



Northern Ireland
Assembly

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Northern Ireland Assembly

Monday 21 October 2019

The Assembly met at 1.03 pm (Mr Speaker in the Chair).

Assembly Business

Mr Speaker: Members, I apologise for the delay in the commencement of today's sitting. The delay became necessary because I had to seek legal and procedural advice, and it was more appropriate to commence the sitting after I had received this advice rather than have this issue raised on the Floor without satisfactory consideration.

A number of Members have indicated to me that they wish to table a motion that the Standing Orders be suspended today for the purpose of allowing the Assembly to consider a private Member's Bill on the defence of the unborn child and that, if the Assembly agreed, this Bill would complete its passage today. I have given very careful consideration to this matter, and I am very clear that, further to the provisions of section 39 of the Northern Ireland Act 1998, the Assembly must elect a Speaker and Deputy Speakers, with cross-community support, as its first item of business.

The Assembly cannot undertake any further business until this happens. If the Assembly elects a Speaker and deputies with cross-community support, it can proceed to carry out further business. In line with the provisions of Standing Order 11(3), the business to be transacted at today's sitting:

"shall be the specific matter or matters referred to in the notice given to"

me as Speaker. As neither a motion to suspend the Assembly's Standing Orders nor a notice of the introduction of a Bill that should complete its passage in one day were included on the notice, those items of business cannot be transacted at this sitting.

The Assembly might carry out this business today. There are two paths that could provide for this. First, if the Assembly successfully elects a Speaker and deputies, further business can continue. That means that the Assembly will have the opportunity to agree the motion in the Order Paper that addresses the date when

the Assembly shall next meet and Business Committee membership. If that motion were agreed, it would be for the Business Committee to decide when the next sitting should be and what business should be considered at that sitting. It would be for the Business Committee to decide whether it wished to have a further sitting today, at which a suspension of Standing Orders and the passage of Bills might be considered. Secondly, the provisions of Standing Order 11 allow for notice to be given to me or my successor by not fewer than 30 Members that the Assembly should meet at an earlier date than that to which it stands adjourned, for the purpose of discussing a specific matter of urgent public importance. If a valid notice with 30 signatures were received, calling for a further sitting today, that could provide an opportunity for what has been sought. Even if a notice were received with the business proposed on it, it would still be necessary to elect a Speaker and deputies with cross-community support before any further business could be transacted. It should also be noted that any motion to suspend Standing Orders requires cross-community support.

I want to make it clear that I make these points without prejudice to any legal considerations that I or my successor might need to give in relation to the specific motion that, I understand, has been or will be tabled.

I understand that there are strongly held views involved today on both sides of very sensitive issues and we are in an extraordinary position. However, as Speaker, I also have to give very careful consideration to the procedures of the Assembly. It is reasonable to say that it cannot be considered good practice to seek to take legislation through the House on a given day without time for scrutiny or for Members to amend it. I realise that many Members will be unhappy with this ruling, but, in conclusion, I am clear that the Assembly cannot do any business until a Speaker and Deputy Speakers are elected.

Mr Givan: On a point of order, Mr Speaker. You rightly make the point about normal procedures being followed, and that is the

desired way to do it — if only Westminster had done so in relation to the Northern Ireland (Executive Formation etc) Act 2019 that has forced us to this situation. That said, the points that you have raised are points that I considered, and I sought specific legal opinion from the Attorney General for Northern Ireland, who is also the guardian of the rule of law. That includes being superior to any legal counsel that exists in this place and has advised you on the issue. In respect of that, I asked about Standing Order 77. The Attorney General provided a response to that, where he says that, pursuant to Standing Order 77, this could pass to permit consideration of my Bill, which I have provided the text for. While you are aware that section 39(1), Mr Speaker, which you referred to and which intimates that the election of a Speaker should come first, section 39(1) of the Northern Ireland Act 1998 provides that, "as its first business", the Assembly shall elect "a Presiding Officer".

No adverse consequence is prescribed for the failure to elect a Presiding Officer, and the old Presiding Officer remains in office, unless conditions in section 39(2) are satisfied. If the Assembly considers that the election of a Presiding Officer is not possible, the Assembly is not thereby placed in a straitjacket in which nothing can be done by it. The Assembly is master of its own procedure, and Standing Order 77 can permit that principle to be made effective.

