



Northern Ireland Assembly Members Bill ***[Lords] 2009-10***

[Bill No 75 of 2009-10]

RESEARCH PAPER 10/25 9 March 2010

The *Northern Ireland Assembly Members Bill* would allow the Northern Ireland Assembly to delegate the authority for determining Assembly Members' salaries and allowances to either an independent body or to the Northern Ireland Assembly Commission. The Bill specifies that an independent body would have to be established by Act of the Assembly, whereas authority could be delegated to the Commission by resolution of the Assembly.

The Bill includes provisions, added in the House of Lords, to prevent Assembly Members who also sit in the House of Commons or the European Parliament from drawing their Assembly salaries. They would still be entitled to full allowances in connection with each mandate they hold.

The question of dual mandates has risen up the agenda, in Northern Ireland, in the wake of the expenses scandal in the Commons. All Northern Ireland parties have indicated that they would like to see an end to dual mandates but have not been able to agree a timetable.

Richard Kelly

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Research Paper 10/25

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Summary

At present the Northern Ireland Assembly determines Assembly Members' (MLAs') pay and allowances. The *Northern Ireland Act 1998* explicitly prevents it from delegating that authority. In 2008 the Senior Salaries Review Body published a review of pay and allowances in the Northern Ireland Assembly. The review was considered by the Northern Ireland Assembly Commission but has yet to be implemented. Following receipt of this review, the Commission, with the support of the Northern Ireland parties, has asked that the Assembly be given the power to delegate the authority to determine pay and allowances.

The *Northern Ireland Assembly Members Bill* would allow the Northern Ireland Assembly to delegate the authority for determining Assembly Members' salaries and allowances to either an independent body or the Northern Ireland Assembly Commission. The Bill specifies that an independent body would have to be established by Act of the Assembly, whereas authority could be delegated to the Commission by resolution of the Assembly.

These provisions would bring the Northern Ireland Assembly into line with the Scottish Parliament and the National Assembly for Wales, which both have the power to delegate the determination of pay and allowances. The National Assembly for Wales Commission exercised this power in July 2009, when it agreed with an Independent Review Panel that a salary for the duration of the Assembly should be determined by an Independent Review Body approximately six months before each Assembly meets for the first time.

The question of dual mandates has risen up the agenda, in Northern Ireland, in the wake of the expenses scandal in the Commons. All Northern Ireland parties have indicated that they would like to see an end to dual mandates but have not been able to agree a timetable.

The report from the Committee on Standards in Public Life (CSPL) into MPs' expenses, published in November 2009, recommended that the practice of dual mandates should "ideally" end by May 2011. The Democratic Unionist Party has announced plans to phase out the practice and confirmed this to the CSPL. In response to the CSPL, the Government proposed that there should be consultations before implementing the recommendation in the next Parliament. However, this position changed during the passage of the Bill through the Lords, when the Government introduced an amendment at Report Stage, after agreeing to reconsider the question of salaries and allowances for MLAs who held dual mandates in response to an Opposition amendment at Committee Stage. David Cameron has indicated that a Conservative Government would legislate to end dual mandates if all parties in the Assembly did not take unilateral action by the 2011 Assembly elections. The Assembly has debated the issue, most recently, after the publication of the CSPL report on 23 November 2009.

The Bill includes provisions, added in the House of Lords, to prevent MLAs who also sit in the House of Commons or the European Parliament from drawing their Assembly salaries. MLAs would still be entitled to full allowances in connection with each mandate they hold. Salaries will be reduced to zero when the provisions come into force. The reduction is not dependent on the Assembly delegating its authority to determine salaries and allowances.

The Bill applies to Northern Ireland only.

It is scheduled to be read a second time on 11 March 2010. With the general election impending, it is possible that subsequent stages of the Bill in the House of Commons could be curtailed. The Bill proved relatively uncontroversial in the House of Lords but it could still be considered in the wash-up before the dissolution.

1 Introduction

Section 47 of the *Northern Ireland Act 1998* provides for the Northern Ireland Assembly (NIA) to determine and pay Members' salaries and allowances. Section 47(7) of the Act explicitly prevents the NIA from delegating these functions, either to a committee of the Assembly or to an external body. The *Northern Ireland Assembly Members Bill* lifts this restriction and allows the Assembly to continue to determine salaries and allowances or to delegate the function to the Assembly Commission or to an independent body.

The Bill also addresses the question of Assembly Members holding dual mandates – it would prevent those who have taken their seats in either the House of Commons or the European Parliament from drawing any salary from the Assembly.

The Northern Ireland Assembly Commission (NIAC),¹ with the support of the political parties in Northern Ireland, requested the provisions on determining pay following a review of pay, pensions and allowances conducted by the Senior Salaries Review Body (SSRB) in 2008. The Commission has not been able to agree how to implement the review's recommendations but has agreed that in future it would prefer salaries and allowances to be determined by an independent body. It has begun work on developing that legislation but at present does not have the authority to enact it.

The legislation would bring the NIA into line with both the Scottish Parliament and the National Assembly for Wales. Both have to make provision for salaries and allowances for Members but both are able to delegate that duty.²

Section 2 of this paper notes that both the National Assembly for Wales and the House of Commons have recently created independent bodies to determine pay and/or allowances. It also considers the position in Scotland.

Sections 3 to 5 review the background to the Northern Ireland Assembly Commission's request for the legislation to be changed. In Section 3 the SSRB review is outlined and then Sections 4 and 5 describe the Commission's response. In Section 6 the issues relating to dual mandates are summarised.

Sections 7 and 8 consider the Bill. Section 7 provides a brief overview of the Bill and Section 8 describes its passage through the Lords.

2 Pay and allowances: independent determination in the UK

In the last few years there has been considerable interest in the pay and allowances of Members of Parliament and the devolved legislatures across the United Kingdom. All have undertaken reviews or commissioned independent reviews of their allowances schemes and both the House of Commons and the National Assembly for Wales have decided that responsibility for pay and allowances should be vested in independent bodies.

2.1 House of Commons

In May 2009, the Leader of the House of Commons announced proposals for an independent parliamentary standards authority.³

¹ The NIAC is the corporate body of the Northern Ireland Assembly. It consists of an MLA from each of the five main parties, plus the Speaker of the House who acts as Chairperson, and its role is to oversee the organisation and to provide services, structures and property in order for the Assembly to function (Northern Ireland Assembly, [Corporate Information](#))

² *Scotland Act 1998* (chapter 46), section 81; *Government of Wales Act 2006* (chapter 32), section 20 – restating a provision of the *Wales Act 1998*

Legislation was brought before the House of Commons in June 2009 and the *Parliamentary Standards Act 2009* received Royal Assent before the House rose for the Summer Recess. The Independent Parliamentary Standards Authority (IPSA) was given the power to pay Members' salaries in accordance with parliamentary resolutions and to draw up a scheme for Members' allowances.

IPSA had a statutory duty to consult on any allowances scheme. It issued a consultation document in January 2010; and the consultation closed in February.⁴ IPSA expects its scheme to be in force following a General Election.

