



## Northern Ireland Assembly Members Bill [Lords]: progress in the Commons

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This note charts progress of the *Northern Ireland Assembly Members Bill [Lords]* in the House of Commons.

The *Northern Ireland Assembly Members Bill* was introduced to 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 House of Lords added provisions to prevent Assembly Members who also sit in the House of Commons or the European Parliament from drawing their Assembly salaries.

The Bill completed its passage through the Lords and was introduced in the Commons on 24 February 2010.

It received an unopposed second reading on 11 March 2010. On the same day, the House agreed to a programme motion that would have seen the Bill be considered in Committee and complete its remaining stages on the floor of the House on a single day. These proceedings took place during wash-up, when the Bill was considered in an hour, on 7 April 2010. The Bill was not amended and subsequently received Royal Assent on 8 April.

Background to the bill and details of its passage through the House of Lords are set out in the Library Research Paper [Northern Ireland Assembly Members Bill \[Lords\] 2009-10](#).

This note reviews the Bill's progress through the House of Commons and outlines related developments in the Northern Ireland Assembly.

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**Contents**

- 1 Introduction 3**
- 2 Commons Second Reading 3**
  - 2.1 Dual mandates 4
- 3 Commons Committee and Remaining Stages 5**
- 4 Commencement 6**
- 5 Developments 7**
  - 5.1 The establishment of an independent body responsible for MLAs’ pay and allowances 7
  - 5.2 Ending dual mandates for Northern Ireland councillors 8
- Appendix: Northern Ireland Assembly Members – pay changes 10**

## 1 Introduction

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

The *Northern Ireland Assembly Members Bill* was introduced to 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 specified 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.

Provisions were added to the Bill, 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. Entitlement to full allowances in connection with each mandate held were unaffected by the Bill.

In the Lords, it received a second reading on 1 December 2009, and was committed to a Grand Committee. The Grand Committee considered the Bill on 12 January 2010. The Report Stage, on the floor of the House of Lords, was taken on 3 February, and the Bill was read a third time and passed on 24 February 2010.<sup>1</sup> On the same day, it was introduced in the House of Commons.

Background to the bill and details of its passage through the House of Lords are set out in the Library Research Paper [Northern Ireland Assembly Members Bill \[Lords\] 2009-10](#).<sup>2</sup>

## 2 Commons Second Reading

The *Northern Ireland Assembly Members Bill* received an unopposed second reading in the Commons on 11 March 2010, after a short debate.<sup>3</sup>

There was broad agreement for the provisions that would remove the restriction in the *Northern Ireland Act 1998* that prevented the Assembly from delegating authority to set salaries and allowances for Members of the Northern Ireland Assembly (MLAs). Laurence Robertson, the Conservative spokesman echoed a call, made from the Conservative front bench in the House of Lords by Lord Glentoran, for the Bill to require the Assembly to delegate the authority to an independent body, however, he was "heartened" that a Bill would be brought forward in the Assembly to establish an independent body to determine salaries and allowances.<sup>4</sup> Paul Goggins, the Minister of State in the Northern Ireland Office, argued that the Government believed that the purpose behind the Bill was "to facilitate a choice for the Assembly".<sup>5</sup>

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<sup>1</sup> HL Deb 1 December 2009 cc720-732; HL Deb 10 January 2010 ccGC73-GC82; HL Deb 3 February 2010 cc215-223; HL Deb 24 February 2010 cc1023-1025

<sup>2</sup> House of Commons Library Research Paper RP 10/25, [Northern Ireland Assembly Members Bill \[Lords\] 2009-10](#), 9 March 2010

<sup>3</sup> HC Deb 11 March 2010 cc491-508

<sup>4</sup> HC Deb 11 March 2010 c496

<sup>5</sup> HC Deb 11 March 2010 c506

Sir Patrick Cormack, the Chair of the Northern Ireland Affairs Committee, welcomed the permissive nature of the Bill but cautioned the Assembly to take its time in ensuring that any independent body did not “infringe upon the sovereignty of your Assembly”.<sup>6</sup>

## 2.1 Dual mandates

Paul Goggins noted that the Bill had been amended in the Lords so that someone who was “carrying out a dual mandate ... should not receive the salary for the second job, but should continue to receive the allowances for both functions, because their constituents should not suffer from any loss of service”.<sup>7</sup>

