



Northern Ireland
Assembly

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1 The Referendums and the First Assembly Election

The Northern Ireland Assembly was established as a result of the Belfast/Good Friday Agreement of 10 April 1998 (the Agreement). The Agreement was the outcome of talks between political parties in Northern Ireland and the UK and Irish Governments.

The Agreement contained three ‘strands’ addressing democratic institutions in Northern Ireland (Strand One), North South relations (Strand Two) and East West relations (Strand Three). It also provided for rights, safeguards and equality of opportunity as well as addressing the issues of decommissioning, prisoner releases, security and policing and justice.

The Northern Ireland Assembly and Executive were established under Strand One with safeguards designed “to protect the rights and interests of all sides of the community.”¹ The Assembly would need to take key decisions on a cross-community basis and the Petition of Concern mechanism would allow a significant minority (at least 30 Members) to trigger a cross-community vote on an issue. Members would designate as ‘Unionist’, ‘Nationalist’, or ‘Other’ to facilitate cross-community voting.

The co-equal First Minister and deputy First Minister would be elected jointly with ministerial entitlement allocated to parties based on the d’Hondt method, which would reflect party strength in the Assembly. The method to appoint the First Minister and deputy First Minister would later be changed under the St. Andrews Agreement.

Under Strand Two the Agreement provided for a North South Ministerial Council (NSMC) and British-Irish Council (BIC). The agreement between the UK and Irish Governments, contained as an annex to the Agreement, committed the two Governments to establishing the bodies. Part 5 of the Northern Ireland Act 1998 provided the legislative framework for provisions contained in the Agreement, including the NSMC and BIC.

Endorsement for the Agreement was given in referendums held in Northern Ireland and in Ireland on 22 May 1998. Turnout for the referendum in Northern Ireland was 81.1% of which 71.1% voted Yes and 28.9% voted No. In Ireland, voters were asked to give approval to amending Articles 2 and 3 of the Constitution of Ireland to give effect to commitments in the Agreement. Turnout was 55.6% with 94.4% voting Yes and 5.6% voting No.

Following the referendum on 22 May 1998, legislation implementing the Agreement received Royal Assent on 19 November 1998.

¹ Belfast/Good Friday Agreement, April 1998.

The Northern Ireland Act 1998 gave legal effect to the Belfast/Good Friday Agreement. It established the Northern Ireland Assembly and set the parameters of its legislative power. It devolved or ‘transferred’ certain matters to the Assembly, such as health and education, but other matters were ‘excepted’, meaning the UK Parliament kept control over those issues. This included matters such as defence and security. Some issues were ‘reserved’, meaning that the Assembly needs the consent of the Secretary of State to legislate in these areas. The UK Parliament can also pass legislation on devolved matters, but will not ordinarily do so without the consent of the Assembly.

2 The Pre-Devolution or "Shadow" Period 1998-1999

The first Assembly was elected on 25 June 1998 under the terms of the Northern Ireland (Elections) Act 1998 using the single transferable vote system. Six Members of the Legislative Assembly (MLAs) were returned for each of the 18 constituencies, giving a total of 108 seats. Of the 108 MLAs returned in the 1998 election, 14 were women.

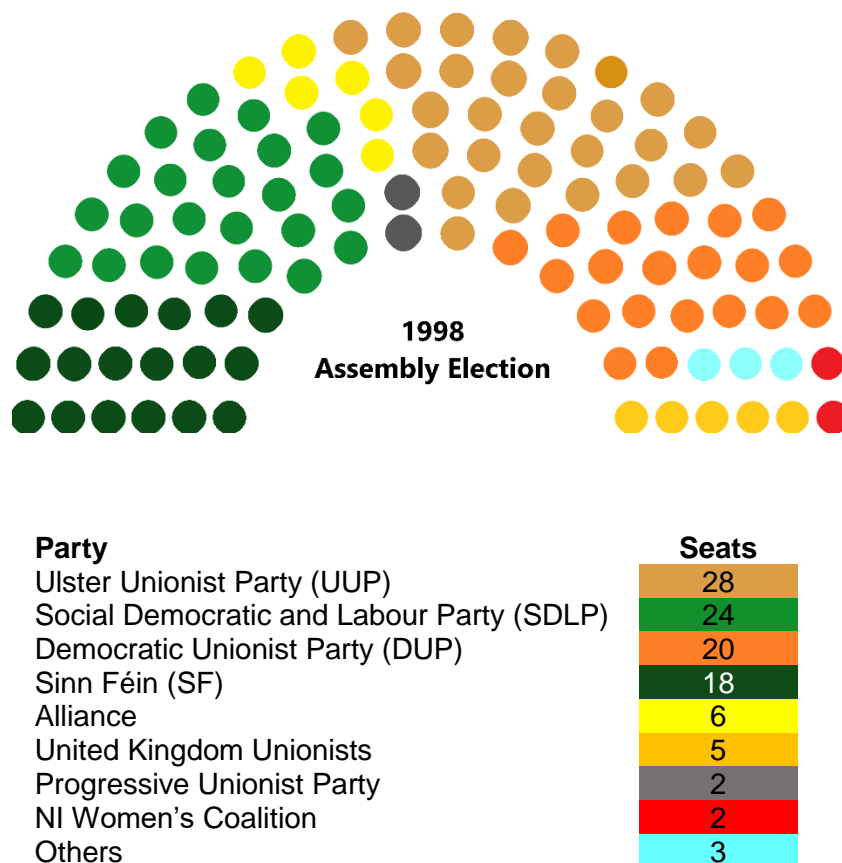


Figure 1: Party strength following the 1998 Assembly elections

The Assembly met for the first time on 1 July 1998 in Castle Buildings on the Stormont Estate, Belfast. The then Northern Ireland Secretary of State, Mo Mowlam MP, appointed Lord Alderdice as Initial Presiding Officer for the first sitting of the Assembly.

A key element of how the Assembly operates is designation. On 1 July 1998, MLAs signed the Register and designated themselves as 'Nationalist', 'Unionist' or 'Other'. MLAs may change designation in circumstances only where:

- (Being a member of a political party) he or she becomes a member of a different political party or he or she ceases to be a member of any political party.
- (Not being a member of any political party) he or she becomes a member of a political party.

Designation also facilitates cross-community voting on certain matters, for example: the election of the Speaker; approval of the budget; and changes to the Standing Orders of the Assembly. Such decisions must be supported by a certain proportion of MLAs from both unionist and nationalist designations.²

At the first meeting of the Assembly in 1998, David Trimble MLA (UUP) was elected as First Minister (Designate) and Seamus Mallon MLA (SDLP) as deputy³ First Minister (Designate). The second sitting of the Assembly, on 14 September 1998, took place in the refurbished Assembly Chamber in Parliament Buildings, where the Assembly has continued to meet during session.