The Government has subsequently amended the *Constitutional Reform and Governance Bill*, which is currently before Parliament, in order to amend the *Parliamentary Standards Act 2009* to additionally give IPSA the power to determine Members' salaries.⁵

2.2 National Assembly for Wales

In July 2009, the National Assembly for Wales Commission received the report of the Independent Review Panel, which had been established in August 2008 to look at all aspects of financial support available to Assembly Members; including pay and allowances for travel, accommodation, constituency offices and support staff. The Panel recommended that Assembly Members' salaries should no longer be directly linked to those of MPs. Instead it recommended that "Assembly Members' salaries should be fixed for the 4-year term of the Assembly". In order to allow this to happen, it further recommended that:

The Assembly Commission should prepare and bring forward an Assembly Measure as soon as practicable, to establish a statutory Independent Review Body to make decisions in respect of the matters listed below. The role of this body is to:

- i) make decisions on all aspects of financial support for Assembly Members
- ii) take account of changing responsibilities in the work of Assembly Members
- iii) review the effectiveness and impact of the uprating process
- iv) deal with any 'ad hoc' issues.⁶

The Assembly Commission accepted the Review and published an Implementation Diary. The Commission intends to bring forward the Assembly Measure by 31 March 2010.⁷

2.3 Scottish Parliament

The Scottish Parliament has delegated authority for determining pay and allowances to the Scottish Parliamentary Corporate Body – the body responsible for the operation of the Scottish Parliament.

The Scottish Parliament's scheme was reviewed between June 2007 and March 2008 by an Independent Review Panel.⁸ In the light of that a new reimbursement scheme was developed. The SPCB in turn commissioned an independent examination of this scheme.⁹

³ HC Deb 20 May 2009 c1505

⁴ Independent Parliamentary Standards Authority, *MPs' expenses – a consultation*, January 2010

⁵ See section 5 of House of Commons Library Research Paper RP 10/18, *Constitutional Reform and Governance Bill: Committee stage report*, 25 February 2010

⁶ National Assembly for Wales Independent Review Panel, *Getting it Right for Wales: an independent review of the current arrangements for the financial support of Assembly Members*, July 2009, Chapter 5

⁷ National Assembly for Wales Commission, *Implementation Diary*, Phase 2

3 Senior Salaries Review Body review of pay, pensions and allowances 2008

In May 2007, whilst the NIA was still suspended, Peter Hain, the then Secretary of State for Northern Ireland, sought the agreement of the Senior Salaries Review Body (SSRB) to conduct a review of pay and allowances in the Northern Ireland Assembly. In June 2007, the Speaker of the NIA wrote to the SSRB confirming the Assembly Commission's view that a review would be timely. The Speaker also provided for consideration by the SSRB draft terms of reference for such a review.¹⁰

3.1 Salaries

The SSRB reported to the Northern Ireland Assembly Commission (NIAC) in November 2008. The SSRB had last undertaken a review of the pay, pensions and allowances of MLAs in 2002. Its main conclusions and recommendations were that primarily as a result of the suspension of the NIA, Members' salaries, and those of ministers and office-holders, had fallen behind levels previously recommended by the SSRB. In its first review of salaries and allowances in devolved legislatures, in 1999, the SSRB had recommended that MLAs' salaries should be approximately 82 per cent of those of Members of the House of Commons. In its subsequent review of the NIA, in 2002, the SSRB confirmed this review.¹¹ However, in the 2008 review, Hay Consultants conducted a further job evaluation exercise. Hay concluded that "the MLA role was less heavily weighted than when last evaluated", for two reasons:

- "MLAs' current legislative powers were 'relatively restricted and not being used to the full'; and
- "Northern Ireland has the lowest ratio of constituents to elected representative of the legislature", when compared with the Scottish Parliament, the National Assembly for Wales and the House of Commons.

Accordingly, Hay concluded that the MLA role was "about 75 per cent of the size of an MP's role".¹² The SSRB concurred but noted that the salaries of MLAs were still below this level, and that over the years 2008-2011, annual increments should be applied to MLA salaries to ensure that they reached the target level in 2011.

The Table below shows the 2007 salary level on which the SSRB based its analysis;¹³ the formula proposed by the SSRB for annual increments; the additional fixed increment it proposed to bring salary levels to target; and the target level.

The Table also shows the additional salaries for ministers and other office-holders, which the SSRB had been asked to consider.

⁸ Independent Review of Parliamentary Allowances, *Report to the Scottish Parliamentary Corporate Body on the Reimbursement of Expenses for Members of the Scottish Parliament*, March 2008

⁹ Sir Neil McIntosh CBE, *A Report to the Scottish Parliamentary Corporate Body on the Scheme for Reimbursement of Members' Expenses*, December 2009

¹⁰ Senior Salaries Review Body, *Northern Ireland Assembly: Review of Pay, Pensions and Allowances 2008*, November 2008, Appendix A and Appendix B

¹¹ *Ibid*, para 2.1

¹² *Ibid*, paras 2.4-2.6

¹³ Note: the 2007 salary increase was never implemented. And salary increases for MLAs have not been implemented since – the MLA salary is still £43,101

Table 1: Northern Ireland Assembly salaries – SSRB recommendations

Post	Salary (Apr 07)	Formula increase	Increments (£)*	Target salary (April 2011)
Assembly Member	£43,381	MP increase	500	75 per cent of the salary of Members of the House of Commons
First & deputy First Minister	£71,898	Cabinet Minister increase	800	100 per cent of the salary of a Cabinet Minister
Assembly Ministers	£38,047	Minister of State increase	300	100 per cent of the salary of a Minister of State
Speaker	£38,047	Speaker of the House of Commons	600	a further £1900 increase*
Deputy Speaker	£8,554	MLA increase	100	a further £400 increase*
Junior Minister	£19,736	MLA increase	300	a further £950 increase*
Committee Chair	£11,405	MLA increase	150	a further £550 increase*
Deputy Chair	£5,704	MLA increase	75	a further £275 increase*
Members of the Assembly Commission	£11,405	MLA increase	150	a further £550 increase*

Source: Senior Salaries Review Body, *Northern Ireland Assembly: Review of Pay, Pensions and Allowances 2008*, November 2008, chapter 2

* increments, in addition to the formula increase were recommended in each of April 2008, April 2009 and April 2010

In April 2007, the salaries of a Member of Parliament, Cabinet Minister and Minister of State were £61,181, £77,546, and £40,225, respectively. However, salary increases in 2007 were paid in two stages. In November 2007, these salaries increased again to £61,820, £78,356, and £40,646, respectively.

The SSRB also made the following recommendation on salary setting:

Recommendation 9: We recommend that:

- the pay of Members of the Legislative Assembly continue to be recommended by an independent body such as the Review Body on Senior Salaries; and
- Members of the Legislative Assembly consider the option of committing themselves to accepting the outcome of the independent reviews of their pay without modification.

3.2 Allowances

The SSRB made fourteen recommendations on allowances.

