



Northern Ireland draft bill 2012-13

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This Note sets out the main provisions of the *Northern Ireland (Miscellaneous Provisions)* draft Bill published on 11 February 2013. The draft Bill is being given pre-legislative scrutiny by the Northern Ireland Affairs Committee, beginning on 25 February 2013. Their report is expected to be published by the end of this session.

The draft Bill:

- Gives the Secretary of State power to make transparent the declaration of donations to political parties in Northern Ireland from September 2014;
- Abolishes the practice of double-jobbing, whereby Assembly Members also sit in the House of Commons;
- Modifies the way in which the Justice and Policing Department is allocated to a minister under the d'Hondt process;
- Improves electoral registration procedures,
- Amends the Secretary of State's power to designate bodies in respect of equalities legislation.

The draft Bill does not alter the number of seats in the Assembly, or set the date of the next election to it. The *Electoral Registration and Administration Act 2013* has postponed the first review of Parliamentary constituency boundaries under the *Parliamentary Voting System and Constituency Act 2011* to 2018. The review was expected to reduce the number of Assembly seats, as well as Westminster seats, since the boundaries are co-terminous.

The draft Bill also does not consider the particular make-up of the Northern Ireland Executive, whereby ministries and chairs of committees are allocated by the d'Hondt formula and there is no government or opposition in the usual Westminster sense.

General background on political developments in Northern Ireland is set out in Standard Note 6518 [Political Developments in Northern Ireland January to December 2012](#).

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Contents

1	Introduction	3
1.1	NIO Consultation Paper August 2012	4
1.2	Pre-legislative scrutiny	6
2	Transparency in political donations	7
2.1	Background	7
2.2	Northern Ireland (Miscellaneous Provisions) Act 2006	8
2.3	Proposals for change	10
2.4	Draft Bill	11
3	Dual mandates	12
3.1	Background	12
3.2	MLAs with dual mandates	13
3.3	Other MPs with dual mandates	14
3.4	The draft Bill	14
4	Allocation of post of Minister of Justice	15
4.1	Background	15
4.2	The draft Bill	17
5	Electoral registration and administration	17
5.1	Registration	18
5.2	Overseas voters	19
5.3	Absent voting	20
5.4	Electoral offences	20
6	Statutory duty to designate public authorities	20
7	Evidence Sessions	20
	Statistical Appendix	22

1 Introduction

The Belfast (Good Friday) Agreement of 1998, followed by a referendum in both Northern Ireland and the Republic of Ireland and a subsequent *Northern Ireland Act 1998* created a devolved Assembly and Executive in Northern Ireland. This resumption of devolution replaced nearly three decades of direct rule from Whitehall and Westminster.

The *Northern Ireland Act 1998* created three types of legislative and executive functions. Powers exercised in Northern Ireland are transferred; powers exercised at Westminster and Whitehall are excepted, and there is an intermediate set of reserved powers which can be transferred to Northern Ireland at some stage in the future, with consent, using an Order in Council procedure.

There were some initial suspensions of the Assembly as elements of the Agreement and the legislation came under strain. Further legislation followed in the *Northern Ireland (St Andrews Agreement) Act 2006* and the *Justice and Security (Northern Ireland) Act 2007*. The latter enabled the reserved powers of justice and security to be devolved to Northern Ireland under a new policing and justice department. Devolution was restored on 8 May 2007, after elections to the Assembly in March 2007. Power over policing and justice was transferred in April 2010 and the Alliance party leader, David Ford, became the relevant minister. There were elections to the Assembly in May 2011.

In the Northern Ireland Assembly, Chairs and Deputy Chairs of committees and Executive Ministers are assigned using the d'Hondt formula. This means that membership of the Executive is an automatic entitlement of electoral strength, determined by the application of the D'Hondt divisor which allocates seats on the basis of the highest average (the number of seats each party wins at an Assembly election is divided initially by one and thereafter by one more than the number of seats won, until all seats are allocated). This system is unique and resulted from the need to ensure that all major parties in Northern Ireland took part in power-sharing. The consequence is that there is no concept of an Assembly Opposition and that parties and MLAs are locked into a designation of nationalist, unionist or other.

The passage of the *Fixed-Term Parliaments Act 2011*, fixing the date of the next general election to May 2015 led to a change in the date of elections to the Scottish Parliament and the National Assembly for Wales from 2015 to 2016. However the position in Northern Ireland was left open, as negotiations were continuing within the Assembly about the appropriate electoral cycle.

The issue of the size of the Assembly has been under discussion for a couple of years. There is pressure to reduce the numbers of MLAs and also the number of Executive departments, given the population of Northern Ireland which is under two million.

Section 33 of the *Northern Ireland Act 1998* provides that each Westminster constituency in Northern Ireland returns 6 members, creating an Assembly of 108 MLAs, elected under the Single Transferable Vote.

There was no provision in the *Parliamentary Voting System and Constituencies Act 2011*, which amended the Rules for Redistribution to reduce the size of the House of Commons to 600 Members, to decouple the Northern Ireland Assembly seats from those for Westminster.

The Boundary Commission for Northern Ireland announced at the commencement of the 2013 review that Northern Ireland would have 16 constituencies, a reduction of two.¹ This would have meant a consequential reduction in the number of seats in the Assembly from 108 to 96. However, under the *Electoral Registration and Administration Act 2013*, the first review of Parliamentary constituency boundaries under the PVSC Act which would reduce the number of constituencies to 600 has been postponed from 2013 to 2018.

There are no provisions in the draft Bill to reduce the size of the Assembly but the Government stated that

The consultation responses indicate that there is a general desire to reduce the number of seats to improve the efficiency of the Assembly and provide better value for money to taxpayers. We will continue to engage with the Northern Ireland political parties to seek an outcome on this matter which commands broadly based support and which could therefore be included in the Bill.²

The Assembly and Executive Review Committee of the Assembly was established as part of the St Andrews Agreement. It is required to review and report on the operation of Parts III and IV of the *Northern Ireland Act 1998*.

Part III deals with Executive Authorities and Part IV deals with a range of areas including Assembly Elections and Assembly Proceedings. It has published reports reviewing the number and allocation of departments among other topics. In 2012 it published reports on reducing the number of Northern Ireland departments and on the number of Assembly seats.³

The Committee's current inquiry is into the operation of government and opposition. A research paper from the Assembly research service [Opposition, Community Designation and D'hondt](#) published in December 2012 sets out some useful background on the current issues.⁴

1.1 NIO Consultation Paper August 2012

In August 2012 the then Secretary of State for Northern Ireland, Owen Patterson, issued a consultation paper on measures to improve the operation of the Northern Ireland Assembly. The main topics discussed were:

- Reducing the number and distribution of constituencies in Northern Ireland to 96;
- Extending the term of the Northern Ireland Assembly to five years, beginning with the current term;
- Phasing out dual mandates;
- Moving to a more traditional model, with a Government and Opposition⁵

Teresa Villiers was appointed Secretary of State for Northern Ireland in September 2012, following the August 2012 Government reshuffle.