In the six months following September 1998, much of the necessary preparatory work for devolution was done. This included the establishment of a committee to draw up Standing Orders for the procedures to govern operations of the Assembly, and also the formation of a Shadow Assembly Commission, which after devolution became the Assembly Commission. The Commission is the body corporate of the Northern Ireland Assembly. It has the responsibility to provide the Assembly, or ensure that the Assembly is provided with the property, staff and services required for the Assembly to carry out its work.

The Assembly approved various areas for North South co-operation as provided for under Strand Two of the Agreement, and consensus was reached on the creation of new Government structures. The new Departments were approved by the Assembly on 18 January 1999.

In March 1999 the two Governments reached further agreement on the structure and functions of North South bodies under Strand Two.

The Assembly met on 15 July 1999 for the nomination of Ministers using the d'Hondt procedure but due to ongoing political difficulties unionist parties did not nominate. The Assembly met again on 29 November and successfully filled the ministerial positions and the positions of Chairpersons and Deputy Chairpersons to Assembly committees.

Under Standing Orders, when making nominations to the roles of Chairpersons or Deputy Chairpersons of departmental committees, nominating officers “shall prefer committees in which they do not have a party interest over those in which they do have a party interest.” Therefore, nominating officers should appoint Chairpersons and Deputy Chairpersons who belonged to a different political party than that of the Minister’s political party. In practice, this has not always been possible.

² Section 4(5) of the Northern Ireland Act 1998.

³ ‘Deputy First Minister’ was used until 2007, after which point it reverted to ‘deputy First Minister’, as defined in the Northern Ireland Act 1998.

Table 1: Selection of Ministerial Posts and Appointment of Chairpersons and Deputy Chairpersons of Departmental Committees – 1999*

Ministerial Post	Minister	Chairperson	Deputy Chairperson
1. Enterprise, Trade & Investment	UUP	Sinn Féin	Alliance
2. Finance & Personnel	SDLP	Sinn Féin	UUP
3. Regional Development	DUP	SDLP	UUP
4. Education	Sinn Féin	UUP	DUP
5. Environment	UUP	DUP	SDLP
6. Higher and Further Education, Training and Employment ⁴	SDLP	UUP	DUP
7. Social Development	DUP	UUP	Sinn Féin
8. Culture, Arts & Leisure	UUP	SDLP	Sinn Féin
9. Health, Social Service and Public Safety	Sinn Féin	SDLP	SDLP
10. Agriculture and Rural Development	SDLP	DUP	UUP

*Note that the Ministerial Posts are presented in the order that they were selected. The Chairpersons and Deputy Chairpersons were not necessarily selected in the same order.

Following the devolution of powers to the Assembly, Standing Orders made provision for standing committees of the Assembly.

Table 2: Appointment of Chairpersons and Deputy Chairpersons of Standing Committees – 1999

Committee	Chair	Deputy Chair
Procedures	Sinn Féin	UUP
Committee of the Centre	DUP	DUP
Public Accounts	UUP	Sinn Féin
Standards & Privileges	SDLP	UUP
Audit	SDLP	SDLP

The Assembly was almost immediately subject to political instability. Ongoing concern around the decommissioning of IRA weapons led to the suspension of the Assembly by the then Secretary of State, Peter Mandelson MP, on 11 February 2000. Devolution was restored on 30 May 2000, but this proved to be a temporary reprieve as continuing controversy around decommissioning led to the resignation of David Trimble MLA as First Minister on 1 July 2001.

To allow time to resolve that situation, the Secretary of State ordered 24-hour suspensions of the Assembly on 10 August and 22 September 2001. This was

⁴ An Act to change the name of the Department of Higher and Further Education, Training and Employment to Department for Employment and Learning was given Royal Assent on 20 July 2001.

followed, on 23 October 2001, by the announcement from the IRA that it had begun to decommission its weapons.

On 5 November 2001, David Trimble was re-elected by the Assembly as First Minister, along with Mark Durkan MLA as deputy First Minister, replacing Seamus Mallon MLA, who had retired in the interim.

However, further political suspicion and mistrust placed the future of the new political institutions in jeopardy. In October 2002 a police search of Sinn Féin offices in Parliament Buildings and the subsequent arrest of three Sinn Féin party members led to accusations of a 'spy-ring'. On 14 October the Secretary of State, John Reid MP, wrote to the Speaker to inform him of his decision to suspend the political institutions, effective from midnight.

3 2002-2007 – Political Stalemate, St. Andrews Agreement and a New Era?

In the four and half years from October 2002 when the Assembly was suspended repeated efforts were made by the UK and Irish Governments to address the issue of decommissioning and provide the trust and stability required for the restoration of the institutions.

While the Assembly was suspended it was dissolved on 30 April 2003 in anticipation of an election in May, but this was postponed to 26 November 2003. The DUP and Sinn Féin emerged as the two largest parties within their political designations following the results, shifting the balance of power in the Assembly.

Eighteen of the 108 MLAs returned were women.

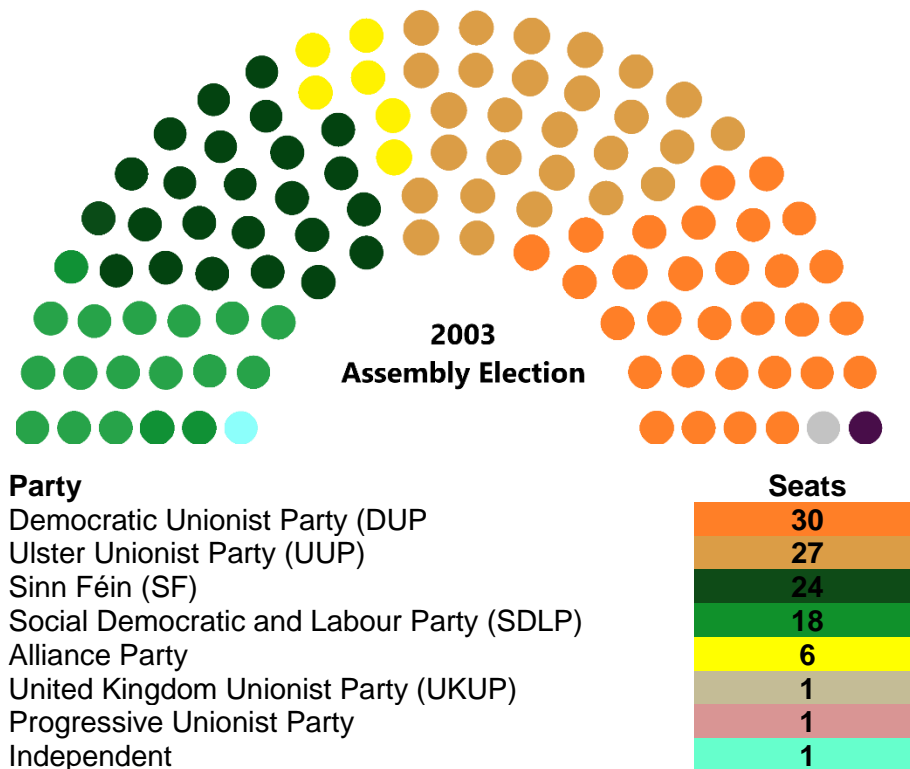


Figure 2: Party strength following the November 2003 Assembly election

In 2003, however, there was no likelihood of a political agreement that would have allowed sufficient support among MLAs to elect a DUP First Minister and Sinn Féin deputy First Minister.

