



Northern Ireland (Executive Formation etc) Bill HL Bill 74 of 2022–23

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Date published: 1 December 2022

On 5 December 2021, the second reading and all remaining stages of the [Northern Ireland \(Executive Formation etc\) Bill](#) are scheduled to take place in the House of Lords.

Northern Ireland has been without a fully functioning executive since February 2022 following the collapse of power-sharing over the Democratic Unionist Party's (DUP) objections to the Northern Ireland Protocol. A scheduled Assembly election took place in May 2022. The statutory deadline for forming a new executive following that election expired on 27 October 2022. Under current legislation, this leaves the secretary of state under a legal duty to propose a date for a new election to take place before 19 January 2023. The caretaker ministers who had been in place since February 2022 are not able to continue in post after 28 October 2022, leaving the Northern Ireland civil service to run departments.

The government is seeking to address this by using the bill to:

- Extend the period for forming an executive to 8 December 2022. The secretary of state could extend this again to 19 January 2023. This decision would have to be taken within seven days of the bill passing.
- Clarify that Northern Ireland senior civil servants can exercise departmental functions in the absence of ministers if they are satisfied it is in the public interest. This power would last for six months or until a new executive is formed, whichever is sooner.
- Enable UK ministers to deal with certain public appointments until a new executive is formed.
- Give the secretary of state powers to determine the pay of Assembly members (MLAs) until the Assembly is functioning again, and in future periods where there is no functioning Assembly.
- Give the secretary of state the power to set the regional rate (a Northern Ireland tax) for the 2022/23 financial year in the absence of an executive.

The bill went through all its stages in the House of Commons on one day on 29 November 2022. It was not amended. Labour and Alliance MPs questioned whether the timescales in the bill were flexible enough to allow the UK to reach an agreement with the EU about changing the Northern Ireland Protocol. The DUP emphasised that it would not return to the executive until the difficulties it sees with the protocol have been resolved. Some MPs suggested that any reductions in pay should apply only to certain MLAs. However, the government said differentiating between MLAs could be open to legal challenge.

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I. Background

I.1 Collapse of the Northern Ireland executive

Northern Ireland has been without a fully functioning executive since February 2022 following the collapse of power-sharing over the Democratic Unionist Party's (DUP) objections to the protocol. Unionists argue that the protocol undermines Northern Ireland's place within the United Kingdom by effectively placing a trade barrier in the Irish Sea between Northern Ireland and the rest of the UK.

Paul Givan of the DUP resigned as first minister of the Northern Ireland executive on 3 February 2022, citing the impact of the protocol on the "delicate balance created by the Belfast and St Andrew's Agreements".¹ Under the Northern Ireland Act 1998, if the first minister resigns, the deputy first minister also ceases to hold office. Therefore, Mr Givan's resignation meant that Michelle O'Neill of Sinn Féin ceased to be deputy first minister. The Northern Ireland executive was no longer able to meet as it is chaired jointly by the first and deputy first ministers. Other executive ministers stayed in post in a 'caretaker' role but could not make decisions on "significant or controversial" matters or those that cut across the responsibilities of more than one minister.² This included agreeing a budget.³

I.2 Northern Ireland Assembly election

Scheduled Assembly elections were held on 5 May 2022. These returned Sinn Féin as the largest party, with 27 seats, followed by the DUP, on 25 seats.⁴ The Alliance Party had 17 seats, the Ulster Unionist Party (UUP) had 9 and the Social Democratic and Labour Party (SDLP) had 8. These results gave Sinn Féin, as the largest party, the right to nominate a first minister, the first time a nationalist party in Northern Ireland has been in this position. As the second largest party, the DUP was entitled to nominate the deputy first minister.

I.3 Failure to elect Assembly speaker

The Assembly has not functioned fully since the election and has failed to form a new executive. The Northern Ireland Assembly Act 1998 requires the Assembly to meet within eight days of an election.⁵ It must elect a new speaker and deputy speaker before it can fill the offices of first and deputy

¹ Paul Givan, '[Personal Twitter account](#)', 3 February 2022.

² Northern Ireland Executive, '[Ministerial code](#)', accessed 4 October 2022.

³ BBC News, '[Stormont ministers advised budget cannot pass without NI executive](#)', 9 March 2022.

⁴ BBC News, '[Northern Ireland Assembly election results 2022](#)', accessed 12 September 2022.

⁵ Northern Ireland Act 1998, section 31.

first minister or conduct any other business.⁶ The Assembly duly met on 13 May 2022, but the DUP refused to support the nomination of a speaker.

Explaining this stance to the Assembly on 13 May 2022, Paul Givan stated that the “Irish Sea border has fundamentally undermined the Belfast Agreement [and] has changed our relationship with the United Kingdom”.⁷ He said his party had “received a mandate in the election to remove the Irish Sea border” and that would need to be respected. Writing in a newspaper article, Sir Jeffrey Donaldson, leader of the DUP, described it as “unfortunate” that he had “had to cease operating the political institutions before Dublin and Brussels fully recognise[d] the lack of cross-community support for the protocol”.⁸ He stated that: “If the protocol is not resolved, then Northern Ireland will be without a devolved government”.

Other parties were critical of the actions of the DUP, with Michelle O’Neill, Sinn Féin’s first minister designate, saying they were denying democracy and obstructing the executive from serving the public and properly supporting public services.⁹ Doug Beattie, leader of the UUP, argued that electing a speaker would ensure the Assembly would not be silent on important issues, without compromising the DUP’s position on the protocol.¹⁰

Since then, the Assembly has been recalled three times, on 30 May 2022, 3 August 2022 and 27 October 2022, but on each occasion the DUP did not vote for either of the candidates nominated for speaker. No candidate was therefore able to secure the cross-community vote needed to be elected. With no speaker in place, the Assembly cannot proceed to other business, including nominating first and deputy first ministers and other ministers in the executive.

1.4 Attempts to change the Northern Ireland Protocol

The government has been attempting to make changes to the Northern Ireland Protocol to address the objections of unionists and others. In June 2022, the government (then led by Boris Johnson) introduced the Northern Ireland Protocol Bill in the House of Commons. Liz Truss, the then foreign secretary, said the bill would ‘fix’ the specific problems in Northern Ireland that have been caused by the protocol while maintaining those parts of the protocol that are working”.¹¹ She identified the breakdown of power-sharing in Northern Ireland as one of the factors that had led the government to introduce the bill:

⁶ Northern Ireland Assembly, [‘Letter to all members’](#), 28 September 2022.