Bill Cash did not understand the logic behind the position and questioned why, if someone was doing two jobs, they should not receive two salaries.<sup>8</sup>

Sir Patrick Cormack suggested that whether someone held a dual mandate was a matter for voters:

I understand the logic employed by those who argue that the dual mandate is wrong, but ultimately it is not for us to prohibit but for the electorate to decide.<sup>9</sup>

Later in the debate, he welcomed the fact that the parties were seeking to “outlaw within the party rules the dual mandate” and said that he did not disagree with his frontbench, rather it was just a question of how one came to a solution.<sup>10</sup>

From the Conservative frontbench, Laurence Robertson reiterated his Party’s agreement with the Committee on Standards in Public Life’s (CSPL’s) recommendation that dual mandates should be brought to an end by the time of elections scheduled for the devolved legislatures in May 2011. He addressed the questions from his backbenchers by stating that at the outset of the devolution process dual mandates had been appropriate. They ensured that Assembly Members and Ministers were “quite experienced politicians” but, he continued, “we have moved on”. He argued that it was not simply a matter of whether representatives were “able to spend sufficient time both in the Assembly and here” but also about “people’s ability to serve two masters”. He argued that Members of Parliament should “be able to take a dispassionate judgment on the working of the Northern Ireland Assembly”.<sup>11</sup>

He repeated comments made in the House of Lords that the Conservative Party’s wish would have been to outlaw dual mandates completely but the scope of the Bill was too narrow to allow that.<sup>12</sup>

Mark Durkan outlined the Social Democratic and Labour Party’s view that “all parties needed to agree and commit to either a fixed date or a point in the electoral cycle when dual mandates should end”.<sup>13</sup> He also argued that a Minister in the Assembly should be “full time” and “should not also be in another place”. He said that he would support an amendment to

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<sup>6</sup> HC Deb 11 March 2010 c505

<sup>7</sup> HC Deb 11 March 2010 c492

<sup>8</sup> HC Deb 11 March 2010 c492

<sup>9</sup> HC Deb 11 March 2010 c494

<sup>10</sup> HC Deb 11 March 2010 c504

<sup>11</sup> HC Deb 11 March 2010 cc496-497

<sup>12</sup> HC Deb 11 March 2010 c498

<sup>13</sup> HC Deb 11 March 2010 c499

that effect, although he would allow an exception for the First Minister and the Deputy First Minister.<sup>14</sup>

For the Liberal Democrats, Alistair Carmichael accepted that removing the second salary entirely from those holding dual mandates was a “helpful and necessary first step” to the eventual abolition of dual mandates.<sup>15</sup>

David Simpson of the Democratic Unionist Party (DUP) noted that his party had already stated that party members holding dual mandates would not accept any Assembly salary after the next election. He confirmed that the DUP remained “fully committed to ending dual mandates”. He also told the House that his party supported the CSPL’s recommendations on Members’ expenses. In response to an intervention from Christopher Fraser, he accepted that any new body appointed to regulate salaries and allowances should have the power to investigate any alleged wrongdoing without a formal complaint being made.<sup>16</sup>

In his concluding remarks, the Minister of State noted that every Member who spoke in the debate referred to dual mandates. He continued that:

There were a range of opinions on that, and through discussions the Government brought forward a change that I believe satisfied everybody, at least to some extent, by reducing to zero the salary of a Member of the Assembly in the given circumstances. We are all clear that we are in a period of transition in relation to dual mandates ...<sup>17</sup>

The BBC reported on the debate and outlined recent developments on dual mandates in Northern Ireland.<sup>18</sup>

### **3 Commons Committee and Remaining Stages**

Following the second reading debate, the House agreed a programme motion that committed the Bill to a Committee of the whole House, and provided for the Committee stage, Report stage and third reading to take place on the same day.<sup>19</sup>

The Committee and remaining stages were scheduled for 7 April 2010, when the Leader of the House of Commons announced forthcoming business before the Easter Recess;<sup>20</sup> but in the event were caught up in the wash-up before dissolution. An hour was provided for the Bill.<sup>21</sup>

