

DUP Response to the Northern Ireland Office consultation on measures to improve the operation of the Northern Ireland Assembly

Question 1

What should the future size of the Northern Ireland Assembly be?

For more than a decade we have argued that there are too many MLAs for the size of the Province and have advocated a reduction in their number to between 70 and 80.

We are presently overrepresented when compared with Scotland or Wales and the argument which was used to justify 108 in 1998 no longer can be made with any justification.

On balance, we believe that the Assembly constituencies should be the same as the Westminster Parliamentary constituencies.

It would appear unlikely that the present Boundary Commission recommendations will become law before the next Westminster or Assembly election and therefore these elections will be fought on the existing 18 constituencies in Northern Ireland.

On the basis of these factors we would favour an Assembly of 18 x 4 members which would provide for 72 MLAs. However, even a reduction to 18 x 5 members, perhaps as an interim measure, would represent a step in the right direction.

In the event that the Government was not persuaded to legislate for fewer MLAs at this time, we would suggest that Section 33 of the Northern Ireland Act – the provision dealing with the size of the Assembly - should become a 'Reserved matter' rather than an 'Excepted matter' to allow the Northern Ireland Office to legislate in this area pursuant to Section 8 of the Northern Ireland Act 1998 with the consent of the Secretary of State.

Question 2

Do you believe that there should be a combination of Parliamentary and Assembly elections in 2015, or should these be decoupled?

Question 3

Do you think the term of the current Northern Ireland Assembly should be extended from 2015 to 2016?

Question 4

Should the Northern Ireland Assembly move to a fixed 5-year term permanently?

These issues are interrelated and therefore will be dealt with together.

In the abstract we believe that a credible case can be made for either 4 or 5 year fixed terms. However in the present circumstances two factors should be given additional weight.

Firstly, while one can distinguish between the length of term for the Westminster Parliament and the devolved legislatures, we believe that there should be a common term length between Scotland, Wales and Northern Ireland and that as far as is possible the same calendar be in place for each. This will result in helping relations between these institutions as less time will be lost as a result of the relevant elections. We would therefore support a consistent approach across the Devolved Administrations regardless of whether it is for four or five years.

Secondly, in the event that the date of the Northern Ireland Assembly is moved to 2016 to avoid a clash with the likely 2015 Westminster election, it would make sense to avoid the clash again in 2020. If on the other hand the date of the election is not moved, the case for a five year term is significantly diminished.

We have previously indicated that we believe that the Assembly election should be moved to 2016. This view was expressed in a letter to the previous Secretary of State and signed by the leaders of parties containing more than two thirds of Assembly members (the threshold set in Scotland and Wales). If necessary this could be confirmed by a vote in the Assembly.

It would be undesirable to have an Assembly election and a Westminster election on the same day for a number of reasons.

- (a) There would be additional confusion with a First Past the Post and a Single Transferrable Vote Proportional Representation election on the same day. This will inevitably lead to an increase in the number of spoiled votes.
- (b) The campaigns for each election would be taking place at the same time on different issues. This would inevitably lead to confusion by the electorate and one election overshadowing the other.

All of the same issues which were relevant to Wales and Scotland also apply to Northern Ireland.

In light of the fact that the Government indicated that the matter would be dealt with after the 2011 Assembly election we do not believe that considerable weight can be placed on the fact that the decision was not taken prior to the election. It should also be noted that the first Assembly ran for some five and a half years despite not being elected for such a period.)

There is already an existing power in the Northern Ireland Act for the Secretary of State to move the date of the Assembly election by two months before or after the date provided for in legislation. However, we believe that two elections in the space of two months would represent the worst outcome and would inevitably lead to a significant reduction in the turnout at the second election and would create significant logistical difficulties for political parties.

Question 5

Do you believe that representatives should be prohibited from holding the offices of MP and MLA at the same time?

The DUP indicated in 2009 that it was our intention to end double jobbing by 2015. Since then other parties – which have elected members at Stormont and Westminster - have begun to adopt this position. To ensure a level playing field it is desirable that all parties adopt the same position. We believe that this is best achieved in the first instance by agreement. However, in circumstances where it is not possible to achieve this by agreement, legislation should be used as a last resort.

Question 6

Should MLAs also be prohibited from being members of the House of Lords?

We do not believe that legislation should be passed to prohibit MLAs from becoming members of the House of Lords, in its present form. As an unelected chamber without a constituency we believe that this is significantly different than the relationship between MP and MLA.

Question 7

Is it better to use primary legislation to ban such practices outright at the earliest opportunity or to take a power to do so at a later date to allow space for agreement to be reached?

In other devolved administrations this matter has been addressed without the need for legislation. We believe that this is the better approach, however it would be prudent to take a power in the event that a satisfactory solution did not prove possible by agreement.

Question 8

Do you think the Assembly would operate more effectively with a system which provides for a government and an effective opposition? If so, how can this system best be achieved?

The DUP's long standing policy has been for the creation of a voluntary coalition at Stormont involving both a Government and an Opposition. We have no doubt that this would provide for a more effective form of Government.

We have proposed steps that could be taken in the Assembly to address this matter in the short term, such as new speaking arrangements in the Assembly and greater financial resources for parties of a certain size that would wish to form an opposition. We will continue to press for changes in the Assembly which would facilitate this though clearly widespread support will be required.

In order to create a more normalised system of government in Northern Ireland, amendments to the primary Westminster legislation are required. As it has previously indicated a desire to see a more normal form of Government at Stormont and as only the Westminster Parliament presently has the power to bring this about, we would urge the government to legislate on such a basis.

However, recognising that the Government has indicated that it is only likely to legislate with cross-community support in Northern Ireland, and accepting that it is unlikely that such support will be demonstrated in the short term, we would urge the Government to legislate at Westminster to allow, in due course, the Northern Ireland Assembly to legislate for changes to the devolved institutions, albeit with the consent of the Secretary of State for Northern Ireland.