In summary, the SSRB recommended that:

- the term 'allowances' be replaced by the term 'expenses', as it had done in its 2007 review of parliamentary pay and allowances;
- the NIAC produced publicly available guidance on the pay, pensions and allowances;
- a random sample of the expense claims of 25 per cent of Members be audited annually;

- the NIAC produce guidance on the employment of voluntary workers;
- the NIAC review the space requirements for office accommodation;
- the NIAC provide job descriptions and guideline paybands for staff employed by MLAs;
- the mileage allowance be set at Inland Revenue rates;
- a Resettlement Payment calculated on the basis of one month's salary per year of service as an MLA up to nine months replace the existing Resettlement Allowance;
- the Ill-health Retirement Payment replace the Ill-health Retirement Allowance and be calculated in the same way as the Resettlement Payment;
- MLAs who are also MPs should only claim £35,000 in respect of office costs (the full rate was £72,660);
- Winding-up expenses should be similarly abated;
- the abated office costs expense should increase in line with the Retail Price Index; and
- expenses should continue to be reviewed by an external body, and the Assembly should consider accepting the recommendations without modification.¹⁴

4 Northern Ireland Assembly Commission's response to the SSRB

At its meeting on 18 November 2008, before the SSRB had finalised its report, the Northern Ireland Assembly Commission (NIAC) agreed to "defer formal consideration of the report until next year and that it should be published immediately following receipt".¹⁵

On 2 December 2008, the NIAC received the SSRB's report. It made arrangements for copies to be made available to parties and Members, and for a press briefing before the SSRB published the report on 4 December. After receiving an overview of the main recommendations within the report by the Clerk/Director General, it was agreed that more time was needed to consider the report. It was placed on the agenda for the Commission's next meeting.¹⁶

On 13 January 2009, the Commission considered the key recommendations arising from the SSRB's report:

The Clerk/Director General provided background information in relation to each of the key issues arising and following discussion it was agreed that Commission Members would take the paper to their Parties for consultation with a view to further consideration at the next Commission meeting.

¹⁴ Senior Salaries Review Body, *Northern Ireland Assembly: Review of Pay, Pensions and Allowances 2008*, November 2008, Summary of Recommendations and Chapter 4

¹⁵ Northern Ireland Assembly Commission, [Minutes of the Thirty Sixth Meeting of the Assembly Commission held on Tuesday 18 November 2008 at 4.00pm in Room 29](#), Item 2.1,

¹⁶ Northern Ireland Assembly Commission, [Minutes of the Thirty Seventh Meeting of the Assembly Commission held on Tuesday 2 December 2008 at 3.00pm in Room 106](#), Item 8,

It was further agreed that the Clerk/Director General and the Speaker would meet with Party Leaders to discuss the issues raised within the paper.¹⁷

On 27 January 2009, the NIAC requested that a further paper be prepared for consideration providing a further detailed analysis of the key recommendations arising from the report.¹⁸

On 10 March 2009, the paper commissioned at the previous meeting was considered:

The Clerk/Director General provided a further paper relating to the recommendations arising from the Review Body on Senior Salaries Report on the Review of Pay, Pensions and Allowances in the Northern Ireland Assembly.

The Commission gave consideration to each of the recommendations arising from the Report, considered legal advice and agreed that a further paper should be developed for their consideration, incorporating Members consideration of the issues.¹⁹

On 2 April 2009, progress and proposals for further consideration were noted:

The Clerk/Director General informed the Commission that officials were in the process of developing an Assembly Commission report which would reflect on previous discussions on the recommendations raised within the SSRB Review Report. He stated that he hoped to brief Commission Members after the Easter Recess with a view to holding further discussions with Party Leaders. Following that a final draft of the report will be presented to the Commission meeting on the 21 May 2009.²⁰

On 24 September 2009, the NIAC agreed that its Report on Members' Pay and Financial Support required further consultation with Party Leaders and would be considered separately at a Commission meeting on 15 October 2009.²¹

That meeting took place on 20 October 2009, and NIAC's minutes recorded that:

5.1 The Clerk/Director General provided Members with a background in relation to the development of the Commission's draft report on Pay, Pensions and Financial Support for Members of the Assembly. The Clerk/Director General informed Members that following discussions with Party Leaders on the draft report, a number of issues were raised by Parties. He confirmed that the report had been amended to include revised recommendations in relation to areas where there was cross party consensus.

5.2 The Commission considered each of the recommendations made within the report in detail and sought clarification on a number of matters. It was agreed that further consultation would be undertaken with a view to agreeing the way forward and that a further meeting would be arranged for the Commission to consider a further draft of the report.

¹⁷ Northern Ireland Assembly Commission, [Minutes of the Thirty Eighth Meeting of the Assembly Commission held on Tuesday 13 January 2009 at 5.45pm in Room 106](#), Item 5,

¹⁸ Northern Ireland Assembly Commission, [Minutes of the Thirty Ninth Meeting of the Assembly Commission held on Tuesday 27 January 2009 at 5.00pm in Room 106](#), Item 2.4,

¹⁹ Northern Ireland Assembly Commission, [Minutes of the Forty First Meeting of the Assembly Commission held on Tuesday 10 March 2009 at 6.10pm in Room 106](#), Item 6,

²⁰ Northern Ireland Assembly Commission, [Minutes of the Forty Second Meeting of the Assembly Commission held on Tuesday 2 April 2009 at 4.30pm in Room 106](#), Item 3.4,

²¹ Northern Ireland Assembly Commission, [Minutes of the Forty Eighth Meeting of the Assembly Commission held on Thursday 24 September 2009 at 1.20pm in Room 30](#), Item 4.6,

5.3 It was further agreed that consideration should also be given to the recommendations within the report by Committee on Standards in Public Life which is due for publication on 4 November 2009.²²

The Commission's report was further considered on 11 November 2009:

The Clerk/Director General provided Members with an update in relation to the draft report on Members' Pay, Pensions and Financial Support. Following further consideration of the draft report and the paper presented by the Clerk/Director General, the Commission agreed the Report for submission to the Assembly, subject to the following amendments:

- To amend the draft recommendation regarding the abatement of OCA for MLAs who hold seats at Westminster so that only the abatement to 50% at the start of the next mandate would be included as recommended by SSRB;
- To amend the draft recommendation regarding the payment of Whips so that a proportional payment would be introduced based on the sliding scale of Party strength used for the Financial Assistance to Political Parties Scheme;
- That the approach to dealing with breaches and sanctions suggested by the Clerk/Director General are included in the text of the Report.

Mr. Doherty expressed his Party's view that some of the recommendations should be left for the new independent body to determine when it is established.

The Commission noted the proposed timeline and actions required to facilitate tabling of a motion from the Commission for Plenary in w/c 30 November 2009. The Commission agreed that Mr. Logue would liaise with Members on the wording of the motion and on who would move and wind the motion.²³

5 The Commission's proposals not proceeded with

The NIAC's report was due to be debated on 30 November 2009 – it had been circulated among MLAs on a confidential basis²⁴ – but the motion on which the debate was to take place was not moved:

Committee Business

Pay, Pensions and Financial Support for the Members of the Northern Ireland Assembly

The following motion stood in the Order Paper:

That this Assembly approves the Assembly Commission's 'Report on the Pay, Pensions and Financial Support for Members of the Northern Ireland Assembly' (November 2009); and makes the Northern Ireland Assembly (Members' Expenditure) Determination 2009 and the Northern Ireland Assembly (Members' Salaries) Determination 2009. — [Rev Dr Robert Coulter]

Motion not moved.

