

PARLIAMENTARY STATEMENT BY THE SECRETARY OF STATE FOR NORTHERN IRELAND ON THE NORTHERN IRELAND ASSEMBLY 12 JUNE 1986

1. With permission Mr Speaker I wish to make a statement about the Northern Ireland Assembly.

2. Under the Northern Ireland Act 1982 the present Assembly has two functions, firstly to consider and report on how a devolved Northern Ireland administration should be formed. Secondly the Act requires the Assembly to monitor and report on the policies and activities of the Northern Ireland Departments.

3. The task of making proposals on devolution was undoubtedly made much more difficult by the regrettable decision of the SDLP not to take their seats. The Assembly has not been able to come forward with agreed proposals and there is no present prospect of that occurring. As for the monitoring of the Northern Ireland Departments, the Assembly suspended this work on 5 December. In spite of clear warnings about the threat that this action would pose to the continuation of the Assembly, the Unionist parties have not been prepared to resume this function. As a result the Alliance Party withdrew from the Assembly since they believed there was no longer any useful role to be played.

4. On 13 March the Assembly formally resolved not to carry out its monitoring functions, to wind up the Devolution Report Committee and merely to meet one afternoon a week for a debate on aspects of the Anglo-Irish Agreement.

5. The position therefore is that the present Assembly charged under the Northern Ireland Act 1982 with two important functions is now discharging neither. As long ago as last December in this House, I warned that if the Assembly continued the suspension of

its scrutiny role for long, questions about its future would inevitably arise; and on 1 May and 19 May I repeated this warning. On 27 May I invited the leaders of the main parties in the Assembly to discuss with me the position of the present Assembly. The leaders of the two main Unionist parties refused even to talk about it. I regret that I have therefore had to reach my decision without hearing their views.

6. The decision I have now taken is to lay an Order today for the Assembly's dissolution under the powers in Section 5(1) of the Northern Ireland Act 1982. This Order will come before the House for debate under the affirmative procedure. In taking this step I would make the following points. The present Assembly would in any case reach the end of its normal life on 20 October. There would then automatically within six weeks be fresh elections for a new Assembly. The effect of this Order is not to abolish the legal basis for an Assembly but simply to dissolve the present Assembly and to leave open the date for a new election for a fresh Assembly.

7. I wish to emphasise to the House that dissolution of the present Assembly in no way conflicts with our desire for devolved government nor our commitment to the Anglo-Irish Agreement. Devolution remains the Government's preferred option and I hope that we may see a future Assembly playing a responsible and valuable role in the Province. The sooner that happens, the better.

8. Meanwhile the Government remains ready to discuss with all the Constitutional parties in Northern Ireland the best way forward. In particular I would urge the Unionist parties to return to this House to argue their case and to take up the offer of my Rt Hon Friend the Prime Minister to discuss with her the four matters proposed, namely devolution and the possibility of a Round Table Conference; the future of the Assembly; arrangements for handling Northern Ireland business at Westminster; and new means of consultation between the Government and unionist leaders.

9. Only if we are prepared to talk together and discuss these matters can we hope fully to play our separate but complementary roles in building a better future for the people of Northern Ireland.

FUTURE OF THE ASSEMBLY: TIMING CONSIDERATIONS

1. The present Assembly will dissolve automatically on 20 October 1986, under Section 27(2) of the NI Constitution Act 1973 as substituted by paragraph 5(2) of Schedule 2 to the Northern Ireland Act 1982:

"Any Assembly elected following the dissolution of its predecessor by Order in Council shall by virtue of this subsection be dissolved on the fourth anniversary of the day appointed for the election of the members of that Assembly; and any Assembly elected otherwise than as aforesaid shall by virtue of this subsection be dissolved on the fourth anniversary of the dissolution of its predecessor."

2. Fresh elections would follow within about 6 weeks, in accordance with the timetable in the Northern Ireland Assembly Elections Order 1982, as provided for by Article 8 of the Northern Ireland Assembly Elections Order 1982:

"Where an Assembly is dissolved under subsections (2), (3) or (4) of section 27 of the Constitution Act (a), the date of the poll for the general election to the new Assembly shall be determined in accordance with the timetable in rule 1(3) of the Assembly elections rules" (equivalent to about six weeks).

3. The timing of dissolution and new elections can be brought forward or postponed by up to two months by means of a negative resolution Order under Section 27(4) of the Constitution Act for electoral purposes only:

"The Secretary of State may by order direct that any date of dissolution under subsection (2) above shall, instead of being determined in accordance with that subsection (3) above, be a date specified in the order, being a date falling not more than two months before or after the date so determined."

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4. The power of early dissolution, appropriate to the Assembly in its consultative phase without devolved functions, is contained in Section 5(1) of the Northern Ireland Act 1982:

"If it appears to Her Majesty after taking into account any relevant proceedings in the Assembly -

(a) that no proposals are likely to be submitted under section 1 above that could lead to the making of an Order under section 2 above or, if any such Order is or has been revoked, to the making of a further Order under that section; and

(b) that it is in the public interest that the Assembly should be dissolved.

Her Majesty may by Order in Council direct that the date of dissolution for the Assembly, instead of being determined in accordance with section 27 of the Constitution Act, shall be such earlier date as may be specified in the Order."

5. Following a dissolution of the Assembly under Section 5(1), elections to a new Assembly can be ordered by means of an Order in Council under Section 27(7) of the Constitution Act (as applied by Section 5(2) of the 1982 Act):

"If the Assembly is dissolved in accordance with subsection (5) above Her Majesty may by Order in Council appoint a day for the election of members of a new Assembly; and the first meeting of the new Assembly shall be held on such day as the Secretary of State may by order direct. [section 27(7) NI Constitution Act 1973].

Subsections (7), (8) and (9) of the said section 27 (ancillary provisions in case of dissolution) shall have effect in relation to any dissolution and any Order under subsection (1) above as they have effect in relation to any dissolution any any Order under subsection (5) of that section. [section 5(2) of Northern Ireland Act 1982]."

The timetable in the Assembly Elections Order 1982 would apply to such an election. There is no requirement to exercise the power to call fresh elections in Section 27(7) within a particular time after the dissolution of the old Assembly.