No amendments were made to the Bill,<sup>22</sup> and it received an unopposed third reading.<sup>23</sup>

The Committee stage debate concentrated on clause 1. The Minister, Paul Goggins, highlighted two features – the provisions that that would permit the Northern Ireland Assembly to delegate the determination of salaries and allowances; and provisions on dual mandates, added in the House of Lords. He commented that the latter were “seen as a step

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<sup>14</sup> HC Deb 11 March 2010 cc499-500

<sup>15</sup> HC Deb 11 March 2010 c501

<sup>16</sup> HC Deb 11 March 2010 cc502-503

<sup>17</sup> HC Deb 11 March 2010 c506

<sup>18</sup> BBC News, [Commons debates NI double-jobbing legislation](#), 11 March 2010

<sup>19</sup> HC Deb 11 March 2010 c508

<sup>20</sup> HC Deb 25 March 2010 c379

<sup>21</sup> HC Deb 7 April 2010 cc975-1004

<sup>22</sup> HC Deb 7 April 2010 cc1015-1020

<sup>23</sup> HC Deb 7 April 2010 cc1020-1026

along the road to ending dual mandates in Northern Ireland”.<sup>24</sup> Laurence Robertson for the Conservative Party, welcomed the fact that the Assembly would be able to delegate the determination of pay and allowances and was “pleased that the Government met us halfway on the second part of the Bill, which deals with anyone who is a parliamentarian elsewhere from receiving a full salary in the Assembly. It is important to move towards the end of double jobbing, and we feel that it would be better to achieve that through consensus”.<sup>25</sup>

For the Liberal Democrats, Alistair Carmichael said that he “would have preferred the provisions on double-jobbing to go a little further”.<sup>26</sup>

Peter Robinson told the Committee that the provisions on delegating the determination of pay and allowances “will have the support of all the parties in the Assembly as it moves forward”; and that Assembly legislation would be proceeded with. He also set out how his party, the Democratic Unionist Party, was addressing the question of dual mandates:

Clause 1 takes us closer to “one person, one job”, and I think that is right. [...]

Although the Bill does not tackle the actual issue of dual mandates, any sensible politician is bound to decide in due course that single mandates are best.<sup>27</sup>

The Committee ordered that all three clauses stand part; and the Bill was reported without amendments.<sup>28</sup>

At third reading, the opposition spokesmen thanked the Minister and officials for the way in which they had approached the Bill. But both parties stressed the question of dual mandates was still a work in progress.<sup>29</sup>

Mark Durkan acknowledged the work of the Northern Ireland Assembly in pressing for the Bill to be taken forward. He too said that the issue of dual mandates was not yet resolved, and again noted that there would be no financial penalty for a Member of the Oireachtas who also sat in the Assembly.<sup>30</sup>

At both the Committee stage and the third reading, Bill Cash expressed some disquiet about the provisions on dual mandates. He argued that the context of devolution in the United Kingdom and the way in which devolved administrations were funded meant that dual mandates were entirely appropriate.<sup>31</sup>

The Bill received an unopposed third reading.<sup>32</sup> It received Royal Assent the following day.<sup>33</sup>

## 4 Commencement

On 2 July 2010, the Secretary of State for Northern Ireland, Owen Paterson, made a Commencement Order that brought the provisions of sections 1 and 2 of the Act into force on 5 July 2010.<sup>34</sup>

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<sup>24</sup> HC Deb 7 April 2010 c1015

<sup>25</sup> *Ibid*

<sup>26</sup> HC Deb 7 April 2010 c1016

<sup>27</sup> HC Deb 7 April 2010 c1018

<sup>28</sup> HC Deb 7 April 2010 c1020

<sup>29</sup> HC Deb 7 April 2010 cc1021-1022

<sup>30</sup> HC Deb 7 April 2010 cc1023-1024

<sup>31</sup> HC Deb 7 April 2010 c1015; c1025

<sup>32</sup> HC Deb 7 April 2010 c1026

<sup>33</sup> HC Deb 8 April 2010 c1256

## 5 Developments

Whilst the *Northern Ireland Assembly Members Bill* was proceeding through Parliament, the Northern Ireland Assembly Commission (NIAC) continued to consider matters relating to Members' pay, pensions and financial support. The NIAC had been deliberating on proposals from the Senior Salaries Review Body between December 2008 and November 2009. It had circulated proposals to MLAs ahead of a debate scheduled for 30 November 2009. The debate did not go ahead, and the NIAC report has not been published: one consequence was that MLA salaries did not increase in April 2010, although the Office Costs Allowance was uprated in line with the Retail Prices Index.<sup>35</sup>