¹ [Library Standard Note 6225](#) gives further details of the boundary review in Northern Ireland

² [Publication of draft legislation Northern Ireland \(Miscellaneous Provisions\)](#), Cm8563, February 2013, p8

³ See Committee page at <http://www.niassembly.gov.uk/Assembly-Business/Committees/Assembly-and-Executive-Review/Reports/> for details

⁴ Research and Information Service Briefing Paper 189

⁵ [Consultation on measures to improve the Northern Ireland Assembly](#) August 2012 Northern Ireland Office

The NIO consultation closed on 23 October 2012 and consultation responses are available from the NIO website.⁶ The summary of responses published in February 2013 concluded that there was broad support for a reduction in size and for phasing out dual mandates, with more variety of opinion expressed on the date of the Assembly election and length of the term, and moving to a Government and Opposition model. No Sinn Fein response was made public.

The Command Paper introducing the draft Bill in February 2013 set out a series of issues which might also be included in the Bill, when brought forward next session. These include topics already outlined in the August 2012 Northern Ireland Office consultation paper:

- Size of the Assembly;
- Length of the Assembly term and future election dates;
- Length of current Assembly term;
- Government and opposition;
- Devolution of responsibility for arms length bodies.

The Command Paper acknowledged support for and expressed interest in a reduction in the size of the Assembly. It concluded that at present there was insufficient support for an extension in the length of the Assembly term from four to five years. (In Scotland and Wales five year terms are only planned for 2016, to avoid a clash with a UK general election in 2015. Thereafter the terms revert to four years).⁷ However, some action to avert a potential clash in 2020, should the next election be postponed to 2016, was considered sensible. The Paper did not note the point, but there is some sensitivity about potential elections in 2016- a date which marks the 100th anniversary of the Easter Rising and the battle of the Somme- both events resonant in a Northern Ireland context.

The Paper did not expect legislative change in respect of government and opposition but noted:

22. While the Government would welcome moves towards a system of government and opposition, we remain clear that such changes could only come about with the agreement of parties in the Assembly. In addition, such moves must be consistent with the principles of inclusivity and of power-sharing that are central to the Belfast Agreement. We do not believe that there is sufficient consensus for statutory change at present which is why the draft Bill includes no provision on this issue.

23. However, the consultation document also drew attention to the possibility of procedural change within the Assembly aimed at providing for a more effective opposition. The Government notes that the Assembly & Executive Review Committee is examining these questions, amongst other institutional issues. The Assembly Research and Information Service produced a Briefing Paper¹ entitled 'Opposition, Community Designation and d'Hondt' in November 2012. Procedural developments are of course matters for the Assembly itself and not for the Government to seek to impose.⁸

⁶ [Summary of responses to consultation on measures designed to improve the effectiveness of Northern Ireland Assembly](#) Northern Ireland Office February 2013

⁷ *Fixed-Term Parliaments Act 2011*, sections 4 and 5

⁸ [Publication of draft legislation Northern Ireland \(Miscellaneous Provisions\)](#), Cm8563, February 2013, p8

Finally the Command Paper considered that there were functions relating to arms' length bodies such as the Northern Ireland Human Rights Commission, which might usefully be transferred, but no provision was made for this in the draft Bill.

1.2 Pre-legislative scrutiny

The Foreword to the Command Paper makes the point that this draft Bill is the first Northern Ireland legislation to be introduced at Westminster "not to be introduced in an atmosphere of political crisis". It is also the first since 1998 to undergo pre-legislative scrutiny. Northern Ireland legislation at Westminster has often been dealt with under urgency procedures and forms a large proportion of the subject matter of such bills since 1998.⁹

The Northern Ireland Affairs Select Committee announced its pre-legislative scrutiny on 13 February, with a view to publishing a report by the end of March 2013. It asked the following questions:

- Are the proposals in the draft Bill sufficient to balance the dual objectives of increasing transparency of political donations and providing proportionate protection to past and present donors? Could they be improved, if so how?
- The draft Bill contains clauses which would prevent Members of the House of Commons from sitting concurrently in the Northern Ireland Assembly. To what extent are the Government's proposals on dual mandates justifiable and proportionate? Should a similar provision apply in respect to Members of the House of Commons sitting in the Scottish Parliament and Welsh Assembly?
- To what extent do the Government's proposals relating to the appointment and tenure of the NI Justice Minister adequately reflect the expectations of the Northern Ireland Assembly and the wider community in Northern Ireland?
- In addition to the clauses pertaining to Electoral Registration and Administration, the Government had stated that it intends to implement recommendations made by the Electoral Commission in its 2012 report on the electoral register in Northern Ireland. What further issues should the Government consider in order to ensure that the electoral regime reflects high performance standards?
- The Government has identified a number of measures which are still under consideration for potential inclusion in the final Bill. These include the size of the Northern Ireland Assembly; Length of Assembly Terms and Future Election Dates; Government and Opposition; and Devolution of responsibilities relating to Arm's-Length Bodies. The Government has made clear that any significant institutional changes would only be made on the basis of broad consensus among both NI parties and the wider community. What steps, if any, should the Government take to build consensus on the matters still under consideration? Is sufficient consensus on any of these issues likely to develop before this draft Bill completes pre-legislative scrutiny? If not, what timetable would be realistic so as to tackle these issues with the agreement of Northern Irish parties?
- Are there any risks or gaps in the draft legislation which the Committee should consider?

⁹ See Lords Constitution Committee *Fast Track Legislation- Constitutional Implications and Safeguards* HL 116 2008-09

- Does the draft legislation give rise to any human rights or equality concerns?¹⁰

2 Transparency in political donations

2.1 Background

In October 1998, the Committee on Standards in Public Life (the Neill Committee) published a report into *The Funding of Political Parties in the United Kingdom*.¹¹ It made a variety of recommendations on the transparency and reporting of donations received by political parties; it recommended that “Political parties should in principle be banned from receiving foreign donations”.¹² However, it accepted that a different situation applied in Northern Ireland, including the rights of citizens of the Republic of Ireland not to be considered aliens, the Belfast Agreement provisions for joint North/South institutions and the structure of some political parties which operated across both jurisdictions. It then recommended:

In relation to donations to political parties in Northern Ireland, the definition of a ‘permissible source’ should also include a citizen of the Republic of Ireland resident in the Republic subject to compliance with the Republic’s Electoral Act 1997.¹³

In July 1999 the Government accepted the Committee’s proposals for a different approach in Northern Ireland:

The Neill Committee concluded that section 2(1) of the Ireland Act 1949 and the terms of the Good Friday Agreement argued for an exception to be made to the definition of a permissible source in order to allow a citizen of the Republic of Ireland to make a donation to a Northern Ireland political party provided that the donor complied with the provisions of the Republic of Ireland’s Electoral Act 1997 (R29). The Government accepts the case for making such an exception and proposes to give effect to the Committee’s recommendation by means of an exemption order (clause 63). Such an order will initially be made for five years when it will be subject to review and, if necessary, renewed.¹⁴

Section 70 of the *Political Parties, Elections and Referendums Act 2000* allowed the Secretary of State for Northern Ireland, to alter the framework for Northern Ireland. Through the *Political Parties, Elections and Referendums Act 2000 (Disapplication of Part IV for Northern Ireland Parties, etc) Order 2001*,¹⁵ the Secretary of State disappplied the rules on donations received by parties in Northern Ireland for four years.

