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TAB B

DRAFT 31 MAY

NORTHERN IRELAND FORUM

INITIAL RULES OF PROCEDURE

Notified pursuant to paragraph 3(3), Schedule 2, Northern Ireland
(Entry to Negotiations, etc) Act 1996 (hereafter "the 1996 Act").

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TAB C

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1. ELECTION OF CHAIRMAN

- (1). The Chairman of the Forum shall be elected by the members, but until the first election has taken place, he shall be a member nominated by the Secretary of State (referred to below as 'the chairman').
- (2). A member, addressing himself to the chairman, may propose a candidate (whether or not a member of the Forum, and whether or not present), to the Forum for their Chairman and move "That [x] be Chairman of this Forum", which motion will require to be seconded and to be following by a statement (which may be in written form) from the candidate proposed and seconded that he/she accepts nomination.
- (3). When a candidate is proposed and seconded and has accepted nomination, the chairman shall then ask "Is there any further proposal?" and
 - (a) if there is no further proposal, the chairman shall say "The time for proposals has expired" and a debate relevant to the election may then take place in which no member may speak more than once; or
 - (b) if more than one candidate is proposed and seconded as Chairman and has signified that he/she accepts nomination, the chairman shall, after each proposal has been made and seconded and the nomination has been accepted, say "Is there any further proposal?", and if there is no further proposal the chairman shall say "The time for proposals has expired", and a debate relevant to the election may then take place in which no member shall speak more than once.
- (4). Upon the conclusion of the debate as aforesaid, or, if there is no debate, the chairman shall put the question "That [x] (being the only candidate proposed or the candidate first proposed) be Chairman of this Forum" and shall invite the members when their names are called to indicate by saying "aye" or "no" their

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agreement or not to the question; and the question shall not be regarded as having been carried unless it fulfils the requirements of paragraph 4 of Schedule 2 to the 1996 Act:

- (a) no member present has objected to it; or
 - (b) it is agreed by at least 75 per cent of those members voting.
- (5). If the question be not carried as aforesaid, the chairman shall put a similar question in relation to the second candidate proposed; whereupon, if resolved in the affirmative (as aforesaid), that candidate shall be declared by the chairman to be elected and shall forthwith take the chair; and this shall be done in relation to each candidate proposed as often as necessary until a majority representing at least 75% of those voting has agreed upon a candidate to be their Chairman.
- (6). If no member is elected as aforesaid, the procedure for election shall be repeated after a period of adjournment specified by the chairman (who may wish to consult with members of the Forum, as he sees appropriate, in that period), until a majority representing at least 75% of those voting has agreed upon a candidate to be their Chairman.

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2. ESTABLISHMENT OF A RULES COMMITTEE

- (1) A committee may be appointed to draw up Rules of Procedure for the efficient conduct of business in the Forum.
- (2) In drawing up such Rules, the Committee shall have regard to the requirement for them to be referred to the Secretary of State for approval; and to the consequent obligation on the Secretary of State to ensure that the Rules as approved are such as will facilitate the promotion of dialogue, understanding and consensus across the communities of Northern Ireland.
- (3) The membership of the Committee shall be ten, and shall be such as, so far as is practicable, reflects the balance of parties in the Forum.
- (4) The Chairman of the Forum shall be an ex-officio member and chairman of the Committee.
- (5) In the absence of the Chairman of the Forum, the Committee may appoint one of their members to act as chairman.
- (6) The quorum of the Committee shall be six.
- (7) The Committee shall have the power to invite such persons as they may select to attend any of their meetings and to take part in the deliberations of the Committee.
- (8) The Committee shall report to the Forum by a date to be agreed at the time of its appointment.
- (9) For the purpose of considering the report from the Committee, the Forum shall sit on such days and at such times as the Committee, after consultation with the Chairman, may recommend.

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3. GENERAL RULE FOR THE CONDUCT OF BUSINESS

- (1) The Chairman's ruling shall be final on all questions of procedure and order.
- (2) In carrying out his duties under the Rules of Procedure, the Chairman shall at all times have regard to the need to facilitate the promotion of dialogue, understanding and consensus across the communities of Northern Ireland.
- (3) The Chairman shall not be entitled to a vote; save that when the votes are equal, the question shall pass in the negative.

