to pose a supplementary.
 4. Where a Member is not in his/her place when the question is due to be called, it will be passed over
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and will receive a written answer unless the Member withdraws the question.

5. If at the time for questions a Minister is not available, the Assembly will suspend until the Minister is available or the next period of questions is reached.

Tabling Motions

Members may table motions on any subject. The Speaker exercises authority over the admissibility of proposed motions. Motions must be worded in proper parliamentary language and should not be used to afford mockery, obscenities or to give annoyance to other Members. A more significant reason for not allowing a notice of motion is if the subject matter is sub-judice.

Amendments to motions may be tabled before 9.30am on the day on which the motion is to be taken. Amendments may not have the effect of rendering the original motion unintelligible or self-contradictory and they must not, in effect, simply negate the motion itself. Amendments may be withdrawn by the mover of the amendment at any time prior to the debate. When called by the Speaker, a Member moves the motion either formally or with a speech (a seconder is not required). The Speaker will then call a Member opposing the motion who may, in the course of his/her speech, propose an amendment. When all have spoken the Speaker puts the question, first on the amendment and then on the main question as proposed (or as amended). All motions before the Assembly are determined by simple majority except in

circumstances specifically provided for in law or in Standing Orders or, more specifically, where a Petition of Concern has been lodged.

Adjournment Debates

Any Member may raise a matter for discussion at the time for the adjournment of the Assembly by giving at least 8 days notice to the Speaker. Ordinarily the topic for discussion should fall within an area for which a Minister has responsibility. Topics for the adjournment debate are considered by the Business Committee and published on the Order Paper on Thursdays. The Speaker first calls the Member who has tabled a topic for discussion for the adjournment; other Members may contribute if time permits. The Minister is afforded the opportunity of a 10 minute response at the end of the debate. There can be no division or resolution on an Adjournment Debate. Its purpose is to promote debate on a matter without requiring the Assembly to come to a decision.

Generally, Adjournment Debates are proposed by back bench Members and deal with constituency related matters.

Divisions

1. When the Speaker is unable to determine the result of a vote by “collecting the voices” in the Chamber he may call for a division by sounding the division bell.
 2. After 3 minutes, the Speaker will put the question to the Assembly once again. If the result is still unclear the Speaker will ask for tellers. If tellers come forward the Assembly will divide. The division bell will sound a second time.
 3. Members will enter the division lobbies via the division lobby doors furthest from the Speaker’s table, and proceed through the Division lobby where they will be asked for their surname by a Clerk who will record Members’ votes, witnessed by two tellers.
 4. When the Party Whips have ensured that all participating Members have voted, the tellers will close the vote. After four minutes the Speaker will ask to have the doors fastened. No Member may re-enter the Chamber or the division lobby after this point until the result of the division has been announced.
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5. After the result is announced the Speaker will call, “Unfasten the doors”.

The Assembly will continue with the business before it.

GUIDE FOR TELLERS

Introduction

In the event of a Division, four Members are required to perform the task of acting as tellers.

Nomination of Tellers

In order for a Division to go ahead, two tellers must come forward for each side. In the event that either side fails to produce two tellers within a reasonable period, the Speaker may declare the result in favour of the tellers who have come forward. Party Whips normally nominate tellers.

Tellers in the Lobby

If two tellers are appointed for each side they make a simple bow to the Speaker’s Chair and retire into the division lobbies. One teller for each side goes into each lobby. Tellers should enter the lobby via the doors on each side of the Chamber nearest the Speaker’s Chair where a Division Lobby Clerk will meet them. The Clerk will operate the electronic voting system on behalf of the tellers. However it is for the tellers themselves to be satisfied that the result of the vote accurately reflects the passage of Members through each lobby. Tellers should monitor the recording of votes by the Clerks.

Ordinarily tellers should assist the efficient passage of Members by ensuring that Members call out their surname and proceed beyond the telling point immediately a vote has been registered (a bell will ring as

each vote registers). Tellers should not enter into discussion with Members as they vote and it is considered extremely discourteous for a teller to comment on the voting of any Member.

Reporting the Result of a Division

When both tellers in each lobby have satisfied themselves that all Members who wish to do so have voted, the tellers should vote in the lobby of their choice. They should direct the Clerk to close the Lobby. When the Lobby has closed, the Clerk will produce a printout of the votes cast in each respective Lobby. Tellers should wait until both Lobbies have closed and they should then deliver the result of voting in their Lobby to the Speaker. Tellers should proceed simultaneously from both Lobbies into the centre of the Chamber, make a bow to the Chair and hand over the result to the Speaker. Tellers should then retire to their places in the Chamber. The Speaker will then ask the Clerk to declare the result of the Division.