In November 2004 the Government announced that the disapplication would be extended for a further two years. During that time period legislation would be brought forward to reflect the different position of Northern Ireland but align it more closely to the arrangements in the rest

¹⁰ [Northern Ireland Affairs Committee calls for evidence on draft legislation](#) 13 February 2013

¹¹ Committee on Standards in Public Life, *The Funding of Political Parties in the United Kingdom*, October 1998, Cm 4057, <http://www.archive.official-documents.co.uk/document/cm40/4057/volume-1/volume-1.pdf>

¹² Committee on Standards in Public Life, *The Funding of Political Parties in the United Kingdom*, October 1998, Cm 4057, recommendation 24, p71

¹³ Committee on Standards in Public Life, *The Funding of Political Parties in the United Kingdom*, October 1998, Cm 4057, recommendation 29, p77

¹⁴ Home Office, *The Funding of Political Parties in the United Kingdom – The Government’s proposals for legislation in response to the Fifth Report of the Committee on Standards in Public Life*, July 1999, Cm 4413, para 4.16, <http://www.archive.official-documents.co.uk/document/cm44/4413/4413-00.htm>

¹⁵ *The Political Parties, Elections and Referendums Act 2000 (Disapplication of Part IV for Northern Ireland Parties, etc) Order 2001*, SI 2001/446

of the United Kingdom would be brought forward.¹⁶ The *Political Parties, Elections and Referendums Act 2000 (Disapplication of Part IV for Northern Ireland Parties, etc) Order 2005*, disapplied Part IV of PPERA to political parties in Northern Ireland until the end of February 2007.¹⁷ The *Electoral Administration Act 2006* applied the same rules on disclosing donations to non-commercial loans but, as with donations, these types of loans were not disclosed in relation to Northern Ireland.

The Northern Ireland Office undertook a consultation in 2005 as to whether to continue to disapply PPERA in Northern Ireland.¹⁸ There was opposition from unionist parties, including the DUP, to proposals to continue to allow Irish citizens to make donations to political parties in Northern Ireland. There were also strong concerns that individuals or businesses making donations to particular parties would face the threat of intimidation or violence if information relating to these donations was made public.

2.2 Northern Ireland (Miscellaneous Provisions) Act 2006

The main changes introduced by the *Northern Ireland (Miscellaneous Provisions) Act 2006* were set out in the NIO 2010 consultation paper as follows:

First, unlike parties elsewhere in the UK, Northern Ireland political parties can receive funding from Irish citizens and bodies.

Secondly, although the Northern Ireland parties are still required to report donations and loans to the Electoral Commission, the Commission is under a strict obligation not to release details of these transactions publicly.

These new arrangements have been in place in Northern Ireland since 1 November 2007 for donations and 1 July 2008 for loans.¹⁹

Under the 2006 Act, when the transitional period ends, the reports submitted by Northern Ireland recipients become fully disclosable. So unless the transitional period is extended or the legislation modified, the 2006 provisions come into effect.

Part 3 of the 2006 Act inserted a new chapter in PPERA 2000, which makes special provisions for “Northern Ireland recipients” of donations, that is parties, regulated donees (MPs, MEPs, MLAs and councillors) ordinarily resident in Northern Ireland and “members’ associations wholly or mainly consisting of members of a Northern Ireland party”.

Northern Ireland recipients continue to be able to receive donations from an Irish citizen or bodies of a prescribed description who meet conditions prescribed. Both the descriptions of bodies and the conditions are prescribed, by order, by the Secretary of State in consultation with the Electoral Commission. Northern Ireland recipients are not able to make donations to political parties registered in Great Britain.

Technically, the 2006 Act provided that after 31 October 2007 the reporting requirements in Part 4 of PPERA would then apply to Northern Ireland recipients. For a transitional period the Electoral Commission would be prevented from disclosing information on donations provided to it by Northern Ireland recipients. The transitional period was scheduled to run

¹⁶ HC Deb 18 November 2004 c104WS

¹⁷ SI 2005/299

¹⁸ Political Donations in Northern Ireland, September 2005
<http://cain.ulst.ac.uk/issues/politics/docs/nio/nio050805b.pdf>

¹⁹ [Donations and Loans to Northern Ireland Political Parties: the confidentiality arrangements](#) NIO Consultation Paper, August 2010

from 1 November 2007 to 31 October 2010 under section 14, although the Secretary of State was given power to extend the period for not more than two years at a time, by an order subject to the affirmative resolution procedure (Clause 17). This power has been used twice, to extend the transitional period to 30 September 2014.²⁰

The *Miscellaneous Provisions Act and Loans Order* places a strict duty on Electoral Commission employees and members not to disclose information it receives in relation to donations and loans made to Northern Ireland political parties. While the prescribed period is ongoing, the Secretary of State has the power under this Order to make provision modifying the confidentiality arrangements.

The rules on the source of donations to Northern Ireland political parties reflect the rules for parties in the Irish Republic, as set out in section 71B of PPERA (amended)

71B Extension of categories of permissible donors in relation to Northern Ireland recipients

(1) In relation to a donation to a Northern Ireland recipient, section 54(2) has effect as if the following were also permissible donors—

- (a) An Irish citizen in relation to whom any prescribed conditions are met;
- (b) A body which is of a prescribed description or category and in relation to which any prescribed conditions are met.

(2) A description or category of body must not be prescribed for the purposes of subsection (1)(b) unless the Secretary of State is satisfied that a body of that description or category would be entitled under Irish law to donate to an Irish political party.

(3) In relation to a donation in the form of a bequest subsection (1)(a) is to be read as referring to an individual—

- (a) Who at any time within the period of five years ending with the date of his death was an Irish citizen, and
- (b) In relation to whom, at the time of his death, any prescribed conditions were met.²¹

Under Irish law, donations are permitted from citizens of the Irish Republic living overseas. The law on party funding has recently been amended in the Republic, and new guidelines from the Standards in Public Office Commission (which regulates donations) set out the position:

A political party or any of its sub-units may not accept a donation, of any value, from an individual (other than an Irish citizen) who resides outside the island of Ireland. Similarly no donation, of any value, may be accepted from a body corporate or an unincorporated body of persons which does not keep an office in the island of Ireland from which at least one of its principal activities is directed.²²

²⁰ *Control of Donations and Regulations of Loans Etc. (Extension of the Prescribed Period) (Northern Ireland) Order 2010 and Control of Donations and Regulations of Loans Etc. (Extension of the Prescribed Period) (Northern Ireland) Order 2013*

²¹ As amended by the *Northern Ireland (Miscellaneous Provisions) Act 2006*

²² *Donations: Guidelines for Political Parties on donations and prohibited donations from the Standards in Public Office Commission* Republic of Ireland p 14 January 2013 <http://www.sipo.gov.ie/en/Guidelines/Donations/> /

There is a certification procedure, explained in Electoral Commission guidance:

Please note that in respect of each donor who is an Irish citizen, a certified copy of one of the following documents must be attached to the return:

the donor's Irish passport

the donor's Irish certificate of nationality

the donor's Irish certificate of naturalisation²³

2.3 Proposals for change

In August 2010, the Northern Ireland Office consultation paper *Donations and Loans to Northern Ireland Political Parties – The confidentiality arrangements*²⁴ asked whether the time was right to end the transitional period, and if so, whether the 2006 provision required modification, bearing in mind continued concerns about intimidation or boycotts, should the identity of donors be revealed. The paper noted:

2.6.1. As noted in paragraph 1.3.4 above, at the point when the prescribed period expires, details of donations and loans reported to the Electoral Commission during the prescribed period (that is from 1 November 2007 onwards) will be made public. A case could be made for keeping confidential any information reported about donations and loans made *during* the prescribed period, and for the Commission to release only information relating to donations and loans made *after* the expiry of the prescribed period.

