

**From:**  
**Sent:** 25 August 2012 22:32  
**To:** CPG Mailbox  
**Subject:** Consultation on measures to improve the operation of the Northern Ireland Assembly  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

This response from Robert Nelson is NOT restricted under any of the Chapter 6 specifications of the August 2012 "Consultation on measures to improve the operation of the Northern Ireland Assembly".

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**Question 1**

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

The future size of the Northern Ireland Assembly should be decoupled from 6 MLA ratio to the Westminster parliamentary seats at any particular time. The need for this is that the Belfast Agreement as changed by St Andrews Agreement is in such severe structural difficulties that a restructuring of the core would be highly likely to set off new unintended consequences. The current unintended consequence of the ascendancy of Executive power above Ministerial power is leading to an institutional Anschluss whereby legislated powers are being occupied and then annexed.

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The state of the Northern Ireland Local Government Reform as in [http://www.doeni.gov.uk/local\\_government\\_reform](http://www.doeni.gov.uk/local_government_reform) is a burden on the viability of the Northern Ireland Assembly as it stands right now. The dangers of isolating legislator reform from local government reform can be followed in the debacle of the McCrory Report. Within <http://hansard.millbanksystems.com/commons/1972/jul/31/northern-ireland-electoral-law> one reads "We are, in a sense, talking in a vacuum. This order and all the other orders which have been consequential on the McCrory 77 Report have been based on the assumption that there will be a Stormont of some form. It seems to be putting the cart very much before the horse to prorogue Stormont and go ahead with all these changes to take effect on about 1st April next."

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**Question 2**

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

The combination of election types has a fairly good history in Northern Ireland so that in the line with the present advice from the Chief Electoral Officer and Electoral Commission. The issue is whether "the right preparation and resources" actually are in place. Some difficulties elsewhere with similar advice were the unfortunate result of public information differing from ballot paper reality following scheduling which was

far too tight.

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**Question 3**

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

Term extension for the Northern Ireland Assembly is not viable on several grounds:

1) *Consultation 2.8 There are serious constitutional implications in extending the term of any elected body after it has been elected.*

2) The lower the level at which such an affront occurs the lesser is the damage. Term Extension should thus be reserved for the present local government perhaps from 2015 rather than risk two such happenings having a normative effect.

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**Question 4**

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

While the question is not viable given the meaning of the word "*permanently*", the provision of a fixed 5 year term for any one Northern Ireland Assembly cohort is near to neutral in effect given that the body politic is pre-selected.

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**Question 5**

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

Representatives should NOT be prohibited from holding the offices of MP and MLA at the same time because a level of vertical connection makes for much more harmonious relationships between bodies with inimical habits. However, such links do have negative electoral consequences.

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**Question 6**

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

Representatives should NOT be prohibited from being members of the House of Lords the same time because a level of vertical connection makes for much more harmonious relationships between bodies with inimical habits. However, such links do have negative electoral consequences.

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**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?**

None of these apply because primary agreement is required, if ever, and a level of vertical connection makes for much more harmonious relationships between bodies with inimical habits.

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**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?**

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The Northern Ireland Assembly would NOT operate more effectively with a system which provides for a government and an effective opposition

- (1) Such a move is a *casus belli*. See [http://en.wikipedia.org/wiki/Casus\\_belli](http://en.wikipedia.org/wiki/Casus_belli)
- (2) It is to far down the Constitutional Tree for such major self-reform.
- (3) Recent history rules out the government and opposition format within a Northern Ireland Assembly

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The Anglo-Saxon Chronicle covers this under Danegeld. *The same year King Edward abolished the Danegeld which King Ethelred imposed. That was in the thirty-ninth year after it had begun. That tribute harassed all the people of England so long as is above written; and it was always paid before other imposts, which were levied indiscriminately, and vexed men variously.* ISBN 978 1 906783 09 9 The Anglo-Saxon Chronicle: Illustrated and Annotated. Kindle Edition.