4. TEMPORARY CHAIRMEN

- (1) After consulting and obtaining prior consent the Chairman shall nominate a panel of not less than six members, any one of whom may act as Temporary Chairman when requested to do so by the Chairman.
- (2) Before drawing up his nominations for the panel of Temporary Chairmen, the Chairman shall consult with the various interests in the Forum to ensure (so far as is possible) that the nominations are representative.
- (3) In these Rules of Procedure, references to the Chairman shall, unless the context otherwise requires, include a Temporary Chairman acting as Chairman under this Rule.

5. QUORUM

- (1) The quorum of the Forum shall be fourteen members including the Chairman.

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- (2) If at any time the attention of the Chairman is directed by a member to the fact that a quorum is not present, he shall cause an announcement to be made; and if at the expiration of three minutes a quorum is not present, he shall adjourn the Forum forthwith; but if as a result of this summons, a quorum is present, it shall not be in order to draw the attention of the Chairman to the absence of a quorum for a period of one hour from that time.

6. SITTINGS OF THE FORUM

- (1) A sitting of the Forum shall be constituted when it is presided over by the Chairman. A general announcement shall be made two minutes before the Chairman takes the Chair at a sitting or a resumed sitting.
- (2) Unless otherwise ordered on a motion made after notice; or unless notification to the contrary is issued by the Secretary of State under paragraph 2(4) of schedule 2 to the 1996 Act, the Forum shall meet at 10.00 am on each sitting day, as determined by the Chairman in consultation with the Business Committee.
- (3) At 4.00 pm, or at such earlier time as the state of business permits, the Chairman shall interrupt the business under consideration and the Forum shall forthwith stand adjourned; provided that, at 4.00 pm, a motion may be made after notice (which motion is to be decided upon without amendment or debate) that the sitting of the Forum be extended by a specified period.
- (4) Notwithstanding the foregoing provisions, save only that no notification to the contrary from the

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Secretary of State (as specified in Paragraph (2) is in force, the Chairman may, after consultation with the Business Committee, postpone a meeting of the Forum, or call a meeting before the date and time to which it had been adjourned.

- (5) Under this Rule, the Chairman may at any time suspend a sitting of the Forum for a period of up to fifteen minutes, which period may not be exceeded unless by leave of the Forum.

7. BUSINESS COMMITTEE

- (1) There shall be a committee of the Forum known as the Business Committee which shall arrange the business of the Forum and perform such other duties as the Chairman may request or the Forum determine.
- (2) The Business Committee shall consist of not less than ten and not more than sixteen members appointed by motion made after notice, and shall be such that, so far as is practicable, the balance of parties in the Forum is reflected in the membership of the Committee taken as a whole.
- (3) The Chairman of the Forum shall be Chairman of the Business Committee.
- (4) The Chairman of the Forum shall nominate two members, either of whom, in his unavoidable absence, shall act as Chairman of the Business Committee.
- (5) The quorum of the Business Committee shall be six.
- (6) The procedures of the Business Committee shall be such as the Committee shall determine.

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- (7) The Business Committee shall advise the Chairman of the Forum on the appointment of members to, and the discharge of members from, committees appointed under Rule 14.
- (8) In nominating such members, the Business Committee shall have regard for, inter alia, the qualifications of those members; and to the need to ensure that, so far as is practicable, the membership of each committee, and the membership of the committees taken as a whole, reflect the balance of parties in the Forum.

8. BUSINESS OF THE FORUM

- (1) The business of the Forum shall be such as to promote dialogue, understanding and consensus across the communities of Northern Ireland.
- (2) Subject to the provisions of Paragraph (1), the business of the Forum each day shall be such as the Chairman, after consultation with the Business Committee, may direct.
- (3) The Chairman shall prepare an agenda for each sitting day showing the business to be taken, together with such other information as he may direct.
- (4) Notice of future business shall be given in writing to the Chairman, who shall prepare from time to time a Business Paper listing the notices received.
- (5) Except by leave or order of the Forum, no motion may be proposed unless notice of it has appeared in a Business Paper circulated at least one day before that on which the motion is to be taken.