⁷ Northern Ireland Assembly, [‘Official Report’](#), 13 May 2022.

⁸ News Letter, [‘Sir Jeffrey Donaldson: Prime Minister Boris Johnson must deal with Northern Ireland Protocol once and for all’](#), 7 June 2022.

⁹ Northern Ireland Assembly, [‘Official Report’](#), 13 May 2022.

¹⁰ Northern Ireland Assembly, [‘Official Report’](#), 13 May 2022.

¹¹ [HC Hansard, 27 June 2022, col 38.](#)

Northern Ireland has been without devolved government since February due specifically to the protocol, at a time of major global economic challenges. Therefore, it is the duty of this government to act now to enable a plan for restored local government to begin.¹²

However, the bill's introduction has not resolved the formation of a new executive in Northern Ireland. Sir Jeffrey Donaldson, leader of the DUP, described its introduction as an "important step" but said it did not "deliver anything in and of itself".¹³ At the bill's second reading in the House of Commons, Sir Jeffrey said he could not restore the political institutions if Northern Ireland ministers were "required to impose a protocol that harms Northern Ireland".¹⁴ However, he hinted there could be some progress once the bill completed its Commons stages:

If this bill convincingly passes all its Commons stages in its current form and the government continues to develop the regulations required to bring an end to the harmful implementation of the protocol, that will of course give substantially greater confidence that new arrangements are on the way, which in turn would provide a basis to take further steps to see the return of our local institutions.

Meanwhile, non-unionist parties in the Northern Ireland Assembly have expressed their strong objection to the government's approach on the protocol. In a joint letter to Boris Johnson, the then prime minister, on the day the bill was introduced, the Sinn Féin, Alliance and Social Democratic and Labour Party (SDLP) members of the Assembly (MLAs) said they represented a majority of MLAs and a majority of the votes cast in the recent election.¹⁵ They acknowledged that the protocol was "not ideal" but said it represented "the only available protections for Northern Ireland from the worst impacts of [a] hard Brexit" and offered "clear economic advantages" to Northern Ireland by giving it unique access to two major markets. They argued the way to achieve "smooth implementation" of the protocol was through engagement with the EU, not through the "unilateral abrogation of treaty obligations". They rejected the government's argument that its actions would protect the Belfast (Good Friday) Agreement.

The bill passed the House of Commons unamended and at the time of writing is waiting for report stage in the House of Lords. A date for this has not yet been announced. The bill has attracted criticism because of the wide scope of its delegated powers and because it envisages the non-performance of some of the UK's international obligation. The government argues this is justified in

¹² [HC Hansard, 27 June 2022, col 38.](#)

¹³ Steven Swinford, '[Northern Ireland Protocol: DUP refuses to commit to return of power-sharing](#)', Times (£), 14 June 2022.

¹⁴ [HC Hansard, 27 June 2022, col 68.](#)

¹⁵ Social Democratic and Labour Party, '[MLAs write to Johnson opposing protocol legislation](#)', 13 June 2022.

international law by the doctrine of necessity, but many legal commentators are not convinced by this argument. For further detail about the bill and its reception, see the House of Lords Library briefing '[Northern Ireland Protocol Bill](#)', 5 October 2022.

Since mid-October 2022, the government has been in renewed talks with the European Commission about possible changes to the protocol. James Cleverly, the foreign secretary, said on 15 November 2022 that there were “real challenges that need to be overcome”.¹⁶ He warned people should not “run away with the idea that we are just on the cusp of some amazing breakthrough”.

1.5 Deadline passes for forming new executive

There is a statutory time limit on how long Northern Ireland can continue without a full executive following the May 2022 election. Under new rules brought into force by the [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022](#), if a first minister and deputy first minister are not appointed within 24 weeks, the secretary of state for Northern Ireland must propose a date as soon as practicable for new Assembly elections to be held within the next 12 weeks.¹⁷

The deadline elapsed at the end of 27 October 2022, placing the secretary of state under a duty as of 28 October 2022 to propose a date for a new election to take place before 19 January 2023.

With the expiry of the period for forming an executive, the caretaker ministers were no longer able to remain in post, leaving civil servants to run Northern Ireland departments. The think tank Pivotal has argued this has resulted in limited decision-making and a lack of clarity about civil servants' powers:

After 28 October, civil servants should be able to act in line with previously agreed policies, but bigger decisions that would have gone to the executive, needed ministerial approval or required Assembly legislation will not be possible. Examples of what could not be done include setting a budget, re-allocating funding in-year, developing new funding schemes, adjusting the regional rate, agreeing new cross-cutting strategies or making major changes to how public services are delivered.

¹⁶ House of Commons European Scrutiny Committee, '[Oral evidence: The UK's new relationship with the EU](#)', 15 November 2022, Q226.

¹⁷ This act received royal assent on 8 February 2022. Before this, the secretary of state was required to propose a new date for an Assembly election if Northern Ireland ministers, including a first and deputy first minister, were not appointed within a 14-day period following the Assembly's first meeting after an election. The change was introduced following the '[New decade, new approach](#)' deal of January 2020.

[...] There is no clear legislation or guidance saying what decisions civil servants can take in the absence of ministers. The expectation is that officials should run departments in line with previous policies. This creates an immediate problem since Northern Ireland does not have an agreed programme for government or budget, so there is no obvious roadmap to follow.¹⁸

1.6 Government response to deadline elapsing

Chris Heaton-Harris, secretary of state for Northern Ireland, said on 28 October 2022 that he had met the chief electoral officer to discuss an election date.¹⁹ He said he was considering his options to act on MLA pay, given public “frustration that MLAs continue to draw a full salary when they are not performing all the duties they were elected to do”. He also said he would take “limited but necessary steps” to protect public finances and the delivery of public services in the absence of ministers in Northern Ireland.

Earlier in October 2022, Mr Heaton-Harris had appeared to rule out extending the deadline for forming an executive. He told the House of Commons Northern Ireland Affairs Committee there was no space in the parliamentary timetable or “general will” for the emergency legislation that would be required to change the date.²⁰

There was speculation that the likely date for an election would be 15 December 2022.²¹ However, on 4 November 2022, Mr Heaton-Harris said that no Assembly election would take place in December.²²

1.7 Government announces plans to legislate

Mr Heaton-Harris announced his plans to extend the deadline for forming an executive in an oral statement to the House of Commons on 9 November 2022. He said it was “hugely disappointing” that the 28 October 2022 deadline had passed.²³ He said that since then he had engaged with Northern Ireland political parties, businesses, community representatives, members of the public and international interlocutors. He concluded that “the vast majority”

¹⁸ Pivotal, [‘Governing without ministers—Northern Ireland after 28 October’](#), 17 October 2022, p 5.

