



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 36/25

October 2024

NIAR-56-2024

RaISe

Institutional Review Committees

1 Introduction

The Assembly and Executive Review Committee (AERC) asked for a comparative paper on institutional review committees to inform its strategic direction for the remainder of the current mandate.

This paper provides an update on a previous, similar paper prepared for the AERC in June 2020.

The research looked at committees in the following legislatures:

- Senedd
- Scottish Parliament
- House of Commons
- House of Lords
- Dáil Eireann

Additionally, a preliminary exploration of committees in other jurisdictions was conducted, including the Senate Rules and Administration Committee in the US and deemed irrelevant to the scope of this analysis.

Remit of the Assembly and Executive Review Committee

The St. Andrew's Agreement provided for:

An amendment to the 1998 Act¹ [which] would provide for the Assembly to appoint a standing Institutional Review Committee, to examine the operational aspects of the Strand One institutions. Matters to be reviewed in this way would be agreed among the parties. The Committee's reports would be considered by the Executive and Assembly, and, where agreed changes required legislative steps outside the scope of the devolved institutions, by the British Government in consultation as appropriate with the Irish Government.²

Section 29A of the Northern Ireland Act 1998 provides for the establishment of a committee "to examine such matters relating to the functioning of the Assembly and the Executive Committee as may be specified in the standing orders".³

It also gave this committee a statutory duty to specifically report on:

- the functioning of the Assembly and the Executive Committee, which encompassed Parts 3 and 4 of the 1998 Act; and
- the operation of sections 16A to 16C (the appointment of the First Minister and deputy First Minister).

The AERC fulfilled its statutory obligations by reporting on sections 16A to 16C in April 2011 and Parts 3 and 4 of the 1998 Act in 2015.

Apart from the above statutory reports, AERC has produced the following reports:

- Outcome of the independent Review of the adequacy and effectiveness of the Statement of Entitlements for an Official Opposition at the Northern Ireland Assembly (October 2021)
- Report into the Assembly & Executive Reform (Assembly Opposition) Bill (2016)

¹ Northern Ireland Act 1998

² St. Andrew's Agreement:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/136651/st_andrews_agreement-2.pdf

³ Section 29A of the Northern Ireland Act 1998

- Women in Politics and the Northern Ireland Assembly (2015)
- Reduction in the Number of Northern Ireland Departments (2013)
- Review of D'Hondt, Community Designation and Provisions for Opposition (2013)
- Review of Petitions of Concern (2014)
- Review of the Initial Ministerial Provision in relation to the Department of Justice and the arrangements from 1 May 2012 (2012)
- Number of Members of the Northern Ireland Legislative Assembly (2012)
- Arrangements for the devolution of policing and justice matters (2009)

2 Committees elsewhere in the UK and Ireland

Given that the basis of the AERC was part of a wider agreement that reflected the unique context of Northern Ireland, it is perhaps not surprising that there is no directly comparable committee in the other legislatures in the UK or Ireland. However, there are examples of committees undertaking work that may be of relevance to the AERC in setting its strategic direction.

The areas covered by these committees can be broadly classified into two categories:

- constitutional issues; and
- legislation/legislative review.

Senedd

Special Purpose Committee on Senedd Reform

The Committee was established in 2021, with a remit to consider the conclusions previously reached by the Committee on Senedd Electoral Reform in the Fifth Senedd; and to make recommendations for policy instructions for a Welsh Government Bill on Senedd reform. The Committee published its report '*Reforming our Senedd: A stronger voice for the people of Wales*' on 30 May 2022 and made 31 Recommendations for policy instruments⁴.

In response to the Committee's report, the Welsh Government committed to implement the recommendations and draft legislation accordingly. The

⁴ Reforming our Senedd: A stronger voice for the people of Wales' <https://senedd.wales/media/5mta1oyk/cr-ld15130-e.pdf>

government noted that most recommendations were directly related to legislative preparation, with some involving secondary legislation and others requiring consideration by the Senedd's Business Committee. The Government stated their aim was to implement reforms in time for the 2026 Senedd elections, with interim measures as needed.⁵

In May 2024, the Senedd approved the *Senedd Cymru (Members and Elections) Bill* which implemented a number of the proposals in the committee's report⁶. The key changes are included in the table below.

| Table 1: key changes made in the Senedd Cymru (Members and Elections) Bill 2024 |
|---|
| Increase the size of the Senedd to 96 Members. |
| Decrease the length of time between Senedd ordinary general elections from five to four years. |
| Increase the maximum number of Deputy Presiding Officers from one to two. |
| Increase the legislative limit on the size of the Welsh Government to 17 (plus the First Minister and Counsel General), with power to further increase the limit to 18 or 19. |
| Require candidates to, and Members of, the Senedd to be resident in Wales |
| Provide a mechanism for the Seventh Senedd's consideration of job-sharing of offices relating to the Senedd |
| Change the Senedd's electoral system so that all Members are elected via closed list proportional representation, with votes translated into seats via the D'Hondt formula. |
| Provide for review of the operation and effect of the new legislative provisions following the 2026 election ⁷ |