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9. AMENDMENTS

- (1) When an amendment has been moved to any question, the question to be proposed shall be That the amendment be made.
- (2) In respect of any motion, the Chairman shall have power to select the amendments to be proposed; and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of its object as may enable him to form a judgement upon it.

10. SPEECHES IN THE FORUM

- (1) No motion or amendment (other than a motion for the election of the Chairman) shall require to be seconded.
- (2) A member shall not address the Forum unless called on to speak by the Chairman; and when the Chairman rises to speak, the member addressing the Forum shall cease speaking and resume his place.
- (3) A member may not speak more than once to the same question, but a right of reply shall be allowed to a member who has moved a substantive motion.
- (4) Unless by the leave of the Forum, a member may not speak in debate on any question for longer than the periods specified below:

member moving a substantive motion - 45 minutes

member moving a substantive motion (in reply) -
30 minutes

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each other member (including a member moving an amendment) - 30 minutes.

- (5) The Chairman, after having called the attention of the Forum to the conduct of a member who persists in irrelevance or tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

11. ORDER IN THE FORUM

- (1) If any member of the Forum -
- (a) persistently and intentionally obstructs the business of the Forum; or
 - (b) is guilty of disorderly conduct; or
 - (c) uses objectionable words which he refuses to withdraw; or
 - (d) intentionally refuses to conform to any Rule; or
 - (e) intentionally disregards the authority of the Chairman

the Chairman, having called the attention of the Forum to the conduct of the said member, may direct the member to discontinue his speech, and to withdraw immediately from the debating chamber and its precincts. Any member so ordered to withdraw shall do so forthwith, and shall absent himself from the chamber and precincts during the remainder of that day's sitting.

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- (2) In the case of grave disorder arising in the Forum, the Chairman may, if he thinks it necessary, adjourn the proceedings, or suspend the sitting for a period to be named by him.

12. CLOSURE OF DEBATE

- (1) After a question has been proposed, any member who has not already spoken to it, or to any amendment which has been moved, may move That the question be now put; and unless it shall appear to the Chairman that such motion is an abuse of the Rules of the Forum, or an infringement of the rights of any members, the question That the question be now put shall be put forthwith, and decided without amendment or debate.
- (2) When such a motion has been carried, any further motion may be made (subject to the assent of the Chairman) to bring to a decision any question which has already been proposed. Such further motion shall be put forthwith, and decided without amendment or debate.

13. VOTING

- (1) For an affirmative decision on a matter other than a business motion, it shall be necessary for assent to be indicated by 66% of those voting, provided that the chairman has recorded his opinion that such a decision may reasonably be deemed to command support across the main communities in Northern Ireland;.
- (2) At the conclusion of a debate (or if there is no debate, immediately on proposing the question) the Chairman shall cause a general announcement to be

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made, and after an interval of three minutes shall ask each member by name, in alphabetical order, to declare "Aye" or "No" in accordance with their support for, or opposition to, the terms of the question, and shall record the votes accordingly. The Chairman shall then announce the number of votes cast, and the determination of the Forum as provided for in paragraph (1).

14. COMMITTEES OF THE FORUM

- (1) Committees to assist the Forum in the discharge of its functions shall be appointed by motion made after notice, setting out terms of reference, quorum and composition.
- (2) The Chairmen and membership of such committees, when taken as a whole, shall be such as to reflect, so far as is practicable, the balance of parties in the Forum.
- (3) A committee appointed under Paragraph (1) may sit at any time and may adjourn from place to place.
- (4) Such a committee may invite any person to address it concerning any topic relevant to the committee's terms of reference.
- (5) Members of the press may be admitted at the discretion of the committee.
- (6) Subject to the foregoing provisions, the procedures of a committee appointed under Paragraph (1) shall be such as the committee itself determines, or as the Forum shall otherwise order.

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- (7) Nothing in the above is to be taken as precluding the Business Committee, as it feels appropriate, from making arrangements for the Forum itself to invite bodies and individuals to submit views on specified matters of interest, and for reports to be prepared and (subject to Rule 13) adopted on such matters.

15. MINUTES OF PROCEEDINGS

- (1) The proceedings of the Forum shall be noted, and, after perusal and signature by the Chairman, shall be circulated to all members.
- (2) The minutes of proceedings for each day's sitting shall include a list of the names of those members who attended.

