

CONFIDENTIAL

The Rt Hon Ann Taylor MP
President of the Council
Privy Council Office
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26 March 1998

Dear Ann,

LEGISLATION FOR A SETTLEMENT IN NORTHERN IRELAND

I am writing to give you my current assessment of the need for and timing of legislation to implement a political settlement in Northern Ireland.

The main point I should register is that, if we succeed in reaching an early settlement, I am now sure that we will need some legislation in this session. This flows from a judgement that, once a settlement is reached, there will be an extremely high premium on moving quickly to hold elections for a new Assembly and bringing the Assembly into being. Otherwise I see a real risk that the settlement could be destabilised by those from both extremes who are bound to be opposed to it.

We are now pressing hard in the talks to achieve a **referendum in May**. Because of the difficulties the Irish will have in preparing for a concurrent referendum in the Republic, which will involve constitutional amendments, this cannot be before 22 May. But it is increasingly evident that we must then proceed, if we can, to **immediate elections to a new Assembly** – that is the view to which all the main political parties in Northern Ireland are now moving. In practice, such elections must be held before the height of the marching season, the onset of which is obviously liable to inflame feeling on both sides. We have concluded that **25 June** is the earliest and latest practicable date for elections.

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Thereafter, though there will be a need for the new Assembly (and associated other institutions) to go through a "shadow" phase, it is important that it is prolonged for no longer than is necessary. We shall therefore need to be able from as **early a point as possible to invest the new institutions with their substantive powers.**

I set out below the timetable for legislation that I believe is required by this approach. It is subject to the reaching of an agreement in the present talks no later (and it will very probably be no earlier) than 9 April; to a favourable referendum result on 22 May; and to the parties confirming their willingness to proceed at this pace (as I believe is now likely).

On or shortly after the return of Parliament after the Easter Recess, we should need to introduce so far as possible in parallel the following pieces of legislation:

an affirmative resolution Order authorising the referendum (under section 4 of the Northern Ireland (Entry to Negotiations, etc) Act 1996); the Order is substantially drafted, and would need to be laid in time for discussion immediately after the recess;

a Bill providing for the elections on 25 June, of five or six clauses, to be followed by an **Order making the necessary technical provision**, (which might be subject to affirmative resolution). We have concluded that the only practicable time to bring the Bill forward is after the Recess. While in principle it would be preferable to wait until after the referendum, since the Bill would be redundant in the event of a negative vote, in practice there would be no time to put through the Bill and Order after the referendum, if we were to have an election on 25 June. Proceeding in the run-up to the referendum runs into the

objection that the Members most concerned would be away in Northern Ireland campaigning. We therefore believe it justifiable to proceed before the referendum campaign begins. That would also send a very important positive signal in Northern Ireland that a settlement was imminent. We would like to compress the Commons stages of the Bill as far as possible, permitting Northern Ireland Members to go away to the campaign (if necessary returning for perhaps half a day the following week to discuss the Order);

an **affirmative resolution Order bringing to an end the Forum** that was established in parallel with the Talks in Northern Ireland (under section 7 of the Entry to Negotiations Act). The bringing forward of such an Order is a statutory duty once the Talks are concluded, and the Order could anyway hardly be objected to in substance: but it is important to get it through quickly, because the Forum could conceivably be used by opponents of the talks as a platform.

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Assuming a favourable referendum result, I think it is also quite likely that I would want to introduce a **substantive Bill embodying the settlement** during the current session, and perhaps even before the summer recess, so that the Assembly could be up and running as soon as possible. I am aware that that would be a very tall order, but the stakes involved are, as I have explained, extremely high. We would, so far as possible, build on the existing Northern Ireland devolution provisions, but central elements of the package would be new. A limited amount of drafting has taken place, but serious work on the new provisions can begin only when we have a clearer idea of the outcome of the talks. It is very difficult to be sure about the length of the Bill at this stage, since, although the Talks are well advanced, the detail of the outcome remains unclear. It would not be of anything like the size of the Scotland and Wales devolution Bills.

I am not yet able to be more specific than this about the timing of the substantive Bill, but I thought you should be aware of the direction in which my mind is moving. One option, subject your own views, could be to subject the Bill to the carry-over procedure which your Select Committee on the modernisation of the Commons has recommended.

I realise that both the continuing uncertainty and the potential additional demands in a heavy Parliamentary session will be extremely unwelcome to you and the other business managers; but I hope you will appreciate the reasons, and accept my judgement that, if we do succeed, we will need to move extremely quickly.

I should be happy to talk this over with you, Nick Brown, Ivor Richard and Denis Carter, if you would find it useful to do so.

I am copying this to the Prime Minister, other members of IN, the Secretaries of State for Scotland and Wales, the Leader of the House of Lords, and the Chief Whips in both Houses, and to Sir Richard Wilson and First Parliamentary Counsel.

Marjorie

MARJORIE MOWLAM