Further Information

Queries about the role of tellers or the procedures associated with Divisions should be directed to the Clerk of Business (Room 33, Telephone 21919).

Good Order

DISORDER IN THE HOUSE

If at any time during the debate, the Chair comes under pressure, the Assembly becomes rowdy, a difficult Point of Order arises, or any other issue of concern to the Chair occurs, the Chair should note that he/she is entitled to suspend proceedings for a period of time to consult with the Clerks. Should this set of circumstances arise, the Chair should say:

“In accordance with Standing Order 60(5)
I am suspending the proceedings for 10 [or 15]
minutes. The Assembly shall reconvene at
..... o'clock.”

DISORDER IN THE GALLERY

Ordinarily the Speaker will refer only to Members, the Clerks or the Doorkeepers.

If there is disorder in the Public Gallery, the Speaker should rise and say:

“Members, there is clearly some disruption

in the Chamber. If there is disruption in the Galleries, I will ask the Doorkeepers to clear the Galleries.”

If the disruption continues the Speaker may order that the Galleries be cleared.

CHAMBER ETIQUETTE

The following is intended as a guide to protocol in the Chamber. Conduct is dictated by Standing Orders and by Erskine May's Parliamentary Practice, as well as rulings by the Speaker.

Members' Dress

It is the custom for men to wear jackets and ties when in the Chamber. However, the Speaker may rule that jackets may be removed if conditions warrant it.

Use of electronic devices

Electronic devices such as mobile telephones and pagers are to be switched off or set to silent or vibration mode. Mobile telephones in ringing mode are out of order.

Articles not to be brought into the Chamber

Articles such as brief cases, tape recorders, and large bags or packages should not be brought into the Chamber. Newspapers should not be brought into the Chamber except for quotation.

Speaking in the Chamber

While not required by Standing Orders, there is a general view that Members should stand to speak. Two Members should not be standing at the same time and it is discourteous for a Member to remain standing in the Assembly Chamber whilst another Member 'has the floor'.

Members should address the Speaker and not directly another Member. Members should not hold conversations in the Chamber but in the corridor or in the lobbies.

Members may speak in a language of their choice. Since there are no facilities for simultaneous translation the Member may feel it appropriate to offer his/her own translation where a language other than English is used.

Unparliamentary language should not be used, for example, a Member may be said to be 'misinformed' or 'mistaken' but may not be accused of lying. During Speakers' rulings, Members should remain seated.

Interventions

A request that a Member 'gives way' should be directed through the Chair. It will be for the Member speaking to decide whether he/she does give way. During a Member's maiden speech, there should be no interventions.

It is not common to ask Ministers to give way during summing up speeches, but if a Member were to ask, it would be a matter for the Minister.

Reading in the Chamber

Newspapers should not be brought into, or read in, the Chamber, except for brief quotations in the context of a speech.

References to Public Officials

References to civil servants should be to an official position and not a named individual. It is not in order to refer to officials of the Assembly.

Assembly Stages of Bills

A brief description of the normal six Assembly Stages for Public Bills is set out below. However, at any stage of the process a draft Bill can, on a motion, be referred to a special Ad Hoc Committee or to the Human Rights Commission to consider whether the provisions of the Bill are in conformity with equality and human rights requirements. (See Standing Orders 32 and 33). For more detailed information on the primary legislative process see Standing Orders 28 to 40 or contact the Clerk of Bills tel 02890 521280.

- **First Stage - Introduction only - no opportunity for debate and no vote.**

Long Title is read and Bill is ordered to be printed.

- **Second Stage - Debate on the general principles of the Bill in Plenary.**

Minister/Member in charge of the Bill begins the debate by explaining objective(s). Other Members (Committee

Chair, etc.) may contribute. Debate is limited to the principles of the Bill as opposed to the Bill's provisions. There is no limit on the time allowed for this debate. The Member in charge winds the debate and the question is then put "That the Second Stage of theBill be agreed". The Assembly may reject the Bill at this stage on the basis that it disagrees with the principles.

If approved, the Bill is then referred to the appropriate Statutory Committee or the Committee of the Centre (note: where accelerated passage is granted there is no Committee Stage; see Standing Order 40).