16. VISITORS

- (1) Notwithstanding anything contained in Rule 14, unless otherwise ordered, visitors shall be admitted only to such places in the Forum and its precincts as may be specified by the Chairman.
- (2) For the purposes of this Rule, the term "visitors" includes all persons other than Forum members and officials.
- (3) The Chairman may, if he thinks fit, order the withdrawal of visitors from sittings of the Forum and its committees.

17. SUSPENSION OF RULES

A Rule of the Forum may be suspended by leave, or on motion made without notice, provided that it does not appear to the Chairman that such suspension as is requested would be an

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infringement of the rights of any members, and it is approved on a vote (as provided for in Rule 13) by seventy-five per cent of those voting.

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MEMORANDUM FROM THE SECRETARY OF STATE FOR NORTHERN IRELAND TO [X], INTERIM CHAIRMAN OF THE NORTHERN IRELAND FORUM, APPOINTED UNDER PARAGRAPH 1(2) OF SCHEDULE 2 OF THE NORTHERN IRELAND (ENTRY TO NEGOTIATIONS, ETC) ACT 1996.

1. The Northern Ireland (Entry to Negotiations, etc) Act 1996 provided for a Forum constituted by delegates elected in the elections under the same Act. The purpose of the Forum is for "the discussion of issues relevant to promoting dialogue and understanding within Northern Ireland" (Section 3(1)).
2. The Forum is deliberative only, without any legislative, executive or administrative powers (Section 3(2) and (3)). It has no power to determine the conduct, course or outcome of the negotiations also provided for in the Act, though this does not prevent the Forum from considering a matter referred to it by the negotiations as provided for in paragraph 7 of Command Paper 3232 ("Ground Rules for Substantive All-Party Negotiations") (Section 3(3) and (4)).
3. I am empowered under paragraph 2(1) of Schedule 2 of the Act to decide the time of the first meeting of the Forum. This will be on [] at [], as notified to [] in my letter of [].
4. Subsequent meetings of the Forum will be at times determined by its members, but it shall not meet at any time notified by me to the chairman as being a time when, in my opinion, it would not be appropriate for the Forum to meet because negotiations

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are intended to take place; but this provision may not prevent the holding of the Forum of a meeting for more than four consecutive weeks (paragraph 2(3) and (4), Schedule 2).

5. I have provided premises for the Forum at [] and staffing to support its business, as provided for in paragraph 6, Schedule 2.
6. A written or oral statement made by a member of the Forum in or for the purposes of the Forum (or any committee it may establish) will be privileged from action for defamation unless it is proved to have been made with malice (paragraph 5, Schedule 2).
7. The proceedings of the Forum (and of any committee it may establish) shall be conducted in accordance with rules of procedure determined by at least 75% of the members voting and approved by me. Such rules are to include provision for a quorum (paragraphs 3(1) and (2) and 4, Schedule 2). Until rules of procedure have been determined and approved as above, proceedings are to be conducted in accordance with rules determined by me and notified by me to the chairman (paragraph 3(3), Schedule 2): I hereby notify to you the initial rules of procedure (as provided by that power). In doing so I have had the benefit of consultation with the [Leader/nominating representative] of each party.

8. In preparing these initial rules I have had regard to the requirement of paragraph 3(4), Schedule 2 of the Act that, in doing so, I should make every effort to ensure that the Forum's rules of procedure facilitate the promotion of dialogue, understanding and consensus across the communities of Northern Ireland. I am similarly required when exercising powers of approval to the Forum's substantive rules of procedure, and will seek to discharge that requirement fully. This is not solely because of the statutory obligation upon me but also because I believe that the Forum will best serve the people of Northern Ireland if it sets out to serve all the people of Northern Ireland and takes genuine regard for the opinion, rights and responsibilities of all. Accordingly I expect that a substantial part of its business will consist of hearing, debating and reporting on issues submitted to it by outside bodies upon invitation.
9. In that way I believe the Forum can and will be a force for reconciliation and healing in a society which has suffered grievously on all sides from the consequences of disharmony; and that it can also in that way provide a constructive support for the concurrent negotiations towards a political accommodation which commands the consent of all sections of the people of Northern Ireland.

Signed:

Rt Hon, Sir Patrick Mayhew, QC, MP

[] June 1996