The NIAC's work on establishing an Independent Statutory Body to determine the salaries and allowances of Members is described below. Other issues relating to financial support for Assembly Members considered by the NIAC are not discussed here.

### 5.1 The establishment of an independent body responsible for MLAs' pay and allowances

During the second reading debate, Paul Goggins, the Minister of State in the Northern Ireland Office, noted that once the Bill was enacted, the Northern Ireland Assembly would have the power to legislate to establish an independent body to set salaries and allowances for MLAs. He confirmed that it was the Northern Ireland Assembly's "intention to have legislation in place prior to the next Assembly election, which is scheduled for 2011".<sup>36</sup> Later he added that:

From the correspondence and discussions that I have had with the Speaker of the Assembly and with politicians of all parties, I know that there is a firm intention to take this matter forward once the Bill passes through the House.<sup>37</sup>

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.<sup>38</sup>

In February 2010, it was noted that an updated Policy Considerations Paper relating to a bill to establish an Independent Statutory Body had been issued to the parties.<sup>39</sup>

At its meetings on 1 June 2010, the NIAC considered legislative and practical plans for the establishment of the Independent Statutory Body:

The Commission approved the public consultation documentation and agreed that the exercise should take place during Summer Recess to allow for the Bill to be brought before the Assembly at the earliest opportunity. Members noted that the Body should be established prior to the next Mandate.

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<sup>34</sup> *Northern Ireland Assembly Members Act 2010 (Commencement) Order 2010*, SI 2010/1726

<sup>35</sup> Northern Ireland Assembly Commission, [Minutes of the Fifty Seventh Meeting of the Assembly Commission Held on Thursday 22 April at 1.00 pm 2010 in Room 106](#), Item 5

<sup>36</sup> HC Deb 11 March 2010 c492

<sup>37</sup> HC Deb 11 March 2010 c495

<sup>38</sup> 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

<sup>39</sup> Northern Ireland Assembly Commission, [Minutes of the Fifty Fourth Meeting of the Assembly Commission held on Thursday 18 February 2010 in Room 106](#), Item 5.2

The Commission further considered a range of staffing options for the Independent Statutory Body and agreed that due to the nature of the Body, the most cost effective means should involve seconding staff from the Secretariat under a duty imposed by the Bill. Members agreed that this option would be subject to consideration by the Independent Statutory Body when established.<sup>40</sup>

On 15 June 2010, on behalf of the Northern Ireland Assembly Commission, Rev Robert Coulter introduced the *Allowances to Members of the Assembly (Repeal) Bill*. The Bill would repeal the *Allowances to Members of the Northern Ireland Assembly Act (Northern Ireland) 2000*, which made provision for resettlement allowance, ill-health retirement allowance and winding-up allowance for Members who left the Assembly.

In the Explanatory Notes to the Bill, the Commission confirmed its intention to establish an Independent Statutory Body to determine future pay of MLAs, as provided for in the *Northern Ireland Assembly Members Act 2010*:

The Commission also proposes that the Assembly passes an Act establishing an Independent Statutory Body ('ISB') that will determine the future pay, pension and financial support arrangements for Members or former Members of the Assembly (including any allowances for former Members similar to the 2000 Act allowances). Such a body cannot be empowered to pass primary legislation for Northern Ireland, and therefore could not itself repeal the 2000 Act. The repeal of the 2000 Act is therefore a necessary step in the project to establish and empower such a body.<sup>41</sup>

The *Allowances to Members of the Assembly (Repeal) Bill* has not been proceeded with because not all parties in the assembly supported the NIAC's report on *Financial Support and Pensions for Members of the NIA*, which had been approved on 15 June 2010.<sup>42</sup>