²² Northern Ireland Assembly Commission, [Minutes of the Fiftieth Meeting of the Assembly Commission held on Tuesday 20 October 2009 at 5.55pm in Room 106](#), Item 5,

²³ Northern Ireland Assembly Commission, [Minutes of the Fifty First Meeting of the Assembly Commission held on Wednesday 11 November 2009 at 1.25pm in Room 106](#), Item 4.1,

²⁴ "MLAs may be in line for £7,000 salary rise", *Belfast Telegraph*, 26 November 2009

12.45 pm

Ms Ní Chuilín: On a point of order, a LeasCheann Comhairle. Has there been any explanation of why the Assembly Commission's motion was not moved?

Mr Deputy Speaker: There is no requirement to give a reason for not moving a motion at this stage. The Business Committee will deal with the matter at another stage.²⁵

The NIAC report, *Members' Pay, Pensions and Financial Support*, has not been published.

The *Belfast Telegraph* reported that the NIAC's report outlined an alternative approach to increase MLAs' salaries to 75 per cent of the level of Westminster MPs': instead of the phased "annual catch-ups" proposed by the SSRB, the increase would be implemented in full after the 2011 Assembly elections.²⁶

After the scheduled debate on the report had not taken place, the *Belfast Telegraph* reported that "plans to increase MLA pay by up to £7,000 are in 'disarray'". It reported that the NIAC would meet on 1 December 2009, to "discuss its next move" and that "Assembly sources were yesterday giving mixed signals on whether the package could be revived". In the same report, the *Belfast Telegraph* noted that:

Under the Commission blueprint, responsibility for post-2011 pay and expenses decisions would be handed to an independent body.²⁷

The following day (2 December), it reported that:

The MLA pay rise package that was due to be debated at Stormont this week looks certain to be abandoned.

And it now seems highly unlikely that Assembly members will ever vote on their own salary levels.

Instead, the issue would be passed to an independent body that will require new legislation to be established.²⁸

As the press reports show, NIAC continued to consider the matter after the scheduled debate did not take place.

On 1 December 2009, NIAC confined itself to reaffirming its support for the *Northern Ireland Assembly Members Bill* and confirming cross-party support for the Bill.²⁹

At its subsequent meeting on 10 December 2009, NIAC considered both the report and the Bill:

The Clerk/Director General provided Members with an options paper in relation to making progress on the recommendations set out in the Report on the Pay, Pensions and Financial Support for Members of the Northern Ireland Assembly. The Clerk/Director General drew Members attention to the existing pay Determinations for Members and highlighted that unless a contrary decision was taken by the Assembly that the existing Pay Determination should be applied.

²⁵ [Northern Ireland Assembly Official Report](#), 30 November 2009,

²⁶ "MLAs may be in line for £7,000 salary rise", *Belfast Telegraph*, 26 November 2009

²⁷ "Plan to give MLAs a pay rise dropped", *Belfast Telegraph*, 1 December 2009

²⁸ David Gordon, "Plan to give MLAs £7,000 pay rises to be abandoned", *Belfast Telegraph*, 2 December 2009

²⁹ Northern Ireland Assembly Commission, [Minutes of the Fifty Second Meeting of the Assembly Commission held on Tuesday 1 December 2009 at 1.15pm in Room 106](#), Item 3,

Following a briefing by the Director of Legal Services in relation to the current passage of the Northern Ireland Assembly Members Bill at Westminster and the indicative timetable for the establishment of an Independent Statutory Body, the Commission agreed that the Speaker write to Mr Paul Goggins MP, Minister of State, confirming the continuing cross-party support for the draft Bill and outlining the planned timetable for the Body. The Commission further agreed that a meeting should be arranged for mid January 2010 with Party Leaders to discuss the options for making progress in relation to the Report.³⁰

On 21 January 2010, NIAC was appraised both of the progress of the *Northern Ireland Assembly Members Bill* and the drafting of an Assembly Bill to establish an independent body to determine Members' pay and allowances. The Commission agreed to consult the political parties on the drafting of the Assembly Bill.³¹

6 Dual mandates

6.1 Overview

At present 15 of Northern Ireland's 17 Members of Parliament are also MLAs.³² Not only do those with dual mandates (or "double-jobbing" as it is sometimes called in Northern Ireland) receive a full Members' salary and one third of the MLA salary,³³ they are entitled to claim full allowances in relation to their work in both legislatures – this came to the fore when expense claims were the subject of so much press coverage. Recently concerns have been expressed about the issue. In an opinion poll, reported by the *Belfast Telegraph*, it was found that:

...three-quarters of those polled (75%) say the expenses scandals of the last two years have damaged the way they view politicians - with most of the remainder saying it made no difference. And on the other controversy over double-jobbing, almost the same level of respondents (71%) - including 73% of Protestants and 68% of Catholics - said they are not content for Assembly members to also be MPs at Westminster.³⁴

In addition, it is not uncommon for individuals to be an MLA, an MP and also a local councillor. In 2008, the SSRB reported that "approximately two-thirds of MLAs are also councillors".³⁵

The report from the CSPL into MPs' expenses, published in November 2009, recommended that the practice of dual mandates should "ideally" end by May 2011.³⁶ The Democratic Unionist Party (DUP) has announced plans to phase out the practice and confirmed this to the CSPL. In response to the CSPL, the Government proposed that there should be consultations before implementing the recommendation in the next Parliament. However, its position changed during the passage of the Bill through the Lords, when it tabled an

³⁰ Northern Ireland Assembly Commission, [Minutes of the Fifty Third Meeting of the Assembly Commission held on Thursday 10 December 2009 at 1.00pm in Room 106](#), Item 5,

³¹ Northern Ireland Assembly Commission, [Minutes of the Fifty Fourth Meeting of the Assembly Commission held on Thursday 21 January 2010 at 1.05pm in Room 106](#), Item 6.1-6.2,

³² There are eighteen Northern Ireland seats at Westminster. Following the resignation of Iris Robinson, one seat is vacant.

³³ The Sinn Fein MLAs with dual mandates do not receive a Westminster salary, as they have not taken the oath. They receive their full MLA salary

³⁴ Noel McAdam and Rebecca Black, "McGuinness: First among Stormont's 14 ministers", *Belfast Telegraph*, 30 November 2009

³⁵ Senior Salaries Review Body, *Northern Ireland Assembly: Review of Pay, Pensions and Allowances 2008*, November 2008, para 1.14

³⁶ Committee on Standards in Public Life, [MPs' expenses and allowances – Supporting Parliament, safeguarding the taxpayer](#), November 2009, Cm 7724, Recommendation 40, p95

amendment to reduce salaries of MLAs with dual mandates to zero at Report Stage, in response to an Opposition amendment to remove both salary and allowances from MLAs holding a dual mandate. David Cameron has indicated that a Conservative Government would legislate to end dual mandates if all parties in the Assembly did not take unilateral action by the 2011 Assembly elections.³⁷ The Assembly has debated the issue, most recently after the publication of the CSPL report on 23 November 2009.