Negotiations at Leeds Castle in 2003 were followed by the ‘Comprehensive Agreement’⁵ in 2004 which set out proposals on how to address IRA decommissioning and a return to devolution. The announcement by the IRA in July 2005 that it had ordered an end to its campaign and had re-engaged with the Independent International

⁵ Proposals by the British and Irish Governments for a Comprehensive Agreement, 2004

Commission on Decommissioning (IICD) seemed to provide an opportunity to push for political progress.

St. Andrews Agreement and a return to power-sharing

Following the IICD's verification of the decommissioning of IRA weapons, two pieces of legislation passed in the UK Parliament that paved the way for the restoration of the Assembly and Executive. The Northern Ireland (Miscellaneous Provisions) Act 2006 provided for the devolution of policing and justice powers to the Assembly, while the Northern Ireland Act 2006 created a fixed-term, non-legislative Assembly tasked with making preparations for a return to devolved Government in Northern Ireland. Its work informed the negotiations at St. Andrews, which took place between 11 and 13 October 2006. Amongst other things, the deal⁶ resulting from those talks included provisions for:

- The creation of a new Transitional Assembly to operate from the 24 November and the date of full restoration.
- Full acceptance of the Police Service of Northern Ireland by all parties in the Assembly, and a commitment from the DUP and Sinn Féin to form a power-sharing Executive.
- A requirement on the Executive to report to the Secretary of State one year after restoration to update him on devolution of policing and justice powers.
- A requirement on the Executive to develop strategies relating to the Irish and Ulster Scots languages, and poverty and social exclusion.
- An amendment to the Northern Ireland Act 1998 in relation to the operation of the Assembly, in particular providing for a statutory ministerial code.
- Nominations for First and Deputy First Minister to take place through a process of nomination and restricting the ability of MLAs to change their community designation during an Assembly term.
- The Assembly to be enabled to refer ministerial decisions for Executive review if 30 MLAs petitioned it to do so.

The Northern Ireland (St. Andrews Agreement) Act 2006 legislated for the provisions in that agreement and set 7 March 2007 as the date for the next Assembly election.

Changes as a result of the Act means the position of First Minister goes to the largest political party of the largest political designation. The position of deputy First Minister goes to the largest political party of the second largest political designation.

⁶ The St. Andrews Agreement, October 2006

However, if the largest political party of the largest political designation is not the largest political party, then the position of First Minister goes to the largest political party.

The Assembly elected in November 2003 was dissolved on 30 January 2007 with the DUP and Sinn Féin emerging as the two largest parties following the March election. As in 2003, 18 of the MLAs returned were female.

DUP leader Ian Paisley MLA and Sinn Féin President Gerry Adams MLA met on 26 March and agreed to form an Executive on 8 May 2007.

The St. Andrews Agreement stated that the Northern Ireland Executive would encourage the parties in the Assembly to establish a North South parliamentary forum bringing together equal numbers from the Houses of the Oireachtas and the Assembly, and operating on an inclusive basis.

The North/South Inter-Parliamentary Association held its first meeting in the Seanad Chamber, Leinster House, Dublin on 12 October 2012. Membership is drawn in equal numbers from the Northern Ireland Assembly and the Houses of the Oireachtas. It comprises 48 members plus two Joint Chairs.

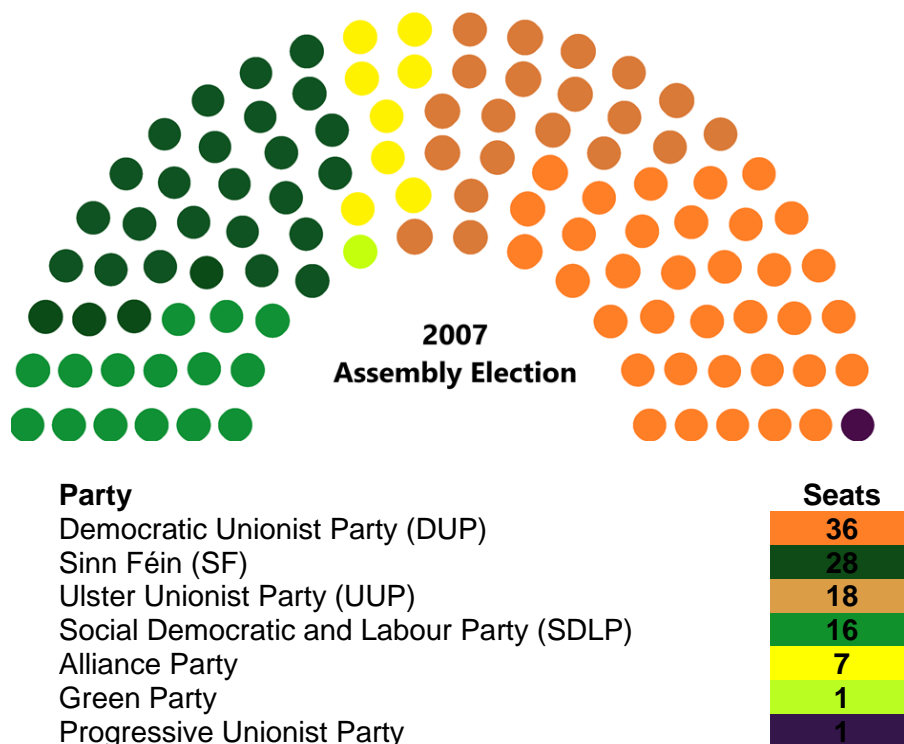


Figure 3: Party strength following March 2007 Assembly election

William Hay MLA of the DUP was elected Speaker at the first meeting of the Assembly following the March 2007 election. Francie Molloy MLA (Sinn Féin), David McClarty MLA (UUP) and John Dallat MLA (SDLP) were elected as Deputy Speakers.