However, the current legislative framework does not permit this; such a change could only be secured through amendment via primary legislation and it is highly unlikely that this could be done before 1 March 2011. If a decision was made that details of all donations and loans made during the prescribed period should remain confidential, the current prescribed period would need to be extended to allow time for the necessary legislative provision to be made.²⁵

The [Government response to the consultation](#) was published in January 2011.²⁶ It noted that there were a number of responses which expressed concern about moving directly to the PPERA regime in 2011, although there was majority support for transparency. This extract sets out the range of responses:

Option 1 would allow the prescribed period to expire with the full register of donations and loans made available to the public. Option 2 would extend the prescribed period

²³ Quarterly donation return by a registered political party in Northern Ireland (Revised version January 2010) Electoral Commission http://www.electoralcommission.org.uk/__data/assets/pdf_file/0018/84321/Explanatory-notes-RP10aNI--January-2010.pdf

²⁴ *Government response to consultation on political donations and loans in Northern Ireland* Northern Ireland Office, January 2011 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/136405/Donations_and_loans_to_Northern_Ireland_political_parties_-_government_response.pdf

²⁵ *Donations and loans to political parties in Northern Ireland: the confidentiality requirements* NIO August 2010 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/136404/Donations_and_loans_to_Northern_Ireland_political_parties.pdf

²⁶ *Government response to consultation on political donations and loans in Northern Ireland* Northern Ireland Office, January 2011 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/136405/Donations_and_loans_to_Northern_Ireland_political_parties_-_government_response.pdf

for a further two years, retaining the current confidentiality arrangements. Option 3 would also extend the prescribed period for a further two years but with modifications to provide for greater transparency

6. Option 1 was supported by most respondents (77%). Supporters ranged from NGOs, political parties such as Sinn Fein, the Alliance Party and the Green Party and journalists (including the National Union of Journalists). All members of the public unaffiliated to any particular organisation also supported Option 1. The main reason put forward by proponents of Option 1 was that full transparency would result in greater public confidence in the funding of political parties in Northern Ireland and politics there more generally.

7. Around 12% of respondents preferred the continuation of the current arrangements for a further two years as set out in Option 2. This included the Democratic Unionist Party and the Ulster Unionist Party (although the latter also expressed a preference for Option 3 if Option 2 was not considered acceptable). The common reason put forward by supporters of Option 2 was that the current risk to donors remains high and that there should be no change in the current arrangements until there is a significant improvement in the prevailing security climate.

8. Around 12% of respondents also preferred Option 3. This included the Electoral Commission and the Social Democratic and Labour Party. The main reason put forward by proponents of Option 3 was that concerns remained about the risk of intimidation of donors which justified withholding identities, but that there was also a case for greater transparency and that modifications should be made to provide for this.

Retrospective disclosure

9. The consultation paper also sought views on whether details of donations and loans made from the commencement of the prescribed period on 1 November 2007 should be released when the prescribed period ends.

The paper explained that details of such donations could only be withheld after the prescribed period had ended by enacting primary legislation. As this would take several months to implement, the paper indicated that only Options 2 and 3 above could provide for this and that Option 1 would allow for these details, including donor identities, to be released. Most respondents again either specifically supported the full disclosure of these donations and loans or supported Option 1, which would in effect also have provided for this.²⁷

The Government response stated that it would immediately extend the legislation to delay disclosure until 2013, and that it would explore the possibility of new legislation to allow for the modification of transparency and the protection of donor identity until 2013.

2.4 Draft Bill

The draft Bill proposes amendments to the 2006 Act to:

- Enable the Secretary of State to apply transparency provisions in a gradual manner, enabling him to amend or modify the current donations regime to increase (but not decrease) transparency.

²⁷ [Summary of responses to consultation on measures to improve the operation of the Northern Ireland Assembly](#), NIO, February 2013

- Ensure that information about donations and loans made during the ‘prescribed period’ is not subject to the same transparency provisions. In particular the identity of donors will not be released for donations or loans made before 2014, unless the Electoral Commission has reasonable ground to believe that the donor has consented.

The [Explanatory Notes](#) give more detail. The temporary amendments to PPERA made in the *Northern Ireland (Miscellaneous Provisions) Act 2006* are made permanent. The Secretary of State may increase transparency, after consulting the Electoral Commission, by amending, repealing or modifying any enactment connected with donations for political parties. The power is exercised using an SI subject to affirmative resolution. New section 15A of the *Northern Ireland (Miscellaneous Provisions) Act 2006* would apply to donations received after 1 November 2007. New section 15B would protect the confidentiality of donations made before 1 October 2014, unless the donor consented. Similar provisions would apply to non-commercial loans under the *Electoral Administration Act 2006*

3 Dual mandates

3.1 Background

Dual mandates have been the “source of some criticism, particularly in the wake of the expenses scandal”.²⁸ In its 2009 review of MP’s expenses and allowances, the Committee on Standards in Public Life concluded that the practice of holding dual mandates in the House of Commons and devolved legislatures should be brought to an end as soon as possible:

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.²⁹

The Labour Government introduced the *Northern Ireland (Assembly Members) Bill 2009-10* to allow the Northern Ireland Assembly to establish an independent remuneration body. However, during its passage through the House of Lords, the Bill was amended by the Government, following pressure from opposition parties on dual mandates, to prevent MLAs who were also MPs (who had taken their seats) from receiving any of their salary as an MLA. The legislation was passed and since 5 July 2010, MLAs who are also MPs have not drawn any salary as an MLA.³⁰

In its August 2012 consultation paper, the Government noted that it had “consistently made clear that it would like to see multiple mandates between the Northern Ireland Assembly and the House of Commons ended”.³¹ It also noted that the Northern Ireland Executive had agreed to bring forward legislation to prevent MLAs from being district councillors.

The consultation paper reviewed the practice of and arguments against holding multiple mandates, before asking for views on the following questions:

²⁸ Cm 8563, Explanatory Notes, para 17

²⁹ Committee on Standards in Public Life, *MPS’ expenses and allowances: Supporting Parliament, safeguarding the taxpayer*, Cm 7724, November 2009, para 12.22

³⁰ *Northern Ireland (Assembly Members) Act 2010* (chapter 16), section 1(50); *Northern Ireland (Assembly Members) Act 2010 (Commencement) Order 2010*, SI 2010/1726

³¹ Northern Ireland Office, *Consultation on measures to improve the operation of the Northern Ireland Assembly*, August 2012, para 3.1

Question 5 - Do you believe that representatives should be prohibited from holding the offices of MP and MLA at the same time?

Question 6 Should MLAs also be prohibited from being members of the House of Lords?

Question 7 Is it better to use primary legislation to ban such practices outright at the earliest opportunity or to take a power to do so at a later date to allow space for agreement to be reached?³²

The draft legislation provides for MPs to be disqualified for membership of the Assembly but it provides a short period (of eight) days to allow an MP who is elected to the Assembly to resign from the House of Commons.