6.2 Committee on Standards in Public Life recommendation

In its review of Members' expenses, the Committee on Standards in Public Life recommended that:

The practice of permitting a Westminster MP to simultaneously sit in a devolved legislature should be brought to an end, ideally by the time of elections to the three devolved legislatures scheduled for May 2011.³⁸

It made the following observations before making its recommendation:

12.18 The holding of multiple mandates, or 'double jobbing' as it is known in Northern Ireland, appears to be unusually ingrained in the political culture there because of:

- The legacy of 'the troubles', which discouraged many individuals from getting involved in politics, leaving it to a small minority to participate.
- The recent history of political instability, which led the political parties to be fearful of giving up seats in Westminster in case the local devolution settlement collapsed, as it has more than once already.

12.19 The Committee expressed the view in Chapter 11 of this report that MPs should not be prohibited from earning income from limited activity outside the House of Commons, provided that the activity does not interfere with the primary role as an MP, is completely transparent to electors and does not present a conflict of interest.

12.20 We do not think these conditions are met in the case of multiple mandates. There is transparency – the issue has been widely aired in the Northern Ireland media. But the Committee questions whether it is possible to sit in two national legislatures simultaneously and do justice to both roles, particularly if the MP concerned holds a ministerial position in one of them.

12.21 All the Northern Ireland political parties with representatives at Westminster have told the Committee that they want to bring multiple mandates to an end. As yet, there is no agreement when this should happen. In evidence to the Committee, the leader of the Democratic Unionist Party (DUP) has, however, indicated that his party would be prepared to end the practice by 2015 (the date of the next but one Assembly elections):

"I am convinced that it is not in the interest of Parliament, the Assembly, the dual mandate Members or their constituents that this practice is maintained longer than absolutely necessary. Each of the Assembly parties agreed that the practice should be phased out and some weeks ago I announced that the DUP would do so in two steps: the first at the next set of Westminster and Stormont elections; and the rest at the following set." [Ev 604 (Rt Hon Peter Robinson MLA MP)]

³⁷ "Cameron vows to end double-jobbing", *Belfast Telegraph*, 21 May 2009

³⁸ Committee on Standards in Public Life, *MPs' expenses and allowances – Supporting Parliament, safeguarding the taxpayer*, November 2009, Cm 7724, Recommendation 40, p95

12.22 The Committee's view is that the practice of holding dual mandates in both the House of Commons and the devolved legislatures should be brought to an end as soon as possible. Ideally that would happen by the time of the scheduled elections to the three devolved legislatures in May 2011, or failing that by 2015 at the very latest.³⁹

6.3 Democratic Unionist Party approach to dual mandates

Following a campaign against 'double-jobbing' by the *Belfast Telegraph* and other commentators the DUP announced plans to phase out the practice. In May 2009, Peter Robinson, the leader of the DUP, stated that DUP MPs would have to choose between their Westminster posts and roles in the Northern Ireland Executive, describing this as a "prelude to the end of double-jobbing".⁴⁰ In the DUP ministerial reshuffle in June 2009, ministers who were also MPs were replaced. Peter Robinson himself and Finance Minister Sammy Wilson, who also serves as East Antrim MP, are the only remaining DUP dual mandate ministers.⁴¹ Three DUP MPs, Iris Robinson, William McCrea and David Simpson, were also replaced in their roles as Stormont committee chairs.⁴²

Despite the moves taken by the DUP, a spokesperson for the party stated that it would be some time before all DUP politicians had only a single job and that multiple mandates would be phased out "over a three year window".⁴³ In addition, Peter Robinson announced in an interview in October with the *Belfast Telegraph* that senior party figures would be able to hold dual mandates for up to another six years. In the interview Mr Robinson stated that DUP MPs could stay at Stormont beyond both the UK general election and the Assembly elections in 2011, but would have to give up their Stormont salaries should they do so.⁴⁴ The First Minister also hinted, earlier in September, that he may defend his own East Belfast seat in Westminster, saying that:

My preference would be for one man, one job but I do accept there are people who feel there is a very good reason for us to have a voice both in the Assembly and Westminster.⁴⁵

Rival unionist parties attacked the DUP following these announcements; the Ulster Unionist Party (UUP) Assembly deputy leader Danny Kennedy arguing that:

This represents another amazing U-turn by the DUP after they officially said they would abandon double-jobbing within hours of Conservative Leader David Cameron's statement that he would ban it if he became Prime Minister, and following the DUP's bad result in the European election.⁴⁶

6.4 Government response to the CSPL recommendation on dual mandates

On 10 December 2009, the Leader of the House of Commons, Harriet Harman, set out the Government's proposals for further legislation to implement the CSPL recommendations on Members' pay and allowances in a written ministerial statement.

She accepted that further legislation would be required to implement the CSPL's recommendation on dual mandates. However, she reported that it had "been accepted that immediate legislation is not necessary" for three recommendations, including

³⁹ *Ibid*, paras 12.18-12.22

⁴⁰ "DUP reshuffle sets deadline", *Irish News*, 23 May 2009

⁴¹ "DUP reshuffle Stormont ministers", *Belfast News Letter*, 22 June 2009

⁴² "DUP trio replaced as 'double-jobbing' is ended", *Belfast Telegraph*, 25 June 2009

⁴³ "DUP reshuffle sets deadline", *Irish News*, 23 May 2009

⁴⁴ "DUP comes out fighting over double-jobbing 'U-turn' jibes", *Belfast Telegraph*, 27 October 2009

⁴⁵ "Robinson hints at defence of Commons seat", *Belfast Telegraph*, 30 September 2009

⁴⁶ "DUP comes out fighting over double-jobbing 'U-turn' jibes", *Belfast Telegraph*, 27 October 2009

Recommendation 40 on dual mandates. In the written ministerial statement, the Government said that it “will consult interested parties before implementing it in the next Parliament”.⁴⁷

However, at Report Stage in the House of Lords, the *Northern Ireland Assembly Members Bill* was amended by the Government, in response to amendments at Committee Stage from the Opposition to address the question of dual mandates.

6.5 Conservative Party approach to dual mandates

In an article in the *Belfast Telegraph*, in May 2009, at the height of the Westminster expenses scandal, David Cameron set out his intention to bring dual mandates to an end:

Alongside bringing responsibility and accountability to the issue of MPs’ expenses, the issue of dual mandates — or so-called ‘double-jobbing’ — must be faced.

Being an MP is not a part-time job.

Members should be fully involved in every aspect of national governance and debate.

Influence in Westminster is based on presence in Westminster. No-one, irrespective of how talented they may be, can for any significant time be a full-time representative in two places.

I said in Scotland last week that one politician should not try to serve two masters, so they should only sit in one legislature.

Being a Member of Parliament must be a full-time commitment — as should being a Member of the Northern Ireland Assembly. The public deserves nothing less.