DUP leader, Ian Paisley MLA, resigned in June 2008 and was succeeded as First Minister by Peter Robinson MLA, (2008-16), with Sinn Féin's Martin McGuinness MLA continuing as deputy First Minister (2007-17).

Table 3: Selection of Ministerial posts and Appointment of Chairpersons and Deputy Chairpersons of Standing Committees – 2007⁷

Ministerial Post	Minister	Chairperson	Deputy Chairperson
1. Finance & Personnel	DUP	Sinn Féin	DUP
2. Education	Sinn Féin	DUP	SDLP
3. Enterprise, Trade & Investment	DUP	SDLP	Sinn Féin
4. Health, Social Services & Public Safety	UUP	DUP	Sinn Féin
5. Social Development	SDLP	DUP	DUP
6. Regional Development	Sinn Féin	UUP	DUP
7. Environment	DUP	SDLP	Sinn Féin
8. Agriculture & Rural Development	Sinn Féin	DUP	UUP
9. Culture, Arts & Leisure	DUP	Sinn Féin	UUP
10. Employment & Learning	UUP	Sinn Féin	DUP
Justice (from April 2010 – appointed separately)	Alliance	DUP	Sinn Féin

The UUP and Alliance Party chose the Chairperson and Deputy Chairperson positions respectively of the Committee of the Centre. The Assembly approved a motion on 12 June 2007 to change the name of the committee from Committee of the Centre to Committee for the Office of the First Minister and deputy First Minister.

Table 4: Appointment of Chairpersons and Deputy Chairpersons of Standing Committees - 2007

Committee	Chair	Deputy Chair
Assembly & Executive Review	DUP	Sinn Féin
Procedures	DUP	DUP
Public Accounts	Sinn Féin	UUP
Standards & Privileges	SDLP	Sinn Féin
Audit	DUP	UUP

⁷ Note that the Ministerial Posts are presented in the order that they were selected. The Chairpersons and Deputy Chairpersons were not necessarily selected in the same order.

On 1 December 2009, the Department of Justice Act (Northern Ireland) 2010 passed its final stage in the Assembly and became law on 12 February 2010. This Act facilitated the establishment of a Department of Justice and the appointment of a Justice Minister, although the issue of policing and justice was not actually resolved until the Hillsborough Agreement⁸ of February 2010. It was only with this agreement that the DUP and Sinn Féin agreed to the transfer of policing and criminal justice powers. This transfer finally took place on 12 April 2010 via the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010. David Ford MLA, of the Alliance Party, was elected as Justice Minister on 12 April 2010. This appointment was separate to the nominations to ministerial posts under the d'Hondt procedure. The Assembly's new Committee for Justice met for the first time on 22 April 2010.

Elections to the Northern Ireland Assembly 2011

Elections on 5 May 2011 resulted in little change in the overall party composition of the Northern Ireland Assembly, although female representation increased slightly to 20 MLAs.

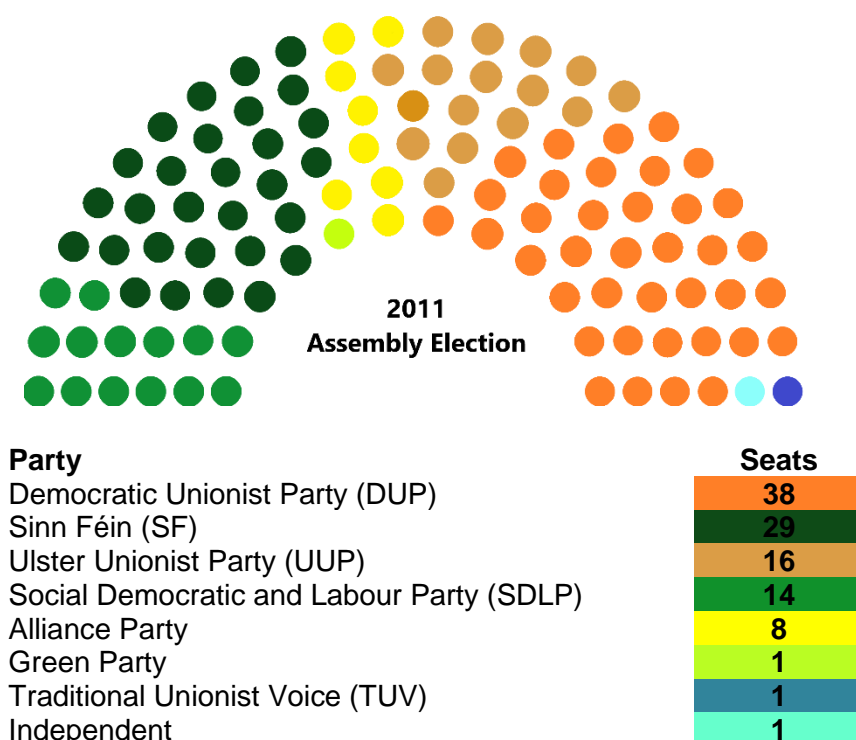


Figure 4: Party strength following the May 2011 Assembly election

⁸ Hillsborough Castle Agreement, February 2010

Table 5: Selection of Ministerial Posts and Appointment of Chairpersons and Deputy Chairpersons of Departmental Committees – 2011*

Ministerial Post	Minister	Chairperson	Deputy Chairperson
1. Finance & Personnel	DUP	Sinn Féin	SDLP
2. Education	Sinn Féin	DUP	UUP
3. Enterprise, Trade & Investment	DUP	SDLP	Sinn Féin
4. Regional Development	UUP	DUP	Sinn Féin
5. Agriculture & Rural Development	Sinn Féin	DUP	SDLP
6. Environment	SDLP	Alliance	DUP
7. Social Development	DUP	Sinn Féin	Sinn Féin
8. Culture, Arts & Leisure	Sinn Féin	DUP	DUP
9. Health, Social Services and Public Safety	DUP	Sinn Féin	DUP
10. Employment & Learning	Alliance	UUP	DUP
Justice (appointed separately)	Alliance	DUP	Sinn Féin

*Note that the Ministerial Posts are presented in the order that they were selected. The Chairpersons and Deputy Chairpersons were not necessarily selected in the same order.

The UUP and Alliance Party chose the Chairperson and Deputy Chairperson positions respectively of the Committee for the Office of the First Minister and deputy First Minister.