¹⁹ Northern Ireland Office, [‘Secretary of state for NI, Rt Hon Chris Heaton-Harris MP—statement’](#), 28 October 2022.

²⁰ House of Commons Northern Ireland Affairs Committee, [‘Oral evidence: Work of the secretary of state’](#), 18 October 2022, Q334.

²¹ BBC News, [‘Stormont: Alliance bid to recall Assembly to debate poll deadline’](#), 19 October 2022.

²² Northern Ireland Office, [‘Secretary of state for NI provides update on election’](#), 4 November 2022.

²³ [HC Hansard, 9 November 2022, col 278.](#)

of people he had spoken to thought that an election at this time would be “unwelcome”. However, he said that “the one thing on which everyone agrees is that we must try to find a way through the current impasse”.²⁴

In view of this, Mr Heaton-Harris said he would introduce legislation to provide a “short, straightforward extension” to the period for executive formation until 8 December 2022, with the potential of a further extension to 19 January 2023 if necessary.²⁵ He said his aim was to “create the time and space necessary for talks between the UK government and European Commission to develop, and for the Northern Ireland parties to work together to restore the devolved institutions as soon as possible”. He said the legislation would also enable Northern Ireland departments to support public service delivery; make a small number of public appointments; address “serious budgetary concerns” in the absence of Northern Ireland ministers; and enable him to reduce MLAs’ salaries.

Mr Heaton-Harris has stated that the government’s priority is “to see politicians elected to return to fulfil their roles in a strong, devolved and locally accountable government, as laid out by the Belfast (Good Friday) Agreement”.²⁶

Mr Heaton-Harris also set out a budget for Northern Ireland for the current financial year in a written statement on 24 November 2022.²⁷ He said he would bring forward a bill in due course to legislate for the budget.

2. Bill provisions

2.1 Executive formation (clauses 1 and 2)

Clause 1 of the bill would extend the period for forming an executive after the May 2022 election to 8 December 2022.

The Northern Ireland Act 1998, as amended by the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022, provides that the period for filling ministerial offices after an Assembly election runs for:²⁸

- the period of six weeks beginning with the day on which the Assembly first meets
- the next three successive periods of six weeks, unless the

²⁴ [HC Hansard, 9 November 2022, col 279.](#)

²⁵ [HC Hansard, 9 November 2022, col 279.](#)

²⁶ Northern Ireland Office, ‘[Northern Ireland \(Executive Formation etc\) Bill introduced in Parliament](#)’, 21 November 2022.

²⁷ House of Commons, ‘[Northern Ireland finances 2022/23](#)’, 24 November 2022, HCWS385.

²⁸ Section 16A(3A), (3B) and (3C) of the Northern Ireland Act 1998.

Assembly resolves on a cross-community basis against an extension

If this period ends without the offices of first minister, deputy first minister and other ministerial offices having been filled, the secretary of state is obliged, as soon as practicable, to propose a date for a new Assembly election.²⁹ The proposed date must be within 12 weeks of this duty arising.

Under these rules, the period for filling ministerial offices after the May 2022 election ended at the end of 27 October 2022. From 28 October 2022, the secretary of state was under a duty to propose a date for a new election.

Clause 1 would provide that the Northern Ireland Act 1998 should be read as though the “period for filling ministerial offices” means the period beginning with 13 May 2022 (the day the Northern Ireland Assembly first met after the election to attempt to elect a speaker) and ending with 8 December 2022. This would apply for the “current post-election period”, which clause 1 defines as the period from 5 May 2022 (the day the most recent Assembly election was held) until the day the next Assembly election is held.

The effect of this would be to retrospectively extend the period for forming an executive by six weeks, from 28 October 2022 to 8 December 2022.

The bill would enable the secretary of state to extend this for a further six weeks. Clause 2 would give the secretary of state the power to make regulations changing the deadline for filling ministerial offices from 8 December 2022 to 19 January 2023. Clause 2 does not give the secretary of state discretion to change the deadline to a date other than 19 January 2023. The secretary of state could only use the power to extend the deadline within seven days of the bill receiving royal assent. After that, the power would expire. However, the power could be used before, on or after 8 December 2022.

The government has said its intention is to ensure that an executive is formed by 8 December, but it “cannot rule out that further time may be needed”, depending on how any talks between the Northern Ireland parties and the government progress.³⁰

If the secretary of state exercises this power, the regulations would have to be laid before Parliament after being made. They would not be subject to any other parliamentary procedure. The government has stated that it believes that a “no procedure” statutory instrument is appropriate given the

²⁹ Section 32 of the Northern Ireland Act 1998.

³⁰ Northern Ireland Office, ‘[Delegated powers memorandum](#)’, 21 November 2022, p 6.

circumstances.³¹ It pointed to the need for the secretary of state to respond quickly to events, and the need for a quick decision about whether to extend the deadline, given the “close proximity” of the bill’s passage through Parliament, royal assent and 8 December 2022.

If the deadline for forming an executive—either 8 December 2022, or 19 January 2023 if the secretary of state had extended it—expired without ministers being appointed, the secretary of state would again be under a duty to propose a date for a new Assembly election. This would have to be within 12 weeks, in other words before 2 March 2023, or before 13 April 2023 if the deadline for forming an executive had been extended to 19 January 2023. After an election, a new period for filling ministerial offices would begin, in accordance with section 16A of the Northern Ireland Act 1998.

2.2 Exercise of departmental functions (clauses 3 to 5)

Clauses 3 to 5 relate to Northern Ireland civil servants’ decision-making powers in the absence of ministers.