Legislation, Justice and Constitution Committee

The Legislation, Justice and Constitution Committee's remit is set out in Standing Order 21 of the Senedd⁸. The committee was previously known as the Constitutional and Legislative Affairs Committee but this was changed in January 2020. In addition to Standing Order 21, the committee can consider

⁵ Welsh Government - Response to the Report of the Special Purpose Committee on Senedd Reform; <https://senedd.wales/media/nqcpnd3e/gen-ld15253-e.pdf>

⁶ Senedd Cymru (Members and Elections) Bill 2024;

⁷ [Senedd Cymru \(Members and Elections\) Act 2024](#)

⁸ Standing Orders of the National Assembly for Wales (excluding Standing Orders 21.8 to 21.11)

“any other matter relating to legislation, justice and the constitution within or relating to the competence of the Senedd or the Welsh Ministers, including the quality of legislation.”⁹ As part of its remit the committee can also considers all statutory and draft statutory instruments to be laid before the Senedd. Table 2 lists a selection of completed inquiries by the Committee since 2011.

| Table 2: Examples of inquiries and reports by the Constitutional and Legislative Affairs Committee and the Legislation, Justice and Constitution Committee |
|---|
| Inquiry into UK-EU governance |
| Inter-Institutional Relations Agreement between Senedd Cymru and the Welsh Government |
| Common Frameworks |
| UK Government's EU Reform Agenda |
| Making Laws in Wales |
| The UK Government's Proposals for Further Devolution to Wales |
| Disqualification of Membership from the National Assembly for Wales |
| Wales' role in the EU decision making process |
| Powers granted to Welsh Ministers in UK Laws: Review of Outcomes |
| The establishment of a separate Welsh jurisdiction |
| The Granting of Powers to Welsh Ministers in UK Laws |
| UK Government's Wales Bill |

Scottish Parliament

Standards, Procedures and Public Appointments Committee

The Scottish Parliament's Standards, Procedures and Public Appointments Committee has recently published reports relating to aspects of electoral reform in Scotland. For example, its report on the Scottish Elections (Reform) Bill commented on the length of terms for Scottish Parliamentary elections and Scottish local government elections; allowing 14-year olds to register to vote and electronic voting.¹⁰

In February 2020 it published its proposal for a committee bill on financial assistance for political parties. This would “transfer responsibility for setting

⁹ Legislation, Justice and Constitution Committee of the Welsh Parliament: [Legislation, Justice and Constitution Committee - Fifth Senedd](#)

¹⁰ Report on the Scottish Elections Reform Bill: <https://digitalpublications.parliament.scot/Committees/Report/SPPA/2020/1/14/Stage-1-Report-on-the-Scottish-Elections--Reform--Bill>

the terms of the funding of nongovernment political parties – the provision of so-called “Short money” - from the Scottish Government to the Scottish Parliamentary Corporate Body.”¹¹

In July 2022, the Committee published its ‘Report on inquiry into Future Parliamentary procedures and practices’. A summary of its recommendations can be found in Table 3.

| Table 3: Selection of Key Recommendations of Report on inquiry into Future Parliamentary procedures and practices |
|---|
| Continuing hybrid arrangements for Chamber and committee meetings, allowing for flexibility and iterative change. |
| Piloting a proxy voting scheme to permit Members, in defined circumstances like parental leave or long-term illness, to nominate a proxy. |
| Evaluating the proxy voting scheme after around 12 months and considering permanent rule changes based on the evaluation. |
| Ensuring Ministers are present in person in the Parliament for scrutiny, except in exceptional circumstances. |
| Maintaining the capacity for committees to hold hybrid meetings, allowing for flexibility in participation. |

Commission on Parliamentary Reform (Scotland)

In October 2016, the Presiding Officer of the Scottish Parliament set up an independent Commission on Parliamentary Reform. The commission was tasked with exploring ways to enhance the Parliament's engagement with citizens and improve its processes for delivering more effective scrutiny. Its report was published in June 2017 and addressed a broad range of issues including:

- More effective committees
- Effective use of chamber time
- Parliament's role in supporting diversity
- The parliamentary business programme
- Greater variety in chamber business
- Party discipline and committees

¹¹ As above

- A more collaborative approach to members' bills¹²

In March 2019, the Presiding Officer's Advisory Group published its report on how the Commission's recommendations have been delivered.¹³