Table 6: Chairpersons and Deputy Chairpersons of Standing Committees - 2011

Committee	Chair	Deputy Chair
Assembly & Executive Review	DUP	Sinn Féin
Procedures	Sinn Féin	DUP
Public Accounts	Sinn Féin	SDLP
Standards & Privileges	DUP	Alliance
Audit	UUP	DUP

William Hay MLA (DUP) was re-elected as Speaker. Francie Molloy MLA of Sinn Féin and John Dallat MLA of the SDLP were re-elected as Deputy Speakers and Roy Beggs MLA of the UUP was also elected as a Deputy Speaker.

On 16 May 2011, the Assembly approved the establishment of the position of Principal Deputy Speaker and on 28 June Francie Molloy MLA was elected as the first Principal Deputy Speaker.

On 15 April 2013 Mitchel McLaughlin MLA of Sinn Féin was elected to the position of Deputy Speaker which had been left vacant following the resignation of Francie Molloy

MLA. On the same day he was subsequently elected to the position of Principal Deputy Speaker.

On 12 January 2015 Mitchel McLaughlin MLA was elected as Speaker following the resignation of William Hay MLA.

Northern Ireland (Miscellaneous Provisions) Act 2014

The Northern Ireland (Miscellaneous Provisions) Act 2014 made a number of changes to the operation of the Assembly, including the abolition of dual mandates (that is, an MP or Member of Dáil Éireann sitting as an MLA) and moving the Northern Ireland Assembly to a five-year term, so that the next Assembly election would take place in 2016.

Stormont House Agreement

The Stormont House Agreement (SHA) was agreed and published in December 2014 following talks between the UK and Irish Governments and political parties. It recognised emerging economic difficulties in Northern Ireland and promised a financial package from the UK Government in return for Assembly agreement to welfare reform and a restructuring of the Northern Ireland public sector.

The SHA also addressed Strand One issues by proposing a reduction in the number of MLAs from 108 to 90. This would mean each of 18 parliamentary constituencies returning 5 instead of 6 MLAs. The agreement also made provisions for an official opposition – those parties entitled to a ministerial position based on party strength but who chose not to take them up would be recognised as an official opposition within the Assembly.

The UK Government also proposed extending the time to form an Executive following an Assembly election from seven days to 14 days, allowing more time for parties to agree a Programme for Government.

Implementation was hampered by disagreements on welfare reform. Sinn Féin wanted to use devolved powers to offset the impact of UK Government reforms, but agreement could not be reached. This created problems in agreeing a balanced budget.

Subsequently, the PSNI stated that IRA members may have been involved in the murder of a man in a bar in Belfast city centre. In response, the UUP left the Executive, and DUP Ministers adopted a strategy of “rolling resignations”, which meant that Ministers were appointed to posts and then resigned. This kept the Executive in place, but meant that there was no legislative activity. On 10 September 2015, First Minister Peter Robinson MLA temporarily stood aside, and Arlene Foster MLA became Acting First Minister.

In October 2015, following an assessment of paramilitary organisations commissioned by the UK Government, the DUP returned to its Executive posts, with Peter Robinson

MLA resuming his role as First Minister. At the same time, talks began around implementing the SHA.

Fresh Start Agreement 2015

In November 2015, after ten weeks of cross-party talks, 'A Fresh Start: the Stormont Agreement and Implementation Plan' (the Plan) was devised to build on the Stormont House Agreement.

This plan included measures on welfare reform and paramilitarism, a commitment to a start date and rate for the devolution of corporation tax powers (April 2018 at 12.5%), a draft Bill to reduce the number of MLAs for each constituency from six to five, and a restriction on spending plans that exceeded the "block grant" or borrowing limit. The Plan also contained a Statement of Proposed Entitlements for an Official Opposition.

The Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 gave legislative effect to some commitments in the Fresh Start Agreement, including creation of a new Independent Reporting Commission to monitor progress towards ending paramilitary activity, and changes to the ministerial Pledge of Office. The Fresh Start Agreement also provided for a longer period between the Assembly meeting after an election and the creation of an Executive. This was to facilitate greater discussion of a Programme for Government.

The Northern Ireland (Welfare Reform) Act 2015 allowed welfare reform to be progressed in Westminster through Orders in Council. A new deal included a four-year programme, with £585m designed to mitigate the welfare changes and to support families who would lose out on tax credits.

4 The 2016 Election and Further Crises

The DUP and Sinn Féin were again returned as the two largest parties, with Arlene Foster MLA (DUP) and Martin McGuinness MLA (Sinn Féin) taking the positions of First Minister and deputy First Minister respectively. Thirty female MLAs were returned at the election, an increase from 19% to 28% compared to the 2011 election.

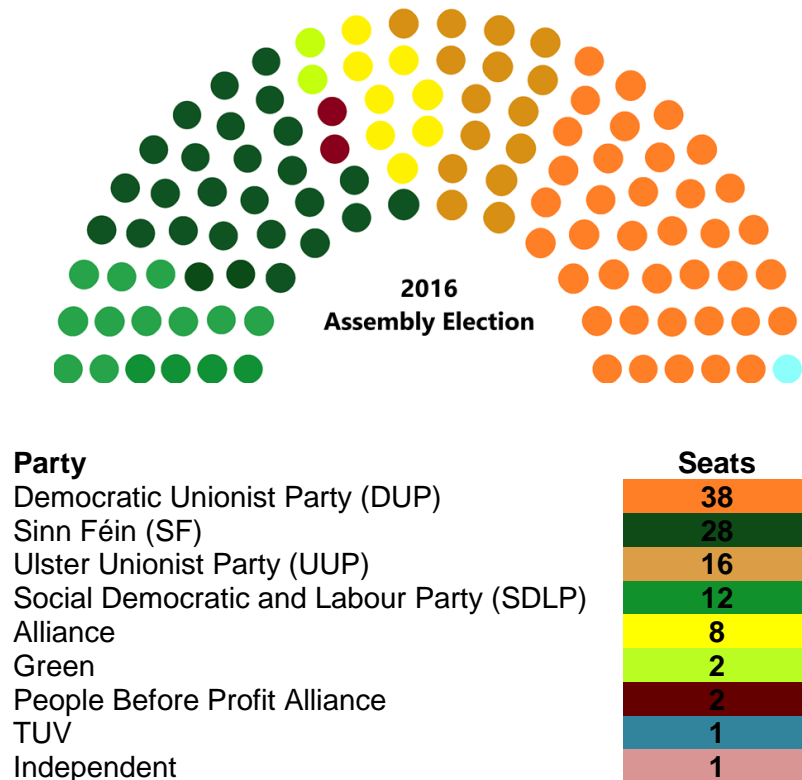


Figure 5: Party strength following the May 2016 Assembly election

Following the Fresh Start Agreement and the Assembly and Executive Reform (Assembly Opposition) Act (Northern Ireland) 2016, Standing Orders were amended to facilitate parties wishing to enter opposition. These changes recognised the status of the Opposition for the purposes of questioning Ministers and facilitating Opposition Business in the Chamber. Both the SDLP and UUP chose not to join the Executive and instead formed the Opposition.