Under the terms of the Northern Ireland Act 1998, although the deputy first minister ceased to hold office when the first minister resigned in February 2022, other ministers from the executive remained in post in a caretaker capacity until 28 October 2022. They were not able to take decisions on “significant or controversial” matters or those that cut across the responsibilities of more than one minister.³² This included agreeing a budget.³³

Since 28 October 2022, there are no caretaker ministers, leaving civil servants to run Northern Ireland departments with no ministerial oversight. The bill’s explanatory notes state that two legal cases during a previous period when the devolved institutions were not functioning established certain limitations on about what civil servants could do in such circumstances. In the case of *Buick*,³⁴ the Court of Appeal held:

[...] that departments may not exercise functions in respect of matters that would normally be required to be referred to the Executive Committee of the Assembly because they are cross-cutting, significant or controversial. It also observed that NI [Northern Ireland] departments cannot take decisions that would normally, as a matter of convenience or otherwise, go before a NI minister for approval.³⁵

³¹ Northern Ireland Office, ‘[Delegated powers memorandum](#)’, 21 November 2022, p 7.

³² Northern Ireland Executive, ‘[Ministerial code](#)’, accessed 4 October 2022.

³³ BBC News, ‘[Stormont ministers advised budget cannot pass without NI executive](#)’, 9 March 2022.

³⁴ [\[2018\] NIQB 43](#).

³⁵ [Explanatory notes](#), p 4.

In the case of JR80³⁶ in 2019, the Court of Appeal confirmed these findings, subject to the effect of the primary legislation passed in response to the Buick case. In 2018, the government had argued the Buick ruling was “significantly restricting the ability of senior officers of Northern Ireland departments to take decisions that are necessary to ensure the continued delivery of public services”.³⁷ The government legislated in response to Buick: the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 provided that:

The absence of Northern Ireland ministers does not prevent a senior officer of a Northern Ireland department from exercising a function of the department during the period for forming an executive if the officer is satisfied that it is in the public interest to exercise the function during that period.

However, this provision applied for a limited time only and the 2018 act has subsequently been repealed. The government has said that the effect of Buick and JR80 means that legislation is again required to clarify that Northern Ireland departments can continue to exercise functions in the absence of ministers where it is in the public interest to do so.

In a similar provision to the 2018 act, clause 3 provides that the absence of Northern Ireland ministers does not prevent a senior officer of a Northern Ireland department from exercising a function of the department if the officer is satisfied it is in the public interest to do so. This would apply for six months or until the next executive is formed, whichever is sooner.

A “senior officer of a Northern Ireland department” means a person who is employed in that department and is:

- a member of the Northern Ireland senior civil service, or
- a member of the Northern Ireland civil service designated by the department as a senior officer.³⁸

Clause 3 would also require the secretary of state to publish guidance to civil servants about exercising functions under this clause. Senior officers would be required to have regard to the guidance. The secretary of state would be required to have regard to any representations made by MLAs before publishing the guidance.

The government published a draft version of the guidance on 29 November

³⁶ [\[2019\] NICA 58](#).

³⁷ Northern Ireland Office, ‘[Explanatory notes to the Northern Ireland \(Executive Formation and Exercise of Functions Act 2018\)](#)’, November 2018, p 4.

³⁸ Clause 12(1) and [article 2\(3\) of the Departments \(Northern Ireland\) Order 1999](#).

2022 (the day the bill was debated in the House of Commons).³⁹ The draft guidance emphasises that “some decisions should not be taken without the direction of elected ministers”.⁴⁰ It states that:

NI departments should therefore first consider the public interest of having elected ministers taking and guiding decisions. Any major policy decisions, such as the initiation of a new policy, programme or scheme, including new major public spending commitments, or a major change of an existing policy, programme or scheme, should normally be left for ministers to decide or agree.⁴¹

The draft guidance sets out guiding principles for decision-making, including the “primary principle that departments must control and manage expenditure within the limits of the appropriations set out in budget acts and as set out in the secretary of state’s statement to Parliament of 24 November [2022]”.⁴² This is the statement in which Mr Heaton-Harris set out a budget for Northern Ireland for the current financial year. The government said it would publish a final version of the guidance once the bill had received royal assent.⁴³

Clause 4 would clarify that the absence of ministers is not to be treated as having prevented departments from exercising their functions in the period between 28 October 2022 and the bill’s provisions coming into force. It would preserve the rights of existing litigants challenging the validity of a decision taken by civil servants since 28 October to proceed with their claims. The explanatory notes state that: “Such claims will not be affected by the retrospective provision but departments will not be prevented from retaking such decisions”.⁴⁴

Clause 5 provides that clauses 3 and 4 would have effect despite any other enactment or rule of law that would prevent senior civil servants from exercising departmental functions in the absence of Northern Ireland ministers.

The think tank Pivotal has argued that legislation to empower civil servants, similar to the 2018 act, might not be “desirable”:

³⁹ Northern Ireland Office, ‘[Draft guidance on decision-making for Northern Ireland departments](#)’, 29 November 2022.

⁴⁰ Northern Ireland Office, ‘[Draft guidance on decision-making for Northern Ireland departments](#)’, 29 November 2022, p 2.

⁴¹ Northern Ireland Office, ‘[Draft guidance on decision-making for Northern Ireland departments](#)’, 29 November 2022, p 2.

⁴² Northern Ireland Office, ‘[Draft guidance on decision-making for Northern Ireland departments](#)’, 29 November 2022, p 2.

⁴³ HC Hansard, 29 November 2022, col 824.

⁴⁴ [Explanatory notes](#), p 8.

While this would help progress important issues, it would put decisions in the hands of unelected officials without any democratic accountability. Controversial decisions could be challenged legally, as happened in 2018. It might also indirectly serve to prolong the period without an executive, since decisions would not be delayed by the absence of politicians.⁴⁵

It suggested that retaining the caretaker ministers in post might be the “least bad option”, and preferable to leaving civil servants in charge.⁴⁶

2.3 Exercise of appointment functions (clauses 6 to 9)

Clauses 6–9 would enable UK ministers to deal with certain public appointments in the absence of Northern Ireland ministers.

Clause 6(1) provides that the relevant minister of the crown may exercise an ‘appointment function’ of a Northern Ireland minister in relation to a specified office. This would apply only until the next executive is formed.

Clause 6(2) sets out in a table which are the relevant ministers of the crown and which are the specified offices. It provides that:

- the Lord Chancellor is the relevant minister for members of the Northern Ireland Judicial Appointments Commission
- the secretary of state is the relevant minister for the commissioner for children and young people for Northern Ireland

Clause 6(3) would enable the secretary of state to make regulations to add other ministers and offices to this table. The regulations would be subject to the affirmative procedure, requiring the approval of both Houses of Parliament before they could come into force. If the secretary of state considered it would be “expedient for the regulations to be made more quickly” than the affirmative procedure would allow, the regulations would be subject to the made affirmative procedure. This would mean they could come into force immediately but would need the approval of both Houses of Parliament within 28 days to continue to have effect.