The legislation applies only to MLAs with dual mandates as MPs at Westminster. MLAs who are members of the House of Lords, of the European Parliament or of the Dáil are not affected. Currently members of the Dáil as with members of Commonwealth legislatures, may also sit in the Commons.³³ The White Paper also notes that “No provision barring dual mandates exists in relation to the devolved administrations in Scotland and Wales”,³⁴ and there is no proposals to introduce such a bar.

3.2 MLAs with dual mandates

The Committee on Standards in Public Life noted that in 2009:

Sixteen out of 18 MPs representing Northern Ireland constituencies are also members of the Northern Ireland Assembly (MLAs). Five of them currently hold ministerial positions there.³⁵

Following the general election in 2010, the number of MPs who were also MLAs had reduced to 11. After the 2011 Assembly elections, the number reduced further to six; and following the resignations, as MPs, of Gerry Adams and Martin McGuinness in January 2011 and January 2013, respectively, four MPs hold dual mandates as MLAs:

Members who held dual mandates

Following the 2010 General Election 14 February 2013

Gerry Adams (SF)	
Gregory Campbell (DUP)	Gregory Campbell (DUP)
Nigel Dodds (DUP)	
Pat Doherty (SF)	
Mark Durkan (SDLP)	
Michelle Gildernew (SF)	
Alasdair McDonnell (SDLP)	Alasdair McDonnell (SDLP)
Martin McGuinness (SF)	
Conor Murphy (SF)	
Margaret Ritchie (SDLP)	

³² Northern Ireland Office, *Consultation on measures to improve the operation of the Northern Ireland Assembly*, August 2012, chapter 3

³³ [Disqualifications Act 2000](#)

³⁴ Cm 8563, para 6

³⁵ Committee on Standards in Public Life, *MPS' expenses and allowances: Supporting Parliament, safeguarding the taxpayer*, Cm 7724, November 2009, para 12.15

Sammy Wilson (DUP)

Sammy Wilson (DUP)

3.3 Other MPs with dual mandates

The Committee on Standards in Public Life noted that in 2009:

The only other current example of dual mandates in both Westminster and a devolved legislature is that the First Minister in the Scottish Parliament is also a Westminster MP. He has indicated that he will not be standing for election to Westminster at the next election. There are currently no Welsh MPs who are also AMs³⁶

Alex Salmond stood down from Westminster at the 2010 General Election.

However, a small number of MSPs and AMs were elected to the House of Commons in 2010. None of them contested seats in Scotland or Wales in the elections to the devolved legislatures in 2011.

Sitting MSPs elected as MPs in 2010

Margaret Curran (Lab)

Cathy Jamieson (Lab)

Sitting AMs elected as MPs in 2010

Alun Cairns (Con)

In a written ministerial statement on 12 March 2013, the Secretary of State for Wales, David Jones, announced that dual mandates would also be banned in Wales, so that AMs would no longer be able to be Members of the Commons.³⁷ AMs would continue to be able to sit in the Lords.

3.4 The draft Bill

Clause 3 of the draft Bill prohibits sitting both in the Assembly and at Westminster, but with an 8 day grace period, as described in the *Explanatory Notes*:

19. Section 1 of the Northern Ireland Assembly Disqualification Act 1975 ("NIADA 1975") provides that a person is disqualified for membership of the Assembly who for the time being holds the offices, memberships and employments described in section 1(1). Clause 3(1) of the Bill inserts new section 1(1)(za) into NIADA 1975, adding membership of the House of Commons to the list. The effect is that MPs are disqualified for membership of the Assembly, subject to the exception created in clause 3(2).

20. Clause 3(2) of the Bill provides a limited exception to the disqualification of MPs for membership of the Assembly. Its object is to ensure that a person may stand for election both to the Assembly and to the House of Commons, and then decide which membership to pursue if successfully returned to both. It equally ensures that a person who is already an MP may stand for nomination to the Assembly and may then choose which membership to pursue if subsequently returned to the Assembly.

21. Clause 3(2) of the Bill accordingly inserts into the NIADA 1975 a new section 1A(1), which provides that a member of the House of Commons is not disqualified for membership of the Assembly for a period of 8 days following his return to the Assembly.

³⁶ Committee on Standards in Public Life, *MPS' expenses and allowances: Supporting Parliament, safeguarding the taxpayer*, Cm 7724, November 2009, para 12.16

³⁷ "Secretary of State announces next steps in review of future electoral arrangements for the National Assembly for Wales" 12 March 2013 *Wales Office Press Release*

A period of eight days allows time for an elected representative to make a decision. It is common for there to be a period of over a week before the first meeting of the Assembly after the election. The *Explanatory Notes* make clear that this facility applies only to elected members of the Assembly and not those filled by substitution.³⁸ Until the *Electoral Administration Act 2006*, it was possible for an MP to be elected for two Westminster constituencies and then choose which seat to hold.³⁹ The drafting of clause 3 refers to an MP being elected, rather than taking a seat in the House of Commons. A candidate becomes a Member from the date of his or her due election, not from when they take the oath or affirmation in the House of Commons. Sinn Fein MPs do not currently take the parliamentary oath and are therefore unable to participate in parliamentary proceedings at Westminster or receive a parliamentary salary. They may use parliamentary facilities.⁴⁰

The *Disqualifications Act 2000* also removed the bar on members of the Dail from sitting in the Northern Ireland Assembly, through amendment of the *Northern Ireland Assembly Disqualification Act 1975*. However, TDs cannot serve as Ministers in the Northern Ireland Executive. The Oireachtas does not prohibit its Members from being members in the Assembly.

4 Allocation of post of Minister of Justice

4.1 Background

The policy initiative behind the clause is neatly summarised in the *Explanatory Notes* to the draft bill

32. These clauses give effect to an agreement between the Northern Ireland political parties to amend the Northern Ireland Act 1998 (the “1998 Act”) to change the means by which the Minister of Justice for Northern Ireland (the “Justice Minister”) is appointed, and to remove the anomaly whereby the party of which the Justice Minister is a member has one extra seat in the Northern Ireland Assembly (the “Assembly”) than that which it would have pursuant to the d’Hondt formula.

The *Northern Ireland (St Andrews Agreement) Act 2006* required the Assembly to report to the Secretary of State for Northern Ireland by 27 March 2008 on their readiness for transfer of policing and justice functions. Schedule 5 of the *Justice and Security (Northern Ireland) Act 2007* inserted section 16A of the *Northern Ireland Act 1998*. This set out a new procedure for appointing the First and deputy First Ministers and Northern Ireland Ministers following an Assembly election. Section 16A ensures that the Minister and deputy Minister of the new department for policing and justice are appointed after the First and deputy First Minister, but before the other Northern Ireland ministers. This is needed to ensure that the relevant ministerial office is counted for the purposes of the d’Hondt formula for allocating ministerial posts.

Section 21A of the 1998 Act set out a number of possible appointment mechanisms for the Justice Minister, one of which may be selected and provided for by an Act of the Assembly. Once again, this new section was added to the 1998 Act by the *Justice and Security*

³⁸ Cm 8563 Explanatory Notes para 24

³⁹ *Electoral Administration Act 2006*, s 22 See Erskine May (24th ed2011)p29

⁴⁰ Erskine May (24th ed 2011) p54 and p156. In 1999 The European Court of Human Rights held that the obligation to take the oath did not contravene the European Convention of Human Rights. (*McGuinness v United Kingdom* ECHR 39511/98) See Standard Note 1667 [Sinn Fein allowances and access to Commons facilities](#)

(Northern Ireland) Act 2007. Section 22C to the 1998 Act set out a time limit by which final arrangements had to be agreed for the appointment of a Justice Minister.