House of Commons

Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee was established to 'examine the expenditure, administration and policy of the Northern Ireland Office and its associated public bodies.'¹⁴

In November 2023, the committee published its report on '*The effectiveness of the institutions of the Belfast/Good Friday Agreement*.' The inquiry aimed to allow the 'design and operation of the Agreement's institutions to be examined in a fair and objective light.'¹⁵ A sample of the recommendations made in the report can be found in Table 4 below:

| Table 4: Sample of recommendations; 'The effectiveness of the institutions of the Belfast/Good Friday Agreement' |
|---|
| Legislate to amend the Northern Ireland Act 1998 so that the Speaker of the Northern Ireland Assembly is elected by MLAs on a supermajority basis of two-thirds. This change should take effect as soon as practicable. |
| Rename the titles of First Minister and Deputy First Minister to 'Joint First Minister' through legislation. This change should come into force at the beginning of the next Assembly mandate. |
| Amend the Northern Ireland Act 1998 so that the two holders of the office of Joint First Minister are elected by the Assembly on a supermajority basis of two-thirds, with nominations open to any two MLAs of any two parties who run on a joint slate. This change would take effect from the beginning of the next Assembly mandate. |
| Full evaluation of how the present system of Executive formation might be reformed to increase coalition cohesiveness while maintaining cross-community representation. |

¹² See the report for the full list of topics addressed by the Commission:

<https://test123582.files.wordpress.com/2016/10/commissiononparliamentaryreformreport-june20171.pdf>

¹³ Presiding Officer's Advisory Group – Report on Parliamentary Reform

https://external.parliament.scot/POandUKandIRO/POAG_Report.pdf

¹⁴ Role - Northern Ireland Affairs Committee; <https://committees.parliament.uk/committee/120/northern-ireland-affairs-committee/role/>

¹⁵ House of Commons, Northern Ireland Affairs Committee; 'The effectiveness of the institutions of the Belfast/Good Friday Agreement.' <https://committees.parliament.uk/publications/42405/documents/210752/default/>

| |
|---|
| Complete a full evaluation of the effect of community designation in facilitating effective, stable, and—in the broadest sense—cross-community governance in Northern Ireland. |
| Include a module on how the behaviours and working practices of the Strand One institutions could be improved, with a view to developing a program dedicated to upholding the Agreement’s core principles of good faith, trust, and mutual respect and delivering good government in the best interests of all in Northern Ireland. |

The UK Government’s response to the report acknowledged while its focus has been on restoring devolved institutions it recognised the challenges identified concerning the stability of the institutions. It stressed that any reform discussions had to be community-supported and led by Northern Ireland’s representatives, rather than the UK or Irish Governments. The Committee’s suggestion to review the effectiveness and stability of institutions was noted, with an emphasis on the importance of the Executive’s inclusiveness and cross-community voting mechanisms. Additionally, the recommendation to establish a Citizen’s Assembly to ensure public involvement was recognised. Although a review of the Agreement or amendments to the Northern Ireland Act 1998 were not planned at the time due to the recent restoration of the Northern Ireland Executive, the Government acknowledged the governance stability challenges highlighted in the report.¹⁶

Public Administration and Constitutional Affairs Committee

The Public Administration and Constitutional Affairs Committee (PACAC) has a remit to “examine: constitutional issues; the quality and standards of administration provided by Civil Service departments; and the reports of the Parliamentary and Health Service Ombudsman (PHSO)”.¹⁷ Examples of ongoing/completed business by this Committee are listed below:

| Table 5: Ongoing / completed inquiries and reports by the Public Administration and Constitutional Affairs Committee |
|--|
| Devolution Capability in Whitehall, Ongoing |
| Civil Service Leadership and Reform, Ongoing |

¹⁶ The effectiveness of the institutions of the Belfast/Good Friday Agreement: Government Response to the Committee’s First Report; <https://committees.parliament.uk/publications/43429/documents/216041/default/>

¹⁷ Public Administration and Constitutional Affairs Committee: <https://committees.parliament.uk/committee/327/public-administration-and-constitutional-affairs-committee/>

| |
|---|
| Membership of the House of Lords, Ongoing |
| The Evolution of Devolution: English Devolution, March 2023 |
| The Elections Bill, December, 2021 |
| Dissolution and Calling of Parliament Bill, 2021 |
| The role of the Prime Minister's Office, June 2021 |

House of Lords

Constitution Committee

The House of Lords Constitution Committee “examines all Public Bills for constitutional implications and investigates broad constitutional issues... (it) assesses the impact of a Public Bill and, where appropriate, publishes a report on the Bill to inform the House. The Committee also undertakes investigative inquiries into wider constitutional issues and publishes a report with recommendations aimed principally at the Government”¹⁸.