The government says it has worked with the Northern Ireland civil service to identify the “most immediate cases” in which appointment functions currently conferred on Northern Ireland ministers will need to be exercised.⁴⁷ These

⁴⁵ Pivotal, ‘[Governing without ministers—Northern Ireland after 28 October](#)’, 17 October 2022, p 4.

⁴⁶ Pivotal, ‘[Governing without ministers—Northern Ireland after 28 October](#)’, 17 October 2022, p 8.

⁴⁷ Northern Ireland Office, ‘[Delegated powers memorandum](#)’, 21 November 2022, p 11.

are the offices listed in clause 6(2). For instance, the current commissioner for children and young people for Northern Ireland was reappointed in 2019 for a term lasting until 1 March 2023.⁴⁸ However, the government argues there may be an “urgent need” to add other offices to clause 6(2), for example if an unexpected vacancy occurred, if an appointee needed to be removed from office or if an officeholder wished to resign.⁴⁹

The term ‘appointment function’ is defined in clause 9. As well as appointing a person to an office, it also covers wider functions such as determining remuneration and pensions for an appointment, suspending or removing someone from office, or receiving someone’s resignation. Clause 9 would allow the secretary of state to make regulations to amend the definition of ‘appointment function’. The regulations would be subject to the affirmative procedure, meaning they would require the approval of both Houses of Parliament before they could come into force.

Clause 6(8) would require the relevant minister of the crown to consult a Northern Ireland department before exercising an appointment function.

Some appointment functions are conferred on UK ministers where they are required by legislation to consult or obtain the agreement of Northern Ireland ministers or the Executive Committee before they can exercise the appointment function.⁵⁰ Clause 7 would enable them to consult a Northern Ireland department instead. This would apply only until the next executive is formed.

Some appointment functions are exercised jointly by UK ministers and Northern Ireland ministers, including those made alongside Scottish and Welsh ministers.⁵¹ Clause 8 would enable UK ministers to exercise those functions without Northern Ireland ministers. This would apply only until the next executive is formed. Before exercising the appointment function, the secretary of state would be required to consult a Northern Ireland department.

Clause 9 contains definitions for terms used in clauses 6–8.

2.4 Northern Ireland Assembly pay (clause 10)

Clause 10 would enable the secretary of state to amend the salaries and

⁴⁸ Northern Ireland Office, ‘[Secretary of state extends appointment of children’s commissioner](#)’, 1 March 2019.

⁴⁹ Northern Ireland Office, ‘[Delegated powers memorandum](#)’, 21 November 2022, p 10.

⁵⁰ [Explanatory notes](#), p 9.

⁵¹ [Explanatory notes](#), p 10.

expenses payable to MLAs when the Northern Ireland Assembly is not functioning.

The government has said it wants the secretary of state to have this power in recognition of “public frustration that MLAs continue to draw a full salary while not performing the duties they were elected to do”.⁵² The government says that, without the bill, no action can be taken to address this in the absence of functioning devolved institutions or an operational Independent Financial Review Panel.⁵³

The Independent Financial Review Panel was established by the Northern Ireland Assembly in 2011 to make determinations about the salaries, allowances and pensions payable to MLAs.⁵⁴ Its most recent determination was in 2016.⁵⁵ In June 2016, the panel’s term of appointment ended, and since then no new members have been appointed.⁵⁶ In the absence of a panel, the Assembly passed a resolution in June 2020 conferring powers on the Assembly Commission to determine MLAs’ allowances, but not salaries.

Under the 2016 determination, MLAs’ annual salary for the year commencing 1 April 2022 is £51,500.⁵⁷

Clause 10 would give the secretary of state the power to make a determination about the salaries or allowances payable to MLAs during a period in which the Northern Ireland Assembly is not functioning. The determination could cover the payment of salaries and allowances for some or all of the period in which the Assembly is not functioning. The secretary of state could also make a determination about the allowances or gratuities payable to someone who ceased to be an MLA or to hold an office during that period. The secretary of state would have to send the determination to the Northern Ireland Assembly Commission, which would then have to publish it.

A determination made by the secretary of state would not be subject to any parliamentary procedure. The government has said it does “not believe that this is necessary”.⁵⁸ It notes that the Independent Financial Review Panel’s determinations are not subject to any procedure in the Assembly.

⁵² Northern Ireland Office, ‘[Northern Ireland \(Executive Formation\) Bill introduced in Parliament](#)’, 21 November 2022.

⁵³ [Explanatory notes](#), p 5.

⁵⁴ By the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011.

⁵⁵ Independent Financial Review Panel, ‘[Reports and determinations](#)’, accessed 25 November 2022.

⁵⁶ Northern Ireland Office, ‘[Delegated powers memorandum](#)’, 21 November 2022, p 14.

⁵⁷ Northern Ireland Assembly, ‘[Salaries and expenditure rates 2016–2022](#)’, accessed 25 November 2022.

⁵⁸ Northern Ireland Office, ‘[Delegated powers memorandum](#)’, 21 November 2022, p 15.

Clause 10(4) would apply section 12 of the Assembly Members (Independent Financial Review and Standards) Act 2011 to determinations made by the secretary of state. Section 12 contains requirements that determinations on salaries and allowances must follow, for example providing that if an MLA is also a member of the House of Commons, their salary is reduced.⁵⁹

Clause 10(5) would ensure that MLAs' pensions would not be affected by any change to their salaries under a determination made by the secretary of state.

Clause 10(6) clarifies that the secretary of state could amend previous determinations made by the Northern Ireland Assembly or the Independent Financial Review Panel.

Clause 10(1) provides that the secretary of state could make determinations "during a period in which the Northern Ireland Assembly is not functioning". Clause 10(8) specifies that this applies to both the current period in which there is no functioning Assembly and any future periods in which there is no functioning Assembly. A "period in which the Northern Ireland Assembly is not functioning" would come to an end on the day a presiding officer and deputies were in post, having been elected by the Assembly (clause 10(8) and 10(9)).

Once the presiding officer and deputies were in post, any determinations made by the secretary of state would cease to have effect, as clause 10(1) specifies that the secretary of state's determinations relate to salaries and allowances payable when the Assembly is not functioning. Similarly, the power to make a determination would return to the Assembly, as clause 10(1) specifies the secretary of state can make a determination during a period in which the Assembly is not functioning.