This is why I said that any Conservative MP elected to a second legislature will give up the other seat at the first available electoral opportunity.

Across the UK there are 17 MPs with dual mandates, combining a seat in Westminster with a seat in a devolved institution.

Of these 17 MPs, 16 are from Northern Ireland: all nine DUP MPs, all five Sinn Fein MPs and two of the SDLP’s three MPs.

I understand that Alex Salmond will be giving up his Westminster seat at the next election. It is recognised that dual mandates do not work — they rob voters of a real voice in Parliament.

Some Northern Ireland MPs do not attend Westminster.

It is inconceivable that a future Conservative majority would vote for taxpayers’ money to continue funding absentee MPs.

I want to restore the integrity of the House of Commons and want every point-of-view expressed there by every MP elected to serve there.

I said in December in Belfast that it was in my own strategic and selfish interest to bring people from all corners of the UK into a future Conservative Government.

Ending double-jobbing would open the door to new talent. No party can justify double-jobbing on the grounds that they don’t have enough ‘big hitters’ to go round.

⁴⁷ HC Deb 10 December 2009 cc33WS-38WS

Our new electoral force as Conservatives and Unionists has explicitly stated that “the holding of joint mandates will not be permitted”. I would prefer all the Northern Ireland parties to respond to the public's justified anger over politicians' failures and reach a similar voluntary agreement to end all dual mandates before the 2011 Assembly elections.

However, if we cannot persuade other parties to work with us and bring double-jobbing to an end by mutual agreement, a future Conservative Government would consider introducing legislation to prohibit dual mandates.

I am determined that when voters in Northern Ireland go to the polls in 2011 to elect MLAs, the era of dual mandates and double salaries will have been brought to an end. Fixing our broken politics, rebuilding the reputation of Parliament, ensuring that Northern Ireland has a real voice at Westminster — we cannot allow these to be stopped by those with a vested interest in protecting the status quo.

I want the people of Northern Ireland to be fully involved in mainstream UK politics.

That means having MPs fully committed solely to Westminster.⁴⁸

6.6 Northern Ireland Assembly debate on double-jobbing, November 2009

On 23 November 2009, the Northern Ireland Assembly debated a backbench motion moved by UUP MLA, David McNarry:

That this Assembly notes the recommendations of the Committee on Standards in Public Life, ‘Supporting Parliament, Safeguarding the Taxpayer’; calls on all political parties within the Assembly to commit to an end to ‘double-jobbing’ by the next Assembly election in 2011 to protect the integrity of the Northern Ireland Assembly; and further calls on the First Minister and deputy First Minister to convey the opinion of the Assembly on this matter to the Prime Minister and the Leader of the Opposition.⁴⁹

An amendment was moved by Jim Wells of the DUP.

During the course of the 90 minute debate, MLAs from all parties outlined steps that they were taking to end dual mandates. Mark Durkan would “stand down from the Assembly should I be re-elected to Westminster”; Peter Robinson, the First Minister and leader of the DUP noted that

Before dual mandates became an issue and a matter of public concern and before the newspapers took up the call, the Democratic Unionist Party invited the press to a breakfast at the Stormont hotel, at which we told them of our plans to phase out dual mandates. Without any pressure being applied or its being a matter of concern, even for the Ulster Unionist Party, the DUP embarked on that programme. We told the press that we would phase out dual mandates over two Westminster elections. There were a number of simple reasons for doing that. We put our Westminster Members of Parliament into the Assembly to ensure that we had people with experience and skills who had worked the system at Westminster so that the Assembly had the best possible chance of survival. Nobody could say that that was not a sensible position for the party to adopt.

As the Assembly stabilises, it becomes less important that we maintain that position. That is why we have to consider by how much we will reduce our dual mandates

⁴⁸ David Cameron, “Double-jobbing MPs won't get a look-in when I'm in charge”, *Belfast Telegraph*, 21 May 2009

⁴⁹ [Northern Ireland Assembly Official Report](#), 23 November 2009, Private Members' Business, *Double-jobbing*

during their phasing-out over two Westminster elections. A majority of our MPs will stand down from the Assembly after they have been successfully returned at Westminster elections.

[...]

We have already begun to move those Members out of posts and positions in the Assembly to reduce their workloads.

Raymond McCartney for Sinn Fein confirmed that the Party “supports the phasing out of dual mandates”, and the issue of dual mandates involving Assembly members and councillors should not be ignored. He also noted that the Assembly and Executive Review Committee was considering the issue of multiple mandates.

Dr Farry of the Alliance Party was sympathetic to the amendment to the motion. He argued that it better reflected the “spirit of the Kelly recommendations”.

At the end of the debate, the amendment was agreed to on a division, by 34 votes to 23. The Assembly resolved:

That this Assembly notes the recommendations of the Committee on Standards in Public Life, ‘Supporting Parliament, Safeguarding the Taxpayer’; calls on all political parties within the Assembly and Parliament to commit to an end to “double-jobbing”, including private sector employment, ideally by the time of the scheduled election in May 2011 or, failing that, by 2015 at the latest; and further calls on the First Minister and deputy First Minister to convey the opinion of the Assembly on this matter to the Prime Minister and the Leader of the Opposition.

On 8 March 2010, the BBC reported that Progressive Unionist Party leader, Dawn Purvis, had put forward a private Members’ bill to “end ‘double-jobbing’”.⁵⁰ The *Local Government (Disqualification) (Amendment) Bill* is “a bill to amend the *Local Government Act (Northern Ireland) 1972* to disqualify members of the Northern Ireland Assembly from being elected, or being, a councillor”.⁵¹

7 The Bill

7.1 Overview

The *Northern Ireland Assembly Members Bill [Lords] 2009-10* has just three clauses.⁵²

The Bill was introduced to the Commons on 24 February 2010 and is expected to receive a second reading on 11 March 2010. It has completed its passage through the House of Lords, where it was amended (see section 8).

Under section 47 of the Northern Ireland Act 1998, only the Northern Ireland Assembly (NIA) can determine the pay and allowances of MLAs and ministers and other office-holders in the Assembly:

(1) The Assembly shall pay to members of the Assembly such salaries as the Assembly may from time to time determine.

⁵⁰ BBC News, [Vote on bill to end Northern Ireland ‘double jobbing’](#), 8 March 2010

⁵¹ *Local Government (Disqualification) (Amendment) Bill [as introduced]; an [Explanatory and Financial Memorandum](#) has also been published*

⁵² [Northern Ireland Assembly Members Bill \[HL\]](#), Bill 75 of 2009-10; the [Explanatory Notes](#) are also available online

(2) The Assembly may pay to members of the Assembly such allowances as the Assembly may from time to time determine.

[...]

(7) The Assembly may not delegate the function of making a determination under this section.⁵³

Clause 1 of the Bill amends section 47 of the *Northern Ireland Act 1998* to allow the Assembly to continue determining Members' salaries and allowances or to decide that salaries and allowances "be determined by a person other than the Assembly" (Clause 1(3)). If the Assembly decides not to continue determining Members' salaries and allowances, it can delegate that authority either, by resolution, to the Northern Ireland Assembly Commission; or, by Act of the Assembly, to an independent body. If the Assembly chooses to delegate this authority to an independent body, in the Act, it "may include provision establishing an office or body, provision conferring functions on an office-holder or body and ancillary provision" (Clause 1(12)).