Below are examples of inquiries undertaken by the Committee since 2019.

| Table 6: Recent inquiries undertaken by the House of Lords Constitution Committee and published report |
|---|
| The Governance of the Union: Consultation, Co-operation and Legislative Consent, Ongoing |
| The appointment and dismissal of permanent secretaries and other senior civil servants, Ongoing |
| Voter ID, October 2023 |
| Role of the Lord Chancellor and the Law Officers, January 2023 |
| Revision of the Cabinet Manual, July 2021 |
| Future Governance of the UK, January 2022 |
| Northern Ireland (Executive Formation) Bill, July 2019 |
| The Legislative Process: The Passage of Bills Through Parliament, July 2019 |

¹⁸ Constitution Committee of the House of Lords: <http://www.parliament.uk/business/committees/committees-a-z/lords-select/constitution-committee/role/>

Dáil Éireann

Committee on Standing Orders and Dáil Reform

The Committee on Standing Orders and Dáil Reform considers matters of procedure generally, including procedure in standing, select or special Committees, and may make recommendations on amendments to Standing Orders.¹⁹

The committee was established by the adoption of a new Standing Order on 5 March 2020. A sample of the publications of the Committee are included below:

| Table 7: Recommendations from Sub-Committee on Dáil Reform Committee report Reports published by the Committee on Standing Orders and Dáil Reform |
|--|
| Addition of two minutes for non-aligned members to fixed-time debates and private members' business, July 2023 |
| Amendment of Standing Orders relating to pre-legislative scrutiny of Government Bills, 2022 |
| Amendments to Standing Orders relating to remote participation in Committee meetings, May 2021 |

Sub-Committee on Dáil Reform

The Sub-Committee on Dáil Reform was a sub-committee of the Committee on Procedures and Privileges established during the 23 Dáil. Its role was essentially that of a procedure committee, but it was tasked with looking at ways the role of the Dáil could be strengthened. There had historically been a debate about the relative weakness of the Dáil as a scrutiny body and commitments had been given by governments to address this.

In May 2016 the Committee produced a report and some of the key recommendations are reproduced below:²⁰

| Table 8: Recommendations from Sub-Committee on Dáil Reform Committee report |
|---|
| More power for parliament to plan and make arrangements for its own business, with a new Business Committee comprising of both Government |

¹⁹ Committee on Standing Orders and Dáil Reform: [About the Committee on Standing Orders and Dáil Reform – Houses of the Oireachtas](#)

²⁰ Final report of the Sub-Committee on Dáil Reform: <http://www.oireachtas.ie/parliament/media/committees/sub-committeeondailreform/Final-Report-of-the-Sub-Committee-on-Dail-Reform.pdf>

| |
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| and Opposition TDs, who will together plan the House business on a weekly, sessional and yearly basis |
| Better scrutiny of the annual budgetary cycle by a new Budget Oversight Committee, supported in its work by a new Independent Budget Office, which will ‘crunch the numbers’ for the new Committee |
| An increased role for the Office of the Parliamentary Legal Advisor, to allow that Office assist backbench members in drafting legislation, and give advice on all legislation coming before the House |
| Changes to the rules around ‘groups’, to allow more than one ‘technical group’ to be formed; this will enable independents and members in small parties to join forces to get a greater share of parliamentary set pieces, for instance, private members’ time |
| A rearrangement of the sitting day, so that the House, wherever possible, does not clash with Committee meetings; this will enable members to give more time to both plenary sittings and Committees – members will not have to choose whether to attend one or the other |
| Pre-legislative scrutiny will be extended to non-Government Bills (when sufficient resources are in place in the Office of the Parliamentary Legal Advisor), which will increase the possibility of those Bills being enacted |
| A new Irish Language Committee will be established |

In April 2019 the committee published its report on an agreed Memorandum of Understanding between the Government and Dáil Éireann on Private Members’ Bills. The purpose of the MOU is to set out:

- 1) a comprehensive and transparent parliamentary scrutiny process for Private Members’ Bills, with the aim of enacting private members legislation which is fit for its intended purpose and which is legally sound, and*
- 2) a process for engagement by Government on requests for Money Messages in respect of PMBs which involve appropriation of revenue or other public moneys, with the aim of ensuring a response from Government to requests for Money Messages within a reasonable time following the Order for Committee Stage subsequent to the publication of a Committee Scrutiny Report.²¹*

The Committee was dissolved in January 2020.

²¹ Sub-Committee on Dáil Reform, Report on MOU between the Government and Dáil Éireann on Private Members’ Bills: https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/sub_committee_on_dail_reform/reports/2019/2019-04-29_report-memorandum-of-understanding-between-the-government-and-dail-eireann-on-private-members-bills_en.pdf