Clause 10(10) would repeal the Northern Ireland Assembly Members (Pay) Act 2018. This was passed during a previous period in which the Assembly was not functioning. It gave the secretary of state similar powers to make a determination about MLAs' remuneration during a period without an executive. However, the act specified that power would expire when all the ministerial offices were next filled. That happened in January 2020, so the power in the 2018 act is no longer available.

The way the previous secretary of state used these powers may provide some indication about how much the current government would cut MLAs' salaries if it were to use the powers in the bill. In March 2018, Karen Bradley, the then secretary of state for Northern Ireland, made a determination under the 2018 act that MLAs would not receive an inflationary increase of £500 that was due

⁵⁹ Northern Ireland Assembly Commission, ['Explanatory notes to the Assembly Members \(Independent Financial Review and Standards\) Act \(Northern Ireland\) 2011'](#), 29 March 2011, p 5.

to apply from 1 April 2018.⁶⁰ In September 2018, Ms Bradley said that she would cut MLAs' salaries by 15% from 1 November 2018 and by a further 12.5% from 1 January 2019 if no executive had been formed.⁶¹ She made a determination to this effect in October 2018.⁶² The determination was based on recommendations from Sir Trevor Reaney, former clerk and chief executive of the Northern Ireland Assembly on what pay and allowances might be paid to MLAs where there was no executive or sitting Assembly.⁶³

Chris Heaton-Harris has said that were he to use powers in the bill to cut MLAs' pay, "the percentage that I would be looking at would be the same as then, which was 27.5%".⁶⁴

He has also implied that any cut would apply equally to all MLAs. He explained that "there has been legal opinion taken in the past by former secretaries of state that demonstrate it would be unbelievably difficult and judicially reviewed" to single out particular MLAs for a pay cut.⁶⁵ He said that applying a cut equally to everyone was "fair and appropriate".

2.5 Regional rate (clause 11)

Clause 11 would enable the secretary of state to set the regional rate for Northern Ireland for the financial year 2023/24.

There are two different types of rates in Northern Ireland: domestic rates for residential properties, and non-domestic rates for businesses and other non-residential properties such as schools and hospitals.⁶⁶ Both domestic and non-domestic rates consist of two elements: the regional rate and the district rate.

The regional rate is usually determined and set annually by the Northern Ireland executive. It generates revenue to support the central public services that are the responsibility of the executive. This includes services such as

⁶⁰ Northern Ireland Office, '[The Northern Ireland Assembly Members \(Pay\) Act 2018](#)', 29 March 2018.

⁶¹ Northern Ireland Office, '[Secretary of state confirms MLA pay reduced by 1 November 2018](#)', 28 September 2018.

⁶² [Assembly Members \(Salaries and Expenses\) \(Present period when there is no Executive\) \(Determination\) \(Northern Ireland\) 2018](#).

⁶³ [HC Hansard, 6 September 2018, col 347](#); and Northern Ireland Office, '[Delegated powers memorandum](#)', 21 November 2022, p 14.

⁶⁴ [HC Hansard, 9 November 2022, col 292](#).

⁶⁵ David Young, Rebecca Black and Martina Betteo, '[Singling out DUP MLAs for pay cut would be legally challenged—Heaton-Harris](#)', Belfast Telegraph, 10 November 2022.

⁶⁶ Northern Ireland Assembly Research and Information Service, '[What are rates and why do we pay them?](#)', 22 March 2018.

education, hospitals, law and order, roads, social services and community development.⁶⁷

The district rate is set annually by individual district councils and is used to fund local services within that council's area such as: arts, events and recreation, building control; leisure and community centres; environmental health; tourism; and waste management.

The regional rate cannot be set in the absence of a functioning Northern Ireland executive and Assembly. The government says it must be set before the end of the current financial year.⁶⁸

Clause 11 would give the secretary of state power to make regulations to set the regional rate for the year ending 31 March 2024. This power could only be used during the current period in which there is no executive.

The regulations would be subject to the negative procedure (clause 11(8)). The secretary of state would not require parliamentary approval to make the regulations, but they could be annulled by the House of Commons. The House of Lords would not have the power to annul them. The government has explained that the regulations would be subject to House of Commons scrutiny only as they would be a tax.⁶⁹ The government has argued that the negative procedure would be "appropriate", although an order to set the regional rate is subject to the affirmative procedure in the Northern Ireland Assembly.

Once a new executive was in place, the Northern Ireland Department of Finance could make an order to vary the regional rate set by the secretary of state (clause 11(6)). This order could set the rate for the whole of the year for which it was made (clause 11(7)).

2.6 General (clauses 12 to 15)

Clause 12 defines some terms used in the bill. It also provides that for the purposes of the bill, an executive is formed once the offices of first and deputy first minister and those to be held by all the other Northern Ireland ministers are filled.

Clause 13 sets out the extent of the bill.

Clause 14 provides that clauses 6–9 (the clauses on appointment functions) would come into force on a day to be appointed by the secretary of state in

⁶⁷ NI Direct, '[A guide to rates: What rates pay for](#)', accessed 26 November 2022.

⁶⁸ [Explanatory notes](#), p 6.

⁶⁹ Northern Ireland Office, '[Delegated powers memorandum](#)', 21 November 2022, p 16.

regulations. The rest of the bill would come into force on the day the bill was passed.

Clause 15 sets out the short title of the bill.

3. Fast-tracking the bill

The government is asking Parliament to expedite the passage of the bill.⁷⁰ The ‘Companion to the standing orders and guide to the proceedings of the House of Lords’ states that for any legislation subject to expedited procedures (‘fast-tracked’) the explanatory notes will contain a full explanation of the reasons for using a fast-track procedure.⁷¹ The explanatory notes for the bill as it was introduced in the House of Commons state the government wanted to fast-track the bill because, following consultations with the Northern Ireland political parties and the wider public, the government assessed that “an immediate election would not support the restoration of the devolved institutions”.⁷² It said “urgent provisions” were needed to provide a short, retrospective extension to the period for filling ministerial offices. It would also take “limited but necessary steps to manage the governance gap in Northern Ireland, which now exists since 28 October”.

4. Commons stages

The bill passed through all its Commons stages in one day on 29 November 2022. The bill was not amended.