Whoever is responsible for determining salaries and allowances will have to publish their determinations and has the power to pay additional salaries to ministers and office-holders in the Northern Ireland Assembly.

During its passage through the House of Lords, an additional provision was added, so the Bill would prevent MLAs who were also MPs, who had taken their seats, or MEPs from receiving any of their salary as an MLA (it is currently abated by two-thirds), although they would continue to receive allowances and any additional salary due as a result of holding ministerial or other office (Clause 1(5)). Clause 1(14) provides that MLAs with dual mandates would cease receiving any MLA salary as soon as the Act is brought into force.

Clause 2 makes consequential amendments to section 48 of the Northern Ireland Act 1998, which deals with the pension arrangements of MLAs and ministers and office-holders in the Assembly. Under the Northern Ireland Act 1998, the Assembly was already able to delegate authority in relation to the establishment and administration of pension schemes.⁵⁴ The Bill provides that any body administering pensions on behalf of the NIA would have the same powers as a body dealing with pay and allowances.

Clauses 1 and 2 would only come into force when the Secretary of State makes a commencement order.

The Bill applies to Northern Ireland.

The Northern Ireland Office "is satisfied" that the costs imposed by the Bill would be below £5 million, therefore there was no requirement to publish an impact assessment.

8 Debate on the Bill in the House of Lords

8.1 Passage through the House of Lords

The *Northern Ireland Assembly Members Bill [Lords]* was introduced to the House of Lords on 19 November 2009.

⁵³ *Northern Ireland Act 1998* (chapter 47), section 47(1),(2) and (7)

⁵⁴ *Northern Ireland Act 1998* (chapter 47), section 48(2)

It received its second reading on 1 December 2009,⁵⁵ and was committed to a Grand Committee.

The Grand Committee met on 12 January 2010.⁵⁶

Report Stage was taken on the floor of the House on 3 February 2010.⁵⁷

The Bill received its third reading and was passed on 24 February 2010.⁵⁸

8.2 Second Reading

On 1 December 2009, the day after the Northern Ireland Assembly Commission's (NIAC's) response to the SSRB review of Assembly Members' salaries and allowances should have been debated, the House of Lords gave the *Northern Ireland Assembly Members Bill* a second reading.

In a short debate, Baroness Royall of Blaisdon, the Leader of the House of Lords, noted that the NIA was responsible for determining and paying the salaries and allowances of its Members but was prevented from delegating that authority. She explained that the Bill "removes this restriction and enables the Northern Ireland Assembly, should it decide to do so, to confer the functions of setting salaries and allowances for Members of the Assembly to an independent body of its choosing", without requiring it to do so.⁵⁹

After briefly outlining the provisions in the Bill, Baroness Royall commented on what was likely to happen once the Bill received Royal Assent. She understood that "a Bill will be brought to the Assembly that will set up an independent body to set salaries and allowances"; and that it was intended that this legislation would have passed before the next Assembly elections, scheduled for 2011.⁶⁰

She noted that both the Scottish Parliament and the National Assembly for Wales had the power to delegate responsibility for setting Members' pay and allowances to another body; and that "the Speaker of the Assembly has stated that there is clear consensus among the Northern Ireland Assembly parties in favour of independent control of salaries and allowances". She said that the Government believed it was appropriate to give the Assembly discretion between "maintaining the existing arrangements and delegating control to an independent body". She confirmed that the Bill "has the support of all political parties in the Northern Ireland Assembly", before concluding that:

...the Government are bringing forward this Bill at the request of the Assembly. We do not believe that it would be right to stand in the way of independent control of salaries and allowances in the Assembly.⁶¹

For the Conservative Party, Lord Glentoran said that it was "appropriate" to give power to the NIA to delegate responsibility for pay and allowances. He noted that the Speaker of the assembly had confirmed that there was "support across the parties represented in the

⁵⁵ HL Deb 1 December 2009 cc720-732

⁵⁶ HL Deb 10 January 2010 ccGC73-GC82

⁵⁷ HL Deb 3 February 2010 cc215-223

⁵⁸ HL Deb 24 February 2010 cc1023-1025

⁵⁹ HL Deb 1 December 2009 c720

⁶⁰ HL Deb 1 December 2009 c721

⁶¹ HL Deb 1 December 2009 c722

Assembly for the establishment of an Independent Statutory Body”.⁶² However, he argued that the Bill should go further:

I said at the outset that we on these Benches support the Bill as far as it goes, but it does not go as far as it might. This would have been a timely opportunity also to look at the matter of “double jobbing”.⁶³

Lord Glentoran noted that the UUP had tabled a motion in the NIA calling for an end to double jobbing by 2011; and that the CSPL called for an end to double jobbing as soon as possible.⁶⁴

Lord Smith of Clifton (for the Liberal Democrats) also welcomed the Bill, although “with one or two reservations”. He asked why it would take until 2011 to pass legislation in Northern Ireland to set up an independent body. He indicated that the Liberal Democrats may support the Conservative amendments to end double jobbing.⁶⁵

Lords Bew and Alderdice both welcomed the Bill. However, Lord Alderdice raised the question of the re-election of the Speaker of the NIA – standing as ‘Speaker seeking re-election’, he said, “would not work in the context of STV”.⁶⁶

In closing the debate, Baroness Royall indicated that amendments on double jobbing would have to be carefully worded to remain within the scope of the Bill. In relation to the time that would be required to set up any independent body, she suggested that the NIA might wish to consult the public before doing so.⁶⁷

8.3 Committee Stage

The Bill completed its committee stage in a single sitting in Grand Committee. It is not possible to divide the House of Lords in Grand Committee, so although a number of amendments were debated, the Bill was not amended.

Two groups of amendments, tabled by Lord Glentoran, were debated. The first group would have required the NIA to delegate authority to set Members’ pay and allowance to an independent body and not allow it the choice to continue setting its own Members’ pay and allowances. The amendments would also have prevented the NIA from delegating authority to the Assembly Commission.⁶⁸ The Liberal Democrats did not support the amendments. Baroness Royall argued that the objective of the Bill was to give the NIA “discretion as to whether or not it should introduce independent control of salaries and allowances”. She also noted that the Bill was being brought forward in response to a request from the Assembly, so she saw “no reason to doubt that the Assembly will make the decision to introduced independent control”. Lord Glentoran withdrew his amendments but said that, depending on how the Assembly determined to proceed, he would consider bringing them back at Report Stage.⁶⁹

The second group of amendments related to the question of dual mandates. The scope of the Bill prevented an amendment to explicitly bar MLAs from being MPs or MEPs. However, amendments were debated that would have prevented any Member of the NIA from drawing

⁶² HL Deb 1 December 2009 c722

⁶³ HL Deb 1 December 2009 c723

⁶⁴ HL Deb 1 December 2009 cc723-724

⁶⁵ HL Deb 1 December 2009 cc724-725

⁶⁶ HL Deb 1 December 2009 c727

⁶⁷ HL Deb 1 December 2009 c730, c732

⁶⁸ HL Deb 12 January 2010 cGC73

⁶⁹ HL Deb 12 January 2010 ccGC74-75

a salary or receiving allowances if they were a Member of Parliament or a Member of the European Parliament, or accruing pension benefits at any time they held dual mandates. Lord Glentoran argued that the amendments “make good the Conservative pledge to do away with the practice in Northern Ireland known as double-jobbing”.⁷⁰ He noted that the Liberal Democrats had supported the amendment and that at second reading baroness Royall had “reaffirmed the Government’s intention to do something about it”. He also noted widespread support for the principle of ending double-jobbing.

