



Northern Ireland
Assembly

Committee on Procedures

OFFICIAL REPORT (Hansard)

Review of Private Members' Bills: Mr Jim
Allister MLA

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be a danger of a knee-jerk or ill-considered rejection of an idea if there were a sift at an earlier stage and the idea did not get all the consideration that it deserved, in part because what it actually meant had not been fully articulated in legislative terms. That would be a retrograde step. Furthermore, in a House where Back-Benchers are the users of private Members' facilities for bringing forward Bills and where there are a couple of very large, dominant parties, you would not want really to create a situation where the big brigade could simply suppress issues at the earliest stage possible.

With being a legislator comes entitlement to equality of opportunity to bring forward a proposal and have it judged on its merits. You can judge it on its merits only when you can see the cold print of the proposal, not when it is in the more elusive form of being an idea that would stand the risk of never getting off the ground.

The Chairperson (Ms Ní Chuilín): Thank you for that. You have partly answered my question about areas of the whole process that you feel could be improved. As a member of one of the big parties, I put on the record the fact that I am completely against censorship. We are here to legislate in whatever way the legislation is made. It is preferable that the Executive make the legislation, but, if they do not and there are gaps, we are all entitled to bring legislation forward.

Are there other areas that you have not mentioned where you feel that improvements could be made in order to make the process a lot easier for Bill sponsors in particular?

Mr Allister: The two Bills that I successfully brought through had different genesis. The first one was drafted by legislative counsel through the Bill Office. That was very useful, because the Bill was fairly complex. I have nothing but praise for the process, other than to say that it was perhaps slower than one would like, but one understands that there are competing pressures on resources. I drafted my second Bill myself, and that meant that I was able to fast-track some of the issues and avoid some delays.

In the Bill Office, it probably comes down to the adequacy of funding. It is pretty clear that, at the moment, there is an avalanche of private Members' Bills. One thing that we should all be glad about is that we do not work in the Bill Office, because it must be heavily pressured indeed in getting all the Bills through. Making sure that the Bill Office is adequately resourced is a very important component of facilitating private Members' legislation.

There could also be greater flexibility of access for the private Member to the Office of the Legislative Counsel (OLC). The Executive very jealously reserve that role for themselves; yet, if you bring forward a private Member's Bill and there are issues with drafting clauses that the OLC would draft differently, there would be an advantage in the OLC having the flexibility to come to you to say, "We see what you want to do, and we are not trying to change that, but here is a better way of doing it.". That would be an assistance to the process. The Office of the Legislative Counsel is, I presume, technically, under the Executive Office. Some greater liberation of it to help, not to do the work but to give pointers and guidance to a private Member, might be of assistance.

The Chairperson (Ms Ní Chuilín): I agree, but the Office of the Legislative Counsel is paid for by Ministers, which is probably why there is a bit of shielding there. Additional resources for the Bill Office have come up time and time again. Thank you, Mr Allister. I will move now to members' questions. Tom, go ahead.

Mr T Buchanan: Thank you, Jim, for speaking to us today about private Members' Bills. You have brought forward a couple of Bills on different matters. You were on the relevant Committee for one of the Bills but not for the other, so you did not have speaking rights, as you outlined. What part of the process did you find was the most challenging when you were bringing forward your private Members' Bills?

Mr Allister: The most challenging part, in a way, is getting the legislation down on paper in the manner that meets your ambitions, and, with the Bill Office and the drafting, that is quite a protracted process. Once you get past that point, the process becomes easier. There is a lot of toing and froing in the first process if you are relying on the Bill Office and its drafters, and that is understandable. It is getting past that point. Once you are clear what you want to do in the Bill and you have the right way of doing that in the draft, it is a matter of defending, explaining and promoting the cause that you are seeking to defend. That is where the real advantage of the sponsor being on the scrutinising Committee comes in, because when someone reads a legislative proposal cold and it is not their proposal, they might get, in some sense, the wrong end of the stick and a Committee could spend a

bit of time going down a rabbit hole about something, as I said. It is useful if the Bill sponsor is there and can say, "No, that's not what's intended. If anyone thinks that that is what's intended, I'll change that portion or bring in an amendment to deal with it. You needn't waste your time on that; that's not what I'm trying to do". In my experience, that approach very much kept the Bill on the rails, as it were, without any diversions and got us through the process a lot easier. It also meant that, when it came to Consideration Stage, it was pretty clear where the amendment discussion was going to be and you had a well-informed Committee that was able to participate effectively in the process. There are many advantages, but those are the couple that I would highlight.

The Chairperson (Ms Ní Chuilín): Tom, have you finished your questions?

Mr T Buchanan: Yes.

The Chairperson (Ms Ní Chuilín): William, do you want to ask Jim a question?

Mr Humphrey: No.

The Chairperson (Ms Ní Chuilín): There are no more questions. Jim, thank you very much for sharing your experience. Are you content for us to follow up with any additional queries to you in writing?

Mr Allister: That is no problem.

The Chairperson (Ms Ní Chuilín): Thank you very much.