Further intervention at Westminster took place in 2009, with the *Northern Ireland Act 2009*, which had an expedited passage. The Act offered a new option for the appointment of the Justice Minister to be added to the menu of options already in the *Northern Ireland Act 1998*. Schedule 1 provided for a model whereby a single Minister is nominated by a Member of the Northern Ireland Assembly and elected on a cross-community vote. This appointment would not be subject to the d'Hondt procedure used for filling the other posts in the Northern Ireland Executive and would take place before the d'Hondt process is used to nominate the other Ministers. This initial department would be dissolved on 1 May 2012 unless the Assembly had either passed a resolution on a cross-community basis to continue with the arrangements provided for in the Act, or put in place alternative future arrangements for the ministerial oversight of that department by legislation at Stormont.⁴¹ Devolution of policing and justice then took place in 2010. The legislation facilitated some complex negotiations between the Assembly parties, resulting in the Alliance Party leader, David Ford, taking the post.

The Assembly enacted the *Department of Justice Act (Northern Ireland) 2010* which opted for the mechanism set out in section 21A(3A) of the 1998 Act. Part 1A of Schedule 4A to the 1998 Act applies to this appointment, creating differences between this appointment and the appointment of other Northern Ireland Ministers. As the Command Paper on the draft Bill notes, this does not give the Minister the same security of tenure as other ministers in the Executive:

The NI Justice Minister is not appointed by the d'Hondt procedure which is used for all other Ministerial offices in the NI Executive. Instead he is appointed through nomination by one or more members of the Assembly and approval by cross community vote. Currently, the incumbent can be removed if a motion is raised to that effect by either the First and deputy First Ministers acting together, or 30 or more Assembly members, followed by a majority cross community vote.

8. There were discussions among political parties in Belfast in 2012 prior to the Assembly reaching a conclusion, in accordance with its legal obligations, on the permanent method of appointing a Justice Minister. In light of those discussions the First Minister and deputy First Minister asked my predecessor to bring forward provision to give the Justice Minister the same security of tenure as other ministers. He agreed to do so and the draft Bill gives effect to this.

9. The draft clauses also remedy the current anomaly created by the appointment of the Justice Minister outside the d'Hondt procedure which currently gives the party from which the Justice Minister is appointed an 'extra' Ministerial post to those which it would be entitled under the normal procedure for Ministerial appointments.⁴²

Schedule 1, Part 3, paragraph 8 of the *Northern Ireland Act 2009* made provision for the dissolution of the Department of Justice by 1 May 2012 unless either:

- The Assembly resolved, through cross community support, that the Department is to continue operating from 1 May 2012, or

⁴¹ See Library Research Paper 09/18 [The Northern Ireland Bill 2008-09](#)

⁴² Northern Ireland (Miscellaneous Provisions) draft bill
<http://www.official-documents.gov.uk/document/cm85/8563/8563.pdf>

- A 'second Act' of the Assembly provided that the Department is to continue operating from 1 May 2012.

The Department was due to be automatically be dissolved on 1 May 2012. In the event, a cross community vote was carried on 28 February 2012 in the Assembly. Sinn Fein attempted an amendment which would have required an Assembly Act making the appointment through d'Hondt, but this failed to achieve a majority.⁴³

In August 2012 the then Northern Ireland Secretary, Owen Patterson, said that he would bring forward legislation that would include providing the same security of tenure for Northern Ireland Justice Ministers as all other Executive Ministers enjoy. In response the DUP Deputy Leader Nigel Dodds commented that "the Westminster government should work with local parties rather than launch criticisms at a distance."⁴⁴ SF was quoted as saying "Sinn Féin will not tolerate any attempts by Mr Paterson or anyone else to undermine the power-sharing and equality provisions which lie at the heart of the successful operation of the political institutions."

4.2 The draft Bill

Clause 5 amends Part 1A of Schedule 4A to the *Northern Ireland Act 1998* to bring the Justice Minister within the d'Hondt allocation process, although the post is still treated distinctly. The new form would come into effect by a commencement order laid by the Secretary of State. It is not the intention to modify the allocation in the current Assembly.

If enacted, the Justice Minister would be appointed immediately after the First Minister and deputy First Minister posts are decided upon. The formula for working out the number of Ministerial offices to which each party is entitled may then be amended to take into account the position of Justice Minister.

It is worth noting that the consent of the nominating officer of the relevant party is required for the candidate to put themselves forward for the post of Justice Minister. This concept of prior consent first appeared in the *Northern Ireland (St Andrews Agreement) Act 2006*, as a way of choreographing the appointment of First and Deputy First Ministers. The nominating officer is a position defined under PPERA for the purpose of party registration.

Clause 6 sets out procedures if the Justice Minister leaves office for any reason.

The draft bill, if enacted, would provide a more permanent solution to the question of allocating the post of Justice Minister than currently exists. However, there has been discussion about reducing the number of ministries in the Northern Ireland Executive. This may have longer term implications for the d'Hondt allocation procedure overall.

5 Electoral registration and administration

The clauses of the draft Bill relating to electoral registration and administration give effect to the commitments made by the Government following a public consultation in 2009 on improving electoral registration procedures in Northern Ireland.⁴⁵ The consultation sought views on a number of proposals relating to electoral registration and to the application procedures for absent voters.

⁴³ [Northern Ireland Assembly 28 February 2012 Minutes of Proceedings](#)

⁴⁴ "Paterson launches Assembly consultation" 14 August 2012 *UTV news*

⁴⁵ [Improving Electoral Registration Procedures in Northern Ireland](#), Northern Ireland Office, July 2009

The Government published its response to this consultation on 24 November 2009.

5.1 Registration

The draft Bill removes the requirement to have been resident in Northern Ireland for three months before being entitled to register to vote.

The 2009 consultation paper on registration procedures suggested that there was a case for removing the three month residence requirement. This had been introduced by the *Ireland Act 1949*. The Northern Ireland Office noted that the requirement may dissuade certain groups of potential voters from registering, in particular young people who are less likely to have a permanent residence and the necessary documentation to prove it.⁴⁶

The Electoral Commission supported the removal of the three month requirement in its [response](#) to the consultation paper. The Government's response to the consultation noted that there were no objections to the proposal in the responses to the consultation paper and that

respondents also emphasised that this requirement had an adverse effect on those who move to Northern Ireland within three months of an election because it prevents them from registering and therefore voting at the election. The provision was also considered to be now largely obsolete as an anti-fraud measure due to other robust requirements introduced over the last few years.⁴⁷

Electoral Commission's 2012 report on continuous electoral registration in Northern Ireland

The Government also intends to implement recommendations made by the Electoral Commission in its November 2012 report on the electoral register in Northern Ireland.⁴⁸ These recommendations are not included in the draft Bill.