Table 7: Selection of Ministerial Posts and Appointment of Chairpersons and Deputy Chairpersons of Departmental Committees – 2016*

Ministerial Post	Minister	Chairperson	Deputy Chairperson
N/A. Justice (appointed separately to d'Hondt procedure)	Independent	DUP	DUP
1. Economy	DUP	Sinn Féin	UUP
2. Finance	Sinn Féin	DUP	SDLP
3. Education	DUP	Sinn Féin	Alliance
4. Infrastructure	Sinn Féin	DUP	DUP
5. Agriculture, Environment and Rural Affairs	DUP	Sinn Féin	Sinn Féin
6. Communities	DUP	SDLP	Sinn Féin
7. Health	Sinn Féin	DUP	DUP

*Note that the Ministerial Posts are presented in the order that they were selected. The Chairpersons and Deputy Chairpersons were not necessarily selected in the same order.

The UUP chose both the Chairperson and Deputy Chairperson positions of the Executive Committee (formerly the Committee for the Office of the First Minister and deputy First Minister).

Table 8: Chairpersons and Deputy Chairpersons of Standing Committees - 2016

Committee	Chair	Deputy Chair
Assembly & Executive Review	DUP	Sinn Féin
Audit	Sinn Féin	Alliance
Procedures	DUP	DUP
Public Accounts	UUP	SDLP
Standards & Privileges	Sinn Féin	DUP

The Assembly met on 12 May 2016, when MLAs signed the Roll of Membership. Robin Newton MLA (DUP) was elected as Speaker. Caitríona Ruane MLA (Sinn Féin), Patsy McGlone MLA (SDLP) and Danny Kennedy MLA (UUP) elected as Deputy Speakers. Caitríona Ruane MLA was then elected to the position of Principal Deputy Speaker later that day. Additionally, as a precondition of participating in Assembly proceedings, the Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 required MLAs to give an undertaking to work towards the ending of paramilitarism in Northern Ireland. Ministers were required to give a similar undertaking.

Following confirmation by the Alliance Party that it would not nominate to fill the post of Minister for Justice, Claire Sugden MLA (Independent) was appointed to the post on 25 May 2016.

The Departments Act (Northern Ireland) 2016 reduced the number of Executive Departments from 12 to nine. The Departments of Culture, Arts and Leisure, Employment and Learning, and Environment were abolished and their functions redistributed among a new nine Department structure. The Assembly's statutory committees were reduced in number to reflect the new departmental arrangements – with each Department scrutinised by one committee.

A breakdown in relations and another election

The 2016-2021 mandate was only months old when a breakdown in trust between Sinn Féin and the DUP led to the collapse of the Executive. This was largely related to the controversy around the Renewable Heat Incentive (RHI) scheme, with concerns that mismanagement of the scheme had led to potentially significant costs to the public purse. Citing perceived concerns around the DUP's approach to the scheme, Martin McGuinness MLA resigned as deputy First Minister on 10 January 2017.

Due to the joint nature of the office, First Minister Arlene Foster MLA also lost her position on the resignation of Martin McGuinness MLA. Following the resignation, there was a one-week timeframe to nominate to the posts of First Minister and deputy First Minister. Sinn Féin, however, made it clear that it would not do so. It then fell to Northern Ireland Secretary of State, James Brokenshire MP, to set a date for fresh elections to the Assembly. On 16 January, he announced that the date of the poll would be 2 March 2017, nine months after the previous Assembly election in May 2016. The final plenary of the 2016-17 session took place on 24 January, with committees holding their last meetings the following day.

Shortly after the date was set, Martin McGuinness MLA announced that he would not be contesting the election due to ill-health. Mr McGuinness subsequently died on 21 March.

The election itself was contested for 90 seats, rather than 108. The number of MLAs had been reduced by virtue of the Assembly Members (Reduction of Numbers) Act 2016, which came into effect at the first election following the May 2016 Assembly election. Twenty-seven female MLAs were returned (30%).

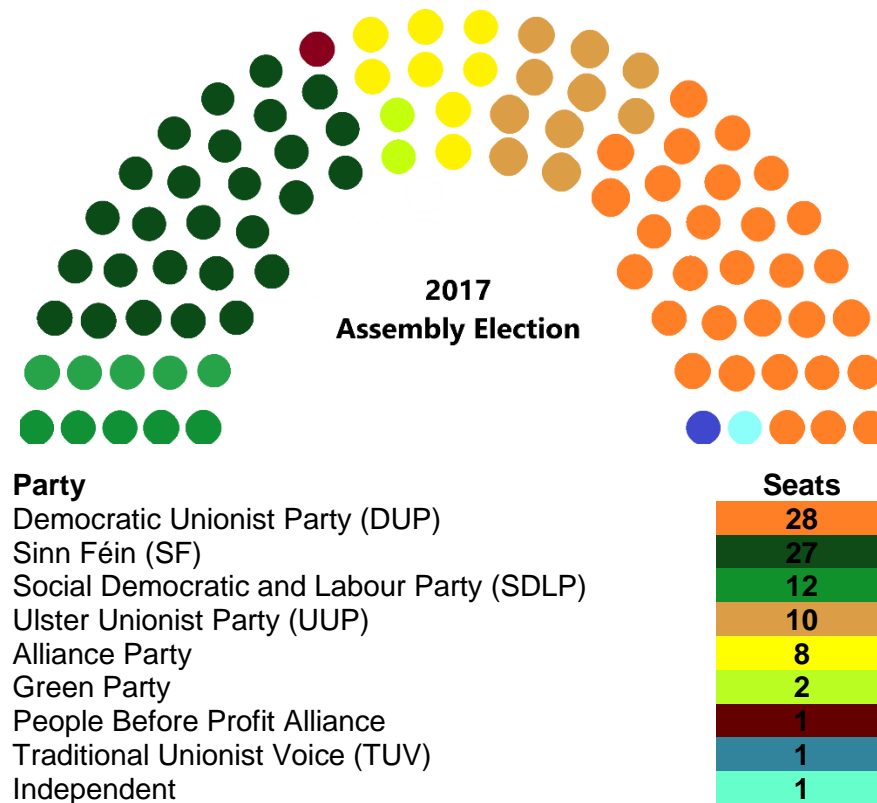


Figure 6: Party strength following the March 2017 Assembly election

The parties entered talks after the election in an attempt to resolve outstanding issues, but the two-week deadline to form an Executive was not met. The Assembly did meet on 13 March, when MLAs signed the Roll of Membership. However, no Ministers were nominated, no committees were established and no date was set for a further sitting.