The legal advice goes on to refer to section 5(5) of the Northern Ireland Act 1998, which prevents any irregularity in Assembly procedure being used to impeach the validity of an Act of the Assembly. If the Assembly were to suspend Standing Orders on the basis that the election of a new Presiding Officer is not possible, any Bill that is therefore enacted would not be any less valid, by virtue of section 5(5).

The legal opinion of the Attorney General, the guardian of the rule of law, is crystal clear on that issue. If the Assembly had ever intended to follow the procedure that you have outlined, Standing Order 77 would have inserted, ", subject to the provisions of section 39(1) and Standing Order 11(3)". It does not, for a very genuine and real purpose, which is that this place needs to have the ability to respond in exceptional circumstances.

Mr Speaker, this is a valid, legally competent recall of the Assembly, and, as such, it is permissible, on the basis of the legal opinion that I have sought, to proceed with the suspension of Standing Orders, under Standing Order 77, and I so propose.

Some Members: Hear, hear.

Mr Allister: Further to that point of order, Mr Speaker, I agree entirely with what Mr Givan has said. This really does come down to an issue of whether or not this Assembly is master of its own proceedings. Where we find the answer to that is in both the Northern Ireland Act and Standing Orders.

Standing Order 77 provides, very emphatically and in a totally unfettered way, the opportunity for this Assembly, if it is the will of this Assembly, to suspend all Standing Orders, subject to one reservation and one only, which is that it can be done only on a cross-community vote. There is no further fetter in Standing Order 77. There is nothing that requires it to be subject to any other Standing Order or any provision in any legislation. The section in which you seem to take refuge, Mr Speaker, is section 39 of the Northern Ireland Act. You have decreed that, because it states:

"shall as its first business elect"

a Speaker — "a Presiding Officer" — it can then do none other.

As Mr Givan referred you to, however, a matter such as this has been litigated on in the highest court in the land at the time, the House of Lords, when Peter Robinson took an action against the First Minister and deputy First Minister of the time. The House of Lords ruled that, when it comes to interpreting the word "shall", you interpret it in its context. You therefore look to see whether there is a context such as, "You shall do such-and-such, and if you don't, these consequences flow". When you apply that test to section 39, there is no such context. It does not state, "You shall elect a Speaker, and if you don't, no further business shall be done".

When you marry that to the unfettered discretion in section 39 and pay due regard to what the House of Lords said, there is absolutely, I submit, no reason that Mr Givan's proposal to suspend Standing Orders, subject only to cross-community support, cannot be heard, and it most certainly should be heard. If it is not, of course, there is a facility in schedule 10 to the 1998 Act for the Attorney General to test the matter elsewhere.

1.15 pm

Mr Speaker: I thank the two Members for their points of order, and I pay tribute to the research that they have done and to the knowledge of Mr

Allister from his former life. Both of you will understand that I have taken legal counsel on the matter. There has been much deliberation. We have looked at historical cases, and I am clear that, with all of that — all of the advice — we are proceeding down the right and legal path in Standing Orders today.

Mr Poots: On a point of order, Mr Speaker. Given that the matter and the intention to do this was brought to your attention this morning and the time that was given to your legal advisers to research matters, did they bring to your attention that something dealing with not quite an identical but a very similar circumstance had already been tested in the highest court of the land? Did they advise you of that in allowing you to come to the decision that you have come to? It strikes me that if we are acting in defiance of what the law lords decided back in 2002, you are taking the Assembly into a very dangerous place. If that advice was not given to you, I think you would be better at this point to adjourn and seek further advice, as opposed to taking us down a path that could lead us into conflict with the courts.

Mr Speaker: You are referring to the Robinson case.

Mr Poots: Yes.

Mr Speaker: The legal advice that I was given did take into consideration the Robinson case and also took into consideration cases that have come about since the Robinson case.

Mrs Foster: Further to that point of order, Mr Speaker, having heard what my colleagues have put to you and the fact that, as I understand it, my colleagues have shared the legal advice from the Attorney General with your office, would