The Electoral Commission's report found that there had been 'a significant and worrying decline in both the accuracy and completeness of Northern Ireland's electoral register' since 2008. The Commission recommended 'an immediate and sustained programme of action...to address and reverse the trend', including contact with every household in Northern Ireland to verify and update entries on the register and to identify new eligible electors. [Library Standard Note 6501](#) gives further details of the report and the Commission's recommendations are given below:

Before the 2014 elections, we recommend:

1. Household registration activity, involving all necessary steps to identify who is entitled to be registered in respect of a property, to improve the accuracy and completeness of electoral registers
2. Appropriate funding for this activity should be made available to the CEO

⁴⁶ [ibid](#), p6

⁴⁷ [Government response to the consultation Improving Electoral Registration Procedures in Northern Ireland](#), November 2009

⁴⁸ [Continuous electoral registration in Northern Ireland](#), Electoral Commission, November 2012

3. There should be public awareness activity to support the household registration work

In addition to this household activity, and beginning immediately, we recommend that the CEO should:

4. Review all existing agreements with data holding organisations to ensure that they provide effective support to enable him to meet his statutory registration objectives

5. Review the effectiveness of his existing processes for contacting electors identified through data matching, in order to encourage registration applications/updates/and to review/remove redundant entries

Finally, over the medium- to long-term, we recommend that the UK government introduces legislation to:

6. Extend to Northern Ireland the performance standards framework that applies in Great Britain

7. Amend the statutory framework for the conduct of the canvass in Northern Ireland in order to allow for a more effective and efficient process, more closely aligned with Great Britain

On-going monitoring of the state of the register in Northern Ireland will also be essential. The CEO will assess his performance against the Commission standards for the pilot period up to 31 March 2013 and will provide the Commission with all relevant information/ data to complete its assessment in mid April 2013. We also plan to undertake a further study into levels of accuracy and completeness in Northern Ireland in 2014.⁴⁹

5.2 Overseas voters

The draft Bill makes provision to allow people from Northern Ireland who are living overseas and who wish to be registered as overseas voters to declare themselves as either a British or an Irish citizen on the declaration accompanying their application to be registered. The draft Bill does not remove the requirement in section 1 of the *Representation of the People Act 1985* that persons born in Northern Ireland must have the legal status of British citizens in order to register as overseas electors.⁵⁰ There are currently 19 registered overseas voters in Northern Ireland.⁵¹

[Library Standard Note 5923](#), *Overseas voters*, gives further information about the relevant legislation. The NIO indicated in the 2009 consultation paper that this requirement should be changed or modified for voters who were registered in Northern Ireland because

...the need for the declaration raises issues in the context of the nationality provisions of the Belfast (Good Friday) Agreement (the Agreement), which provides for the people of Northern Ireland “to identify themselves and be accepted as Irish or British or both”.⁵²

The Electoral Commission supported amending the regulations to allow for a declaration of Irish citizenship for Northern Ireland citizens only, saying that it recognised that some people

⁴⁹ [Continuous electoral registration in Northern Ireland](#), Electoral Commission, November 2012, p6

⁵⁰ [Publication of draft legislation Northern Ireland \(Miscellaneous Provisions\)](#), Cm8563, February 2013

⁵¹ Information from the Electoral Commission in Northern Ireland

⁵² Cm 8563p12

may be deterred from registering as overseas electors due to a reluctance to identify themselves as British. Most respondents to the consultation also agreed that changing the requirement would ensure greater consistency with the spirit of the Belfast (Good Friday) Agreement and that it might encourage more people to register as overseas electors.⁵³

5.3 Absent voting

The existing bar on those who apply to be registered during the late registration period (between the last day for nominations and the 11th calendar day before the poll) in Northern Ireland from also applying for an absent vote is removed. This restriction had the effect of disenfranchising a small number of people who registered during this period, but who were unable to attend a polling station to vote in person. Voters who register during the late registration period will be able to apply for an absent vote on the same basis as those voters who were already on the electoral register. The Electoral Commission had recommended this change in its report on the Northern Ireland Assembly elections in 2011.⁵⁴

5.4 Electoral offences

Providing false information in relation to an electoral ID card application becomes an offence.

Section 13D of the *Representation of the People Act 1983* provides that a person who, for any purpose connected with the registration of electors, provides to a registration officer any false information, is guilty of an offence but it was not clear as to whether this provision would cover the provision of false information in an application for an electoral identity card. The provision in the draft Bill closes this loophole.

6 Statutory duty to designate public authorities

Clause 11 of the Bill would amend the Secretary of State's power to designate public authorities as being subject to the statutory duty to promote equality, contained in section 75 of the *Northern Ireland Act 1998*. Section 75 places a duty on public authorities to "have due regard to the need to promote equality of opportunity". It is similar in effect to the public sector equality duty contained in [section 149](#) of the *Equality Act 2010*.

The Secretary of State may by order designate authorities as being subject to the duty. However, designation must be in respect of all of the authority's functions, without exception. Clause 11 would allow for partial designation. Partial designation may be appropriate where it is considered that certain of an authority's functions should be subject to the duty, whilst others should not. The clause would enable designation in a manner similar to that provided for in the *Equality Act 2010*. For example, under the *Equality Act* the British Broadcasting Corporation is subject to the equality duty except "in respect of functions relating to the provision of a content service", as it was felt that statutory intervention in the BBC's content services was undesirable.⁵⁵

7 Evidence Sessions

Evidence was taken on the Northern Ireland draft Bill in late February/early March 2013. Uncorrected evidence from these sessions is available on the [Committee webpage](#).

⁵³ [Government response to the consultation Improving Electoral Registration Procedures in Northern Ireland](#), November 2009

⁵⁴ [Report on the Northern Ireland Assembly election on 5 May 2011](#), Electoral Commission, October 2011

⁵⁵ *Equality Act 2010*, Schedule 19, Part 1, as amended by the *Equality Act 2010 (Public Authorities and Consequential and Supplementary Amendments) Order 2011 SI No.1060*

Some of the media reaction is summarised below.

26 February 2013 – *BBC News* reports that Sinn Fein has given public evidence to the Westminster Northern Ireland Affairs Committee in Stormont for the first time. Sinn Fein has said they would consider doing the same at Westminster but would not take up seats. It is also reported that Alasdair McDonnell (SDLP Leader) believed that double jobbing should be ended but thought there was the benefits for exempting party leaders should be examined.⁵⁶

7 March – *The Guardian's* politics blog reports that Ian Paisley warned Theresa Villiers about Irish TD's taking seats at Stormont but being excluding Westminster MPs as he gave evidence to a Northern Ireland Affairs Select Committee.⁵⁷

7 March – *The Belfast Telegraph* also notes Ian Paisley's remarks about ending 'double jobbing' in both Westminster and Stormont.⁵⁸

7 March – *BBC News* has more reaction from the Northern Ireland Affairs Committee evidence session with Theresa Villiers acknowledging that although there is no direct evidence that local political donors would be at threat if their names were to be published, the perception that they would be at risk has to be addressed.⁵⁹

7 March – *BBC News* reports that Theresa Villiers comments that the Stormont parties have the tools to create a formal opposition if they choose to use them.⁶⁰

⁵⁶ [Sinn Fein gives evidence to Westminster committee](#), *BBC News*, 26 February 2013

⁵⁷ [Politics Live](#), *Guardian*, 7 March 2013

⁵⁸ [Anger over N Ireland law 'loophole'](#), *Belfast Telegraph*, 7 March 2013

⁵⁹ [Perception and Reality](#), *BBC News*, 7 March 2013

⁶⁰ [Villiers: NI parties have tools to create opposition](#), *BBC News*, 7 March 2013