The Northern Ireland (Ministerial Appointments and Regional Rates) Act 2017 extended the statutory timetable for the formation of an Executive retrospectively to 108 days from the first sitting of the Assembly after the election on 2 March 2017. This period expired on 29 June 2017 without agreement.

On 18 January 2018 Secretary of State, Karen Bradley MP, convened a fresh round of talks with the political parties. In February 2018, it appeared a deal was about to be reached but there was no agreement at that stage.

In the absence of a functioning Assembly and Executive, the UK Parliament passed several pieces of legislation to ensure the continued delivery of public services in Northern Ireland.

5 'New Decade, New Approach'

On 9 January 2020, after talks between the political parties and the UK and Irish Governments, the Secretary of State for Northern Ireland, Julian Smith MP and the Tánaiste, Simon Coveney TD, published the text of the 'New Decade, New Approach' agreement⁹. This agreement was intended to secure restoration of the devolved institutions in Northern Ireland.

'New Decade, New Approach' included several proposed changes to the devolution settlement in Northern Ireland. It introduced significant reforms intended to place the devolved institutions on a more sustainable footing, and sought to limit the use of the Petition of Concern¹⁰. The agreement also sought to address issues around language, culture and identity and included commitments to implement outstanding pledges made in previous agreements, together with plans for the new Northern Ireland Executive. These plans included extending the time to appoint a First Minister and deputy First Minister, which would allow the Assembly and Executive to continue in the event that one or more Ministers resigned. Published alongside the agreement was draft Assembly legislation related to the language and culture aspects of the deal. This legislation comprised three draft bills to establish:

- The Office of Identity and Cultural Expression;
- an Irish Language Commissioner; and
- a Commissioner focusing on Ulster Scots and Ulster British language, arts and literature.

On Saturday 11 January 2020, two days before the statutory deadline of Monday 13 January 2020, the Northern Ireland Assembly convened for its first session since 9 January 2017. The first order of business was the election of the Speaker and Deputy Speakers. Alex Maskey MLA (Sinn Féin) was elected as Speaker, with Christopher Stalford MLA (DUP), Roy Beggs MLA (UUP) and Patsy McGlone MLA (SDLP) elected as Deputy Speakers. Arlene Foster MLA and Michelle O'Neill MLA took up office as First Minister and deputy First Minister respectively.

Christopher Stalford MLA was subsequently elected as Principal Deputy Speaker on 14 January.

Other appointments were made, including the appointment of junior Ministers to the Executive Office, the Justice Minister and all other ministerial posts. On 14 January 2020, the Assembly met again, establishing the statutory and standing committees, and appointing their Chairpersons and Deputy Chairpersons.

⁹ 'New Decade, New Approach', January 2020

¹⁰ For example, although the threshold for a Petition of Concern remains at 30 MLAs, a Petition can now only be triggered by members from two or more parties, one member who belongs to a party and one who does not or two members who do not belong to a political party. Furthermore, in respect of both Executive and Private Members' Bills, the Petition of Concern will apply only after Second Stage. The full changes envisaged can be found in Annex B of 'New Decade, New Approach'.

Table 9: Selection of Ministerial Posts and Appointment of Chairpersons and Deputy Chairpersons of Departmental Committees – January 2020*

Ministerial Post	Minister	Chairperson	Deputy Chairperson
N/A. Justice (appointed separately to d'Hondt procedure)	Alliance	DUP	Sinn Féin
1. Economy	DUP	Sinn Féin	SDLP
2. Finance	Sinn Féin	UUP	DUP
3. Education	DUP	Alliance	Sinn Féin
4. Communities	Sinn Féin	DUP	Alliance
5. Infrastructure	SDLP	DUP	DUP
6. Health	UUP	Sinn Féin	DUP
7. Agriculture, Environment & Rural Affairs	DUP	Sinn Féin	Sinn Féin

*Note that the Ministerial Posts are presented in the order that they were selected. The Chairpersons and Deputy Chairpersons were not necessarily selected in the same order.

The SDLP and UUP chose the Chairperson and Deputy Chairperson positions respectively of the Executive Committee.

Table 10: Appointment of Chairpersons and Deputy Chairpersons of Standing Committees - January 2020

Committee	Chair	Deputy Chair
Assembly & Executive Review	DUP	Sinn Féin
Audit	SDLP	Alliance
Procedures	Sinn Féin	DUP
Public Accounts	DUP	UUP
Standards & Privileges	Sinn Féin	DUP

Adapting to Covid-19

The emergence of the Covid-19 pandemic in early 2020 necessitated changes to the functioning of Assembly business. The Assembly Commission took the decision to close Parliament Buildings to the public from 18 March 2020, and on that same day the Speaker wrote to MLAs advising them of changes to procedures in light of the public health situation. These changes included the suspension of all non-essential Assembly business, Private Members' Motions and the normal Question Time rota.

Temporary provisions were added to Standing Orders to enable the continuation of Assembly business whilst adhering to Public Health Advice and keeping MLAs and staff as safe as possible. These temporary provisions enabled proxy voting in plenary sittings; the introduction of remote participation in committee proceedings (either in fully virtual or hybrid committee meetings); proxy voting in committees; and decision making

by committees without meeting. Social distancing protocols were implemented in the Assembly Chamber so that no more than 23 MLAs (out of 90) were permitted to be in the Chamber at any one time.

On Tuesday 31 March 2020 the Assembly established an Ad Hoc Committee to receive oral statements from Ministers on matters relating to the COVID-19 response and to question Ministers on such statements. All MLAs were members of the committee.

EU Exit, the Protocol on Ireland/Northern Ireland and the Democratic Consent Mechanism

Following the UK's decision to leave the European Union (EU), the EU and UK signed the Withdrawal Agreement which established the terms of the UK's withdrawal from the EU. The Withdrawal Agreement, which entered into force on 1 February 2020, included the Protocol on Ireland/Northern Ireland (the Protocol).

A Democratic Consent Mechanism is provided for in Article 18 of the Protocol. It addresses the continued application in Northern Ireland of the Protocol provisions relating to customs and the movement of goods VAT (Value Added Tax) and excise, the Single Electricity Market and State Aid (Articles 5-10). The Northern Ireland Act 1998 contains domestic legislative provisions for the operation of the mechanism in a number of scenarios, with the first democratic consent process due to take place in late 2024.