He described the effect of his amendment:

The amendments are not designed to prevent a person being elected to more than one legislature but they would in practice act as a very strong deterrent. They would prevent an Assembly Member drawing a salary, expenses, or pension for their membership of the Stormont Assembly if, at the same time, they were a Member of the House of Commons or the European Parliament. The latter institution is included to reflect the drafting of Section 47 of the Northern Ireland Act 1998, which provides for a proportionate reduction in salary if there is a double mandate. The amendments would not prevent somebody standing for-and, if the electorate were to endorse them, winning-a seat in two legislatures, but I think that noble Lords will recognise that we have tried to express strong disapproval of such a course of action by withholding any remuneration in the Assembly.⁷¹

Lord Smith of Clifton (Liberal Democrat), Viscount Brookeborough, Lord Bew, Lord Maginnis of Drumglass and Baroness Blood all spoke in support of the amendments.

Baroness Royall had “listened carefully” to the points made and reviewed the CSPL’s views before setting out the Government’s view:

It is the Government’s view that the best way forward is for the parties in Northern Ireland to come to an agreement about how to bring dual mandates to a close. The Assembly and the Executive Review Committee have put dual mandates on their forward work programme. The Government are not therefore persuaded that this Bill should be used to force the hand of the Northern Ireland parties.⁷²

However, she added that “the Government have said, quite clearly, that they agree with the Kelly report. We agree that double-jobbing must end by 2015”. She felt that in that time consensus could be achieved and new talent brought forward, but ultimately the decision should be taken by politicians in Northern Ireland. Despite these comments, she undertook to “take this back and reflect further”, having heard the strength of the Committee”.⁷³

8.4 Report Stage

Between the Committee Stage and the Report Stage in the House of Lords, the NIAC was told of the amendments to end double-jobbing. NIAC also continued its preparation of a bill to establish an independent statutory body to determine Members’ pay, pensions and financial support.⁷⁴ (The progress of such a bill is dependent on the NIA being given the powers in the *Northern Ireland Assembly Members Bill*.)

⁷⁰ HL Deb 12 January 2010 cGC76

⁷¹ HL Deb 12 January 2010 cGC76

⁷² HL Deb 12 January 2010 cGC80

⁷³ HL Deb 12 January 2010 ccGC80-82

⁷⁴ Northern Ireland Assembly Commission, [Minutes of the Fifty Fourth Meeting of the Assembly Commission held on Thursday 21 January 2010 at 1.05pm In Room 106](#), Item 6.1-6.2,

At Report Stage, Baroness Royall brought forward amendments “to address the issue of dual mandates and that offer a reasonable compromise”. Unlike the Conservative amendments at Committee Stage, the Government amendments would not remove Assembly allowances from those holding dual mandates and would only withhold Assembly salaries from those Members who received salaries as either MPs or MEPs; they would still receive any Northern Ireland ministerial salaries. She stated that the “reduction in salary would take effect as soon as the Bill’s provisions are commenced: it is not predicated upon the establishment of the independent body”. She also confirmed that whilst MLAs’ salaries were reduced to zero, they would not accrue pension benefits.⁷⁵

Lord Glentoran thanked the Leader of the House for “having the courage to concede the point by bringing forward her own amendments”. But he did not think them perfect.⁷⁶ He described their effect in the following way:

Amendment 1 deals with MLAs who are also MPs and who are eligible to receive a Westminster salary. If a person falls into that category-and not all MPs from Northern Ireland are eligible to take a Westminster salary-his MLA salary will drop to zero, although a separate salary is still payable if he is a Minister in the Assembly. Therefore, he will receive his full Back-Bench MP’s salary, expenses and allowances for Westminster, Stormont administrative allowances, and possibly a ministerial salary. The noble Baroness expects that the disincentive of losing the Stormont MLA salary will be enough to encourage a double-jobber to step down from one legislature or the other.⁷⁷

He contrasted this with his amendment, “Our Amendment 2, which I moved in Committee, would go further. It would withhold all salary and expenses from an MLA until he stepped down as an MP”.⁷⁸

For the Liberal Democrats, Lord Smith of Clifton acknowledged that “the Government have attempted to address the problem of double-jobbing ... [but] they have not gone as far as we would like, or as the Kelly report advised”. However, he expressed gratitude that the Government had brought forward the amendment; and said that the Liberal Democrats would accept the amendment.⁷⁹

8.5 Third Reading

On 24 February 2010, Baroness Royall of Blaisdon spoke on the Bill’s third reading. She outlined the effect of the Bill and noted changes that had been made to it as it passed through the Lords. She said it would enable the NIA to “confer the functions of setting salaries and allowances for Members of the Assembly on an independent body of its choosing”. She reported that the Government had recognised the strength of feeling on the issue of dual mandates and brought forward amendments at Report Stage: “The effect of these amendments was that any MLA who was also a Member of either House of Parliament or Member of the European Parliament would not receive any salary for their position as an MLA”.⁸⁰

During the following debate on the motion “That the Bill do now pass”, Lord Kilclooney (formerly John Taylor) expressed concern that, as a result of the provisions on dual mandates, Parliament was “restricting who can be a candidate in elections. That is a very

⁷⁵ HL Deb 3 February 2010 c215

⁷⁶ HL Deb 3 February 2010 c216

⁷⁷ HL Deb 3 February 2010 c217

⁷⁸ HL Deb 3 February 2010 c217

⁷⁹ HL Deb 3 February 2010 c218

⁸⁰ HL Deb 24 February 2010 c1023

dangerous train for Parliament to take". However, Lord Glentoran suggested that Lord Kilclooney was "slightly wrong". He said that "The Bill does not stop people being elected: it only ensures that they cannot take three salaries".⁸¹

Lord Kilclooney also asked whether, if a Northern Ireland Member were elected to the Irish Parliament, salaries and allowances would be affected in any way. Baroness Royall undertook to write to him on the matter.

Lord Alderdice expressed his gratitude for the response he had received to the questions he had raised on the re-election of and pension arrangements of the Speaker of the NIA. He reported that following the devolution of policing and justice, it was the Government's intention to explore the question of the Speaker's re-election with the Northern Ireland parties and then to amend legislation. He was satisfied that the relevant authorities were now aware of the issue of the Speaker's pension.⁸²

⁸¹ HL Deb 24 February 2010 c1024

⁸² HL Deb 24 February 2010 c1024