The Commission confirmed its intention to consult on the establishment of the Independent Statutory Body at its meeting on 29 June 2010.<sup>43</sup> The document, *Consultation on Establishing an Independent Statutory Body to Determine Pay, Pensions, and Financial Support for Members of the Northern Ireland Assembly*, was issued and the closing date for responses was 31 August 2010.<sup>44</sup>

## 5.2 Ending dual mandates for Northern Ireland councillors

On 8 March 2010 the Northern Ireland Assembly agreed the Second Stage of the *Local Government (Disqualification) (Amendment) Bill*. The Bill was introduced by Dawn Purvis MLA (then the leader of the Progressive Unionist Party). At the Second Stage debate, she described the purpose of the Bill:

The purpose of the Bill is to end the practice of dual mandates between the Assembly and local district councils.<sup>45</sup>

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<sup>40</sup> Northern Ireland Assembly Commission, [Minutes of the Fifty Eighth Meeting of the Assembly Commission held on Thursday 1 June 2010 at 6.30pm in Room 106](#), Item 7.4

<sup>41</sup> Northern Ireland Assembly, [Allowance to Members of the Assembly \(Repeal\) Bill – Explanatory and Financial Memorandum](#)

<sup>42</sup> Northern Ireland Assembly Commission, [Minutes of the Fifty Ninth Meeting of the Assembly Commission held on Tuesday 15 June 2010 in Room 106](#), Item 3; [Minutes of the Sixtieth Meeting of the Assembly Commission held on Monday 21 June 2010 in Room 106](#), Item 1 and Item 2

<sup>43</sup> Northern Ireland Assembly Commission, [Minutes of the Sixty Second Meeting of the Assembly Commission held on Tuesday 29 June 2010 at 1.30pm in Room 106](#), Item 5

<sup>44</sup> Northern Ireland Assembly Commission, [Consultation on Establishing an Independent Statutory Body to Determine Pay, Pensions, and Financial Support for Members of the Northern Ireland Assembly](#), undated

<sup>45</sup> Northern Ireland Assembly, [Official Report](#), 8 March 2010

The Bill was referred to the Environment Committee and the Committee reported on 24 June 2010. The Committee recommended that MLAs should not be prevented from standing as councillors; and that the disqualification as a councillor should take effect “at the end of 60 days after a person takes his or her seat as a member of the Assembly”. This would allow council seats to be filled temporarily, rather than be declared vacant. Councillors who were subsequently disqualified could be replaced by co-option.<sup>46</sup>

The Bill was then considered in plenary on 12 October 2010. Dawn Purvis moved a series of amendments recommended by the Environment Committee. All the amendments were agreed to and at the conclusion of the Consideration Stage, the Deputy Speaker announced:

That concludes the Consideration Stage of the Local Government (Disqualification) (Amendment) Bill. The Bill stands referred to the Speaker.<sup>47</sup>

(The legislative process for public bills in the Northern Ireland Assembly is described on the assembly’s website.<sup>48</sup>)

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<sup>46</sup> Committee for the Environment, *Report on Local Government (Disqualification) (Amendment) Bill (NIA 7/09)*, 24 June 2010

<sup>47</sup> Northern Ireland Assembly *Official Report* 12 October 2010, <http://www.niassembly.gov.uk/record/reports2010/101012.htm#a8>; the proceedings were reported by the BBC: BBC News, *Assembly members back ban on double-jobbing*, 12 October 2010

<sup>48</sup> Northern Ireland Assembly, *The Legislative Process for Public Bills*, Factsheet 4

## Appendix: Northern Ireland Assembly Members – pay changes

Date of Change	Reason for Change	Salary
26 June 1998	Original	£29,292
2 December 1999	Increased – devolution	£38,036
12 February 2000	Suspended	£29,292
30 May 2000	Re-started	£38,036
20 December 2000	Increase	£39,139
1 April 2001	Increase	£40,313
1 April 2002	Increase	£41,321
15 November 2002	Suspended	£31,817
1 June 2003	Dissolution	£20,660
27 November 2003	Election	Nil
5 December 2003	Post-election	£31,817
8 March 2007	Election	Nil
13 March 2007	Post-election	£31,817
8 May 2007	Increase	£43,101

Source: Northern Ireland Assembly