Resignation of First Minister

In April 2021, Arlene Foster MLA announced her intention to resign as DUP leader, leading to the election of Edwin Poots MLA as leader of the DUP and the nomination and appointment of Paul Givan MLA as First Minister in June 2021. Shortly thereafter, however, Edwin Poots MLA resigned as DUP leader and was replaced by Sir Jeffrey Donaldson MP.

Paul Givan MLA resigned as First Minister in February 2022 in protest at the ongoing implementation of the Protocol. His resignation meant that Michelle O'Neill MLA automatically lost her position. The Assembly, however, was able to continue to meet and consider legislation already in progress.

Supreme Court decision on Assembly Bill

The Northern Ireland Act 1998 permits the Attorney General for Northern Ireland to make a reference asking the Supreme Court to determine whether a provision of a Bill would be within the Northern Ireland Assembly's legislative competence.

In December 2022 the UK Supreme Court passed judgement on whether a provision of the Abortion Services (Safe Access Zones) (Northern Ireland) Bill was outside the legislative competence of the Assembly.

Clause 5(2)(a) of the Bill sought to make it a criminal offence "to do an act in a safe access zone with the intent of, or reckless as to whether it has the effect of... influencing a protected person, whether directly or indirectly". The Attorney General took the view that because the clause did not provide any defence of reasonable excuse, it disproportionately interfered with anti-abortion protesters' rights to freedom of thought, conscience and religion, freedom of expression, and freedom of assembly. These rights are protected by articles 9, 10 and 11 of the European Convention on Human Rights.

It was the unanimous judgment of the Court that clause 5(2)(a) was within the legislative competence of the Assembly. The Court found that while the Bill restricted the Convention rights of anti-abortion protestors, those restrictions were justifiable, since they were required to protect the rights of women seeking treatment or advice, and were in the interests of the wider community, including other patients and staff of clinics and hospitals. The end of this process enabled the Bill to become law, which occurred on 6 February 2023.

Implementation of 'New Decade, New Approach'

The Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 legislated for the implementation of some aspects of 'New Decade, New Approach', including:

- extending the deadline for the appointment of the First Minister and deputy First Minister;
- allowing Ministers to remain in office for up to 24 weeks following an election or up to 48 weeks following the resignation of the First Minister or deputy First Minister;
- reforming the Petition of Concern mechanism; and
- strengthening the Ministerial Code of Conduct.

6 The May 2022 Elections

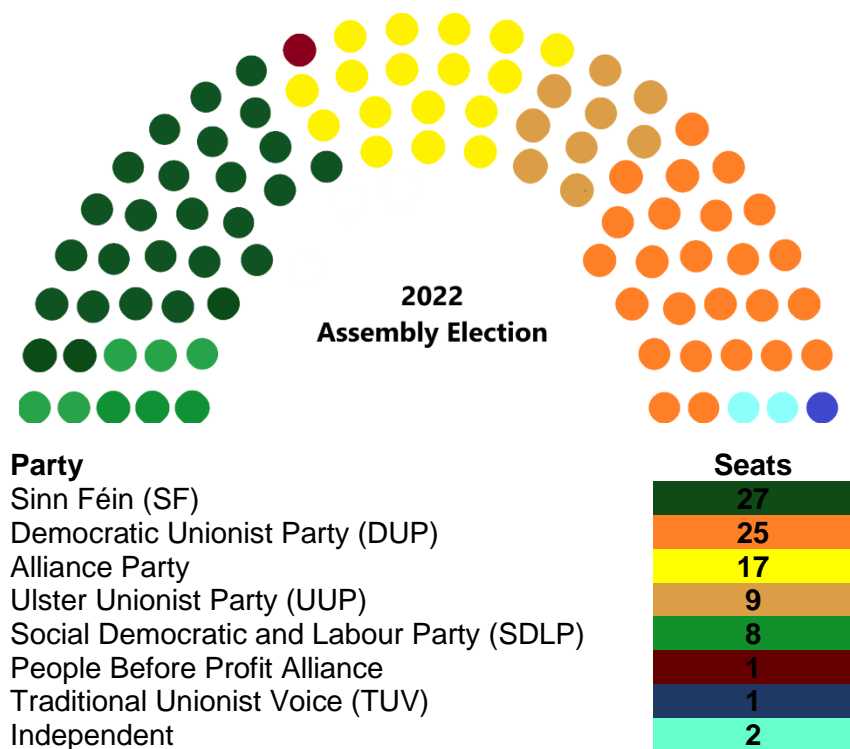


Figure 7: Party strength following the May 2022 Assembly elections

As the largest political party, Sinn Féin (with 27 seats and 29% of the vote) had the right to nominate the First Minister. The DUP returned 25 MLAs with 21% of the vote. Increase in support for the Alliance Party (which designates as ‘Other’) won them 17 seats and the right to nominate a Minister to the Executive. The UUP vote share fell to 11%, leaving them with 9 seats and thus the right to nominate one Minister to a place on the Executive.

The SDLP saw their seats in the Assembly fall to eight and they would have no right to nominate to a ministerial position. The TUV and People Before Profit have one MLA each, and two independent MLAs were elected. The Green Party did not return any MLAs.

Thirty-two of the 90 MLAs returned were women.

During the election campaign the DUP had stated that the Protocol was damaging to the constitutional status of Northern Ireland. In protest at the continuing implementation of the Protocol, the party refused to support the election of a new Speaker at the first meeting of the Assembly on 13 May. The election of a Speaker requires a cross-community vote and the failure to elect a Speaker prevented both the formation of an Executive and sittings of the Assembly or its committees.

Further legislation to allow Executive formation

The Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 had set a deadline of 28 October 2022 to form a new Executive. With this deadline not met, the Northern Ireland (Executive Formation etc) Act 2022 extended the period for Executive formation to 8 December 2022 with the possibility of a further extension to 19 January 2023.

Subsequently, and with the continued failure to form an Executive, the Northern Ireland (Executive Formation and Organ and Tissue Donation) Act 2023 retrospectively extended the period for Executive formation in Northern Ireland by 52 weeks from 19 January 2023 to 18 January 2024.

Recalls of the Assembly

Under Standing Order 11, when 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, the Speaker makes arrangements for a sitting of the Assembly. Since the first meeting of the Assembly on 13 May 2022, the Assembly has been recalled five times for the purposes of electing a Speaker and forming an Executive. Each attempt, however, has been unsuccessful.

The Windsor Framework

On 27 February 2023 the UK Government and EU reached agreement, through the Windsor Framework, to modify the operation of the Protocol¹¹. This framework included a 'Stormont Brake' and a new Windsor Framework Democratic Scrutiny Committee within the Assembly, both of which are designed to give the Assembly a greater say in the application of relevant EU laws.

¹¹ The Windsor Framework: a new way forward, February 2023