■ **Committee Stage - Detailed consideration by the relevant Committee.**

This should be done within 30 working days but a Committee may seek an extension (by way of a motion in plenary) to this period.

The Committee undertakes a detailed clause-by-clause scrutiny of the Bill's provisions. This may involve taking evidence from interested bodies and individuals. The Committee cannot amend the Bill but rather prepares a report for the Assembly including any proposals it may have for amendments to the Bill.

■ **Consideration Stage - Debate and voting on all Amendments, Clauses and Schedules.**

All Amendments tabled are circulated in advance of the debate. The deadline for amendments is 4.30pm on the Thursday of the week before Consideration Stage. Amendments are usually grouped to facilitate debate, so there may be a series of mini-debates and votes on the Bill. A vote on an amendment, however, is only taken at the appropriate point i.e. when the clause/schedule to which it relates is reached in the Bill.

The Assembly is also asked to vote on whether each clause/schedule should “stand part” of the Bill and that the Long Title be agreed.

■ **Further Consideration Stage - Debate and voting on Amendments only.**

This is the final opportunity for the Bill to be amended. The deadline for amendments is 4.30 p.m. on the Thursday of the week before the Further Consideration Stage. The Assembly will debate and vote **only** on new amendments proposed. Where no amendments have been selected at Further Consideration Stage the Assembly will be advised that the Bill stands referred to the Speaker.

■ **Final Stage - Debate and Vote on a motion “That the Bill do now pass”.**

This stage is confined to the passing or rejecting of the Bill. No amendments can be made to the Bill. The Minister/Member in charge of the Bill speaks, followed by other Members. The Member in charge winds the debate and the question is then put “That theBill do now pass”.

After the Bill passes Final Stage it is referred by the Speaker to the Secretary of State for submission for Royal Assent. When the Bill receives Royal Assent it becomes an Act of the Northern Ireland Assembly.

Appendix

SOME USEFUL FORMS OF WORDS IN FRAMING QUESTIONS

To ask the Minister *of/for* ...

To ask the Office of the First Minister and deputy
First Minister:

- what steps have been/will be taken to ...
 - what action has been/will be taken to ...
 - what progress has been made in ...
 - what assessment he/she has made in relation to ...
 - to detail ...
 - if he/she could outline ...
 - whether he/she could confirm that ...
 - what is the current position in regard to ...
 - what is the proposed timetable for ...
 - what plans he/she has to ...
 - to explain what he/she intends to do to ...
 - if he/she will undertake to ...
 - what policy he/she will pursue in relation to ...
-

- if he/she will make it his/her policy to ...
- what funding will be made available for ...
- if he/she will make a statement on ... [or, at the end of a question] 'and if he/she will make a statement'

FORMS

Date Received: _____	REF NO: <input type="text"/>
QUESTION FOR ANSWER BY A MINISTER IN THE ASSEMBLY	
Question to: _____	(Minister)
MINISTER FOR _____	(Department)
Date for Answer: _____	
QUESTION	(ORAL/WRITTEN)*
_____ _____ _____	
NAME OF MEMBER (Tabling Question): _____	
SIGNATURE: _____	
DATE: _____	
For Business Office Use Only	
Does the member tabling the Question have a Registered interest in this matter? [R]	
YES/NO*	
If YES, is this in the Register of Members' Interests in the Library?	
YES/NO*	
If not in the Register of Members' Interests please attach a brief description of the interest now declared.	(Initials) (Date)
	Checked for admissibility _____
	Registered and numbered _____
	Written Answer received _____
SIGNED: _____ Business Office	
*DELETE AS APPROPRIATE	

**Authorisation Form**

Members should use this form to give permission to a named individual to table questions and motions on their behalf.

Note: Only one person can be authorised by each Member.

I (print your name) _____ authorise (print the name of the authorised person) _____ to table the following on my behalf:

Please tick box

- | | |
|-------------------------|--------------------------|
| Questions (Oral) | <input type="checkbox"/> |
| Questions (Written) | <input type="checkbox"/> |
| Motions | <input type="checkbox"/> |
| Amendments to motions | <input type="checkbox"/> |
| My support for a motion | <input type="checkbox"/> |

Signature of Member: _____

Date of signature: _____

Signature of authorised person: _____

Date of signature: _____

(Please return this form to the Business Office, Room 32, Parliament Buildings)

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