

The First Report on the Use of the Petition of Concern Mechanism in the Northern Ireland Assembly



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Presented to Parliament
by the Secretary of State for Northern Ireland
by Command of Her Majesty

July 2020



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Report

The Petition of Concern (PoC) is a mechanism whereby 30 MLAs can petition the Assembly requiring a matter to be passed on a cross-community¹ rather than a simple majority basis. Under the Belfast/Good Friday Agreement, it is one of the 'safeguards' in Strand One as a mechanism "*to ensure key decisions [in the Assembly] are taken on cross-community basis*". The requirement to enable a PoC is given effect in the Northern Ireland Act 1998 and in the Assembly's standing orders.

Over recent years the use of this mechanism has led to concern that it was being used in a way that departs from its intended purpose as a cross-community safeguard as envisaged in the Belfast (Good Friday) Agreement.

In light of these concerns, the parties committed in the *New Decade, New Approach* deal (NDNA) to reduce the use of the Petition of Concern, and return it to its intended purpose. The parties are committed to tabling or supporting Petitions of Concern only in the most exceptional circumstances and as a last resort, having used every other available mechanism.

The parties agreed to a number of reforms to the Petition of Concern in NDNA. These included:

- A new 14-day period of consideration between a valid petition being lodged and any vote on the matter concerned
- Ensuring the mechanism cannot be used to prevent a Bill proceeding past its Second Stage
- Ensuring every petition includes a statement of the grounds and rationale upon which it is being tabled and that it be signed in person
- Preventing the Speaker and the three Deputy Speakers from signing a petition
- Ensuring a petition can only be triggered by members from two or more parties
- Preventing the mechanism from being applied to standards motions under Standing Order 69B, or motions and questions which have no express legal or procedural effect

The mechanism for a Petition of Concern is given legal effect through section 42 of the Northern Ireland Act 1998 and the Assembly's standing orders. While the Assembly has some scope within the existing legal framework to vary the procedure that applies to the Petition of Concern, it does not have the ability to restrict its availability. This means that full implementation of the reforms in NDNA will require Westminster legislation. The Government will bring forward such legislation when parliamentary time allows, after which the

¹ 'Cross-community support' means the support of a majority of the members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting.

Assembly will be able to reflect the detail of the reforms in its standing orders.

The Government committed in NDNA as follows:

“The Government will keep under review the ongoing operation of the reformed Petition of Concern mechanism. The Government will report every six months on the ongoing operation of the Petition of Concern and will lay a copy of the review before both Houses of Parliament and, before the end of this Assembly mandate, will publish its conclusions on whether further reform is necessary.”²

This is the first six-monthly report, covering the period from 11 January 2020 to 10 July 2020.

Use of the Petition of Concern

The Government welcomes the fact that no Petitions of Concern have been lodged in respect of any vote in the Assembly since the Executive was formed on 11 January 2020.

This reflects the positive and collaborative spirit in which the new Executive is undertaking its business and the constructive nature of debate in the Assembly. It also reflects the parties’ adherence to the commitment in NDNA that they will “commit to tabling or supporting Petitions of Concern only in the most exceptional circumstances and as a last resort, having used every other available mechanism”.³

The Assembly has, of course, had to adapt to the realities of Covid-19 and the disruption this has brought to normal business. This has meant fewer Assembly plenary sessions, with MLAs meeting more frequently in the *Ad Hoc Committee on the Covid-19 Response*.

If the Petition of Concern is used in the future, it will be vital that it fully respects the agreement in NDNA, particularly that it must only be used in the most exceptional circumstances and as a last resort, having used every other available mechanism.

The next report will deal with the period from 11 July 2020 to 10 January 2021.

² New Decade, New Approach, p46

³ New Decade, New Approach, p12

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