Statistical Appendix

Table 1: General Election Results, 1918-2010: Northern Ireland¹

		Votes (thousands)					Share of vote (%)						
		CON	NAT ²	LAB	LIB	Other	Total	CON	NAT ²	LAB	LIB	Other	Total
1918	³	289.2	228.9	..	..	521.1	1039.2	27.8%	22.0%	..	..	50.1%	100.0%
1922		108.0	90.1	..	..	9.9	207.9	51.9%	43.3%	..	..	4.7%	100.0%
1923		117.2	87.7	..	..	37.4	242.3	48.4%	36.2%	..	..	15.4%	100.0%
1924		451.3	..	..	..	68.1	519.4	86.9%	..	..	..	13.1%	100.0%
1929		354.7	24.2	..	100.1	31.1	510.1	69.5%	4.7%	..	19.6%	6.1%	100.0%
1931		149.6	123.1	9.4	..	..	282.0	53.0%	43.6%	3.3%	..	..	100.0%
1935		292.8	101.5	..	..	56.8	451.2	64.9%	22.5%	..	..	12.6%	100.0%
1945		392.5	148.1	65.5	..	113.8	719.8	54.5%	20.6%	9.1%	..	15.8%	100.0%
1950		352.3	65.2	67.8	..	76.1	561.4	62.8%	11.6%	12.1%	..	13.6%	100.0%
1951		274.9	92.8	62.3	..	33.2	463.2	59.4%	20.0%	13.5%	..	7.2%	100.0%
1955		442.6	..	35.6	..	168.4	646.6	68.5%	..	5.5%	..	26.0%	100.0%
1959		445.0	..	44.4	3.3	83.5	576.1	77.2%	..	7.7%	0.6%	14.5%	100.0%
1964		401.9	..	102.8	17.4	116.3	638.3	63.0%	..	16.1%	2.7%	18.2%	100.0%
1966		368.6	22.2	72.6	29.1	103.7	596.2	61.8%	3.7%	12.2%	4.9%	17.4%	100.0%
1970		422.0	..	98.2	12.0	246.9	779.1	54.2%	..	12.6%	1.5%	31.7%	100.0%
		UUP	SDLP	DUP	SF	Other	Total	UUP	SDLP	DUP	SF	Other	Total
1974	Feb	326.4	160.4	58.7	..	172.1	717.6	45.5%	22.4%	8.2%	..	24.0%	100.0%
1974	Oct	256.1	154.2	59.5	..	232.4	702.1	36.5%	22.0%	8.5%	..	33.1%	100.0%
1979		254.6	126.3	71.0	..	244.0	695.9	36.6%	18.2%	10.2%	..	35.1%	100.0%
1983		260.0	137.0	152.7	102.7	112.5	764.9	34.0%	17.9%	20.0%	13.4%	14.7%	100.0%
1987		276.2	154.1	85.6	83.4	130.8	730.1	37.8%	21.1%	11.7%	11.4%	17.9%	100.0%
1992		271.0	154.4	103.0	78.3	178.3	785.1	34.5%	19.7%	13.1%	10.0%	22.7%	100.0%

1997	258.3	190.8	107.3	126.9	107.3	790.8	32.7%	24.1%	13.6%	16.1%	13.6%	100.0%
2001	216.8	169.9	182.0	175.9	65.7	810.4	26.8%	21.0%	22.5%	21.7%	8.1%	100.0%
2005	127.4	125.6	241.9	174.5	48.2	717.6	17.8%	17.5%	33.7%	24.3%	6.7%	100.0%
2010	102.4	111.0	168.2	171.9	120.4	673.9	15.2%	16.5%	25.0%	25.5%	17.9%	100.0%

Candidates

Seats won

	CON	NAT ²	LAB	LIB	Other	Total	CON	NAT ²	LAB	LIB	Other	Total
1918	36	56	..	.	112	204	23	6	..	..	72	101
1922	12	2	..	..	1	15	10	2	..	..	0	12
1923	12	2	..	..	2	16	10	2	..	..	0	12
1924	12	..	..	..	10	22	12	..	..	..	0	12
1929	10	3	..	6	3	22	10	2	..	0	0	12
1931	12	3	1	..	..	16	10	2	0	..	..	12
1935	12	2	..	..	3	17	10	2	..	..	0	12
1945	11	3	6	..	4	24	8	2	0	..	2	12
1950	12	2	5	..	4	23	10	2	0	..	0	12
1951	12	3	4	..	1	20	9	2	0	..	1	12
1955	12	..	3	..	13	28	10	..	0	..	2	12
1959	12	..	3	1	13	29	12	..	0	0	0	12
1964	12	..	10	4	13	39	12	..	0	0	0	12
1966	12	1	4	3	7	27	11	0	0	0	1	12
1970	12	..	8	3	17	40	8	..	0	0	4	12

	UUP	SDLP	DUP	SF	Other	Total	UUP	SDLP	DUP	SF	Other	Total
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1974	Feb	14	12	2	..	20	48	7	1	1	..	3	12
1974	Oct	7	9	2	..	25	43	6	1	1	..	4	12
1979		11	9	5	..	39	64	5	1	3	..	3	12
1983		16	17	14	14	34	95	11	1	3	1	1	17
1987		12	13	4	14	34	77	9	3	3	1	1	17
1992		13	13	7	14	53	100	9	4	3	0	1	17

1997	16	18	9	17	65	125	10	3	2	2	1	18
2001	17	18	14	18	33	100	6	3	5	4	0	18
2005	18	18	18	18	33	105	1	3	9	5	0	18
2010	17	18	16	17	40	108	0	3	8	5	2	18

Notes

1. The formation of new parties in the early 1970s altered the pattern of party competition at Westminster elections. The SDLP (formed 1970) and the DUP (formed 1971) are included in the table from 1974 onwards. Ulster Unionists took the Conservative whip at Westminster until 1972 and are listed as Conservatives for general elections up to 1970; from 1974 they are listed as UUP.

2. Irish Nationalist/Anti-Partitionist

3. 1918 figures include all of Ireland. After the creation of the Irish Free State in 1922 Northern Ireland remained part of the United Kingdom.

Sources

Colin Rallings and Michael Thrasher, *British Electoral Facts 1832-2006*

House of Commons Library, RP10/36 *General Election 2010*

Religion in Northern Ireland

	Number	%
Religion or religion brought up in: Catholic	817,385	45.10%
Religion or religion brought up in: Protestant and Other Christian (including Christian related)	875,717	48.40%
Religion or religion brought up in: Other religions	16,592	0.90%
Religion or religion brought up in: None	101,169	5.60%
All usual residents	1,810,863	100.00%

Source: Census 2011

<http://www.ninis2.nisra.gov.uk/public/Theme.aspx>

BBC Spotlight Poll

January 17th and January 26th 2013

New analysis

<http://www.bbc.co.uk/news/uk-northern-ireland-21345997>

If there was a referendum tomorrow would you vote for...?

	%
Northern Ireland to remain part of the United Kingdom	65
Northern Ireland to be joined with the Republic of Ireland outside of the United Kingdom	17
Would not vote	12
Don't know	5

sample size 1046 individuals 18+

Full results are available here:

<http://downloads.bbc.co.uk/tv/spotlight/survey.pdf>