4.1 Second reading

Chris Heaton-Harris, the secretary of state for Northern Ireland, spoke of his “profound regret” that the Northern Ireland executive had not been restored by the legal deadline.⁷³ He said the fact Northern Ireland had been without functioning devolved institutions for most of the year was “unacceptable and a cause for alarm”. He acknowledged there was “a legitimate and strong concern” about the functioning of the Northern Ireland Protocol, particularly among the unionist community. He took the view that “a further election in the immediate term would be unlikely to produce a significantly different result”. He therefore concluded that the time had come for the government to take action in response to the “governance gap” that had emerged in Northern Ireland.

⁷⁰ [Explanatory notes](#), p 6.

⁷¹ House of Lords, ‘[Companion to the standing orders and guide to the proceedings of the House of Lords](#)’, 28 October 2022, para 8.6.

⁷² [Explanatory notes](#) (version produced for HC Bill 195 introduced in the House of Commons), p 7.

⁷³ [HC Hansard, 29 November 2022, col 818](#).

Mr Heaton-Harris recognised the bill was a “stopgap”.⁷⁴ He said it was “not intended to be a long-term solution to the issues Northern Ireland faces”. However, he believed the extension to the deadline for forming an executive would afford Northern Ireland political parties the time needed to “get around the negotiating table, back to the Assembly and into the executive”. He argued that the “short-term cover” provided by the bill would help the government fulfil its commitment to implementing, maintaining and protecting the Belfast (Good Friday) Agreement.⁷⁵ He said it would be for a newly reconstituted executive and Assembly to solve problems in Northern Ireland, noting that it would require “determination, creativity and compromise” for the executive and Assembly to return.⁷⁶

Peter Kyle, shadow secretary of state for Northern Ireland, said Labour would not oppose the bill.⁷⁷ He agreed there was “sufficient consensus” that an election this winter would “not help to break the political deadlock”. He suggested the bill was “the least worst of the options open to the secretary of state”. However, he argued it was incumbent on both the government and the EU to engage with unionist concerns over the Northern Ireland Protocol that had led them to withdraw from the devolved institutions. At the same time, he emphasised any solution on the protocol must be acceptable to the nationalist community to allow power-sharing to resume.

Mr Kyle questioned whether the timescales set out in the bill for extending the period of executive formation were sufficient. He noted the bill’s first extension period was set to end the following week, on 8 December 2022.⁷⁸ He said it was “unclear” how the government planned to use this extra time, and how they had used the time since 28 October 2022 to find solutions to restore the executive. Quoting the foreign secretary’s words on 15 November 2022 suggesting that the UK was not “on the cusp” of a deal with the EU, Mr Kyle wondered “whether the foreign secretary is bluffing or the deadlines in the bill are too short”. He called on the government to explain what progress had been made on reaching a negotiated solution on the protocol with the EU and on restoring the executive.

Sir Jeffrey Donaldson, leader of the DUP, said his party wanted to be back in a functioning executive.⁷⁹ However, he said the DUP had made it clear in the May 2022 Assembly election that it would not nominate ministers to an executive until “decisive action” had been taken to address the Northern Ireland Protocol. He argued there was “no ambiguity on the part of my party about where it stood and the mandate that it sought”. Sir Jeffrey repeated that

⁷⁴ [HC Hansard, 29 November 2022, col 823.](#)

⁷⁵ [HC Hansard, 29 November 2022, col 826.](#)

⁷⁶ [HC Hansard, 29 November 2022, cols 826–7.](#)

⁷⁷ [HC Hansard, 29 November 2022, col 827.](#)

⁷⁸ [HC Hansard, 29 November 2022, col 828.](#)

⁷⁹ [HC Hansard, 29 November 2022, col 834.](#)

he was not prepared to nominate ministers to an executive where they would be “required to implement a protocol that every day harms our place in the United Kingdom”.⁸⁰ He said the Northern Ireland Protocol Bill represented “strides towards achieving the objective of restoring Northern Ireland’s place in the UK internal market”, but to date it had not delivered that and it was not clear when the bill would progress in the House of Lords. He said the secretary of state had “quite rightly” extended the date after which another election would have to be held, since “an election at this stage will not solve the problem”.⁸¹

Sir Jeffrey argued it was essential for the EU to change its negotiating stance “to break the logjam” and reach an agreement with the UK.⁸² He concluded:

We want to see the political institutions restored in Northern Ireland, but let me be absolutely clear: that requires a solution on the protocol and it requires the European Union to accept that the protocol is not working. It is harming the consensus in Northern Ireland and it needs to be replaced by arrangements that respect the integrity of the UK and Northern Ireland’s place within it.

Claire Hanna (SDLP MP for South Belfast) said her party reluctantly supported the bill as it was needed to “keep the show on the road” and would do “just that and no more”.⁸³ She said she acknowledged the need to postpone an election, as it would not “put power in the hands of the people” if “the blockage was not removed”. She said that while the bill would give clarity about interim political decisions, it was “no substitute for democratically accountable ministers”. She regretted that in the absence of an executive, “even with the mitigations in this bill, the Conservative party would be in the driving seat on major decisions”, which was not what the people of Northern Ireland had voted for in May 2022.⁸⁴ She also said it did not reflect the Belfast (Good Friday) Agreement, which was about “creating devolved institutions that reflect the views of people who are unionist, people who are nationalist and people who are neither”.

Stephen Farry (Alliance MP for North Down) said he recognised the bill was “sadly necessary”.⁸⁵ However, like Peter Kyle, he questioned the revised dates set out in the bill, suggesting there was a “disconnect between the timescale that the Northern Ireland Office is setting out and the reality of the pace of the negotiations with the European Union”. He suggested that the 8 December 2022 was now “fairly meaningless, given it might fall only a

⁸⁰ [HC Hansard, 29 November 2022, col 835.](#)

⁸¹ [HC Hansard, 29 November 2022, col 836.](#)

⁸² [HC Hansard, 29 November 2022, col 841.](#)

⁸³ [HC Hansard, 29 November 2022, col 846.](#)

⁸⁴ [HC Hansard, 29 November 2022, col 847.](#)

⁸⁵ [HC Hansard, 29 November 2022, col 851.](#)

couple of days after the bill received royal assent.⁸⁶ He argued there was a need to be “realistic” that the UK might not be able to reach an agreement with the EU over the protocol by the second deadline, 19 January 2023, given it was only seven weeks away. If no executive were in place by that point, the secretary of state would once again be obliged to set a date for another Assembly election. Mr Farry suggested that “the prospect or actuality of an Assembly election would be at best counterproductive and at worse extremely damaging” to an ongoing negotiation with the EU.

Given this, Mr Farry suggested the dates in the bill were “too inflexibly framed”. He said it would “go down like a lead balloon” if the secretary of state had to come back to Parliament later with another bill to alter the deadline again. He therefore urged the secretary of state to “reflect on the way forward”.

Mr Farry also asked what would happen if despite the extra time created by the bill, there was no restoration of the executive, or no outcome from talks with the EU, or an outcome that was rejected by some Northern Ireland parties.⁸⁷ He said the “stopgap approach to governance” in the bill was not sustainable, but equally if there was a default to direct rule from Westminster, that would be “problematic in many respects”.

Several MPs raised the issue of MLAs’ pay, including whether the pay of only some MLAs should be cut. For instance, Simon Hoare (Conservative MP for North Dorset), chair of the House of Commons Northern Ireland Affairs select committee, suggested that “many people wish that the law allowed [the secretary of state] to differentiate between the MLAs who want to be in Stormont doing their job and those who have decided not to for reasons that are perfectly respectable”.⁸⁸ Claire Hanna said her party regretted the “collective punishment and untargeted scope of the bill’s approach”.⁸⁹

Chris Heaton-Harris reiterated that the advice he had received was that to differentiate between MLAs would create a situation where he could be legally challenged.⁹⁰ Sir Jeffrey Donaldson indicated that cutting DUP MLAs’ pay would not “make any difference whatsoever to the principled stand that my party is taking based on the mandate we were given in the Assembly election”.⁹¹

Winding up the second reading debate, Steve Baker, minister of state at the Northern Ireland Office, said the government would use the extra time

⁸⁶ [HC Hansard, 29 November 2022, col 852.](#)

⁸⁷ [HC Hansard, 29 November 2022, col 853.](#)

⁸⁸ [HC Hansard, 29 November 2022, col 831.](#)

⁸⁹ [HC Hansard, 29 November 2022, col 847.](#)

⁹⁰ [HC Hansard, 29 November 2022, col 825.](#)

⁹¹ [HC Hansard, 29 November 2022, col 825.](#)

afforded by the bill to persuade the EU to “work with great political resolve to deliver change on the protocol”.⁹² He said the foreign secretary and the European Commission vice-president, Maroš Šefčovič, were speaking regularly and technical talks were taking place between officials. However, he cautioned that “the reality is that there is still some distance between us”.⁹³

He explained the government could not bring forward an extension to the executive formation period without taking measures to ensure that some decisions could be taken in the meantime, and the guidance to civil servants would provide them with some clarity.⁹⁴ However, he said the bill was “absolutely not taking powers for this government to direct what happens in Northern Ireland on any particular policy”.⁹⁵

4.2 Committee stage

The bill was not amended at committee stage and no amendments were put to a formal decision. However, several amendments were discussed.

Gavin Robinson (DUP MP for Belfast East) spoke to amendment 13 tabled by the DUP. This would have mandated the guidance to Northern Ireland civil servants to include a requirement for them to notify MLAs and MPs for Northern Ireland constituencies in writing each time they exercised a departmental function, explaining the justification for doing so. He said this was a way to “enhance the governance oversight and democratic accountability of decisions taken through this bill”.⁹⁶

Steve Baker, minister of state at the Northern Ireland Office, pointed out that paragraph 15 of the draft guidance requires departments to report monthly to the secretary of state on the decisions they have taken. It also requires the secretary of state to make these reports available to Parliament. He said he would be happy to amend the guidance to ensure the reports would also be available to MLAs and copies would be deposited in the libraries of both Houses of Parliament and in the Northern Ireland Assembly.⁹⁷ Gavin Robinson said this was a “helpful clarification”.

Simon Hoare spoke to amendments he had tabled that would require the secretary of state to make a determination about MLA’s salaries, and which would link any reduction in their salary to their pension entitlement. Clause 10 of the bill as drafted would enable the secretary of state to do so, but does not make it a requirement, and prevents any determination by the

⁹² [HC Hansard, 29 November 2022, col 862.](#)

⁹³ [HC Hansard, 29 November 2022, col 863.](#)

⁹⁴ [HC Hansard, 29 November 2022, col 864.](#)

⁹⁵ [HC Hansard, 29 November 2022, col 864.](#)

⁹⁶ [HC Hansard, 29 November 2022, col 868.](#)

⁹⁷ [HC Hansard, 29 November 2022, col 868.](#)

secretary of state from affecting MLAs' pensions.⁹⁸ Steve Baker said the secretary of state had a "zeal" about the issue of MLA pay, and would make a determination, using the current evidence base and further evidence from officials on the level of remuneration MLAs should receive.⁹⁹ Mr Baker said there were "good technical reasons" why the government had chosen not to link any determination to pensions.¹⁰⁰

Tonia Antoniazzi, shadow minister for Northern Ireland, spoke to a new clause tabled by Labour that would require the secretary of state to report to Parliament on or before 8 December 2022 and 19 January 2023 on progress made towards forming a new executive.¹⁰¹ Steve Baker said the government would make statements to Parliament, including oral statements to make sure Parliament was properly informed.¹⁰²

Responding to an amendment by Stephen Farry that would have enabled the secretary of state to extend the 8 December 2022 to any date (not just 19 January 2023), Mr Baker said it was not the intention of the legislation to create "indefinite or undefined extensions to the executive formation period".¹⁰³ He said the impasse could not be allowed to continue for three years (as had happened between 2017 and 2020). He said he recognised that the UK might not reach a deal with the EU over the protocol and that was why the Northern Ireland Protocol Bill continued its passage in the House of Lords.¹⁰⁴

4.3 Remaining stages

As the bill was considered in a committee of the whole House and was not amended, there was no report stage. Third reading took place formally without debate.

⁹⁸ [HC Hansard, 29 November 2022, col 869.](#)

⁹⁹ [HC Hansard, 29 November 2022, col 874.](#)

¹⁰⁰ [HC Hansard, 29 November 2022, col 864.](#)

¹⁰¹ [HC Hansard, 29 November 2022, col 870.](#)

¹⁰² [HC Hansard, 29 November 2022, col 872.](#)

¹⁰³ [HC Hansard, 29 November 2022, col 872.](#)

¹⁰⁴ [HC Hansard, 29 November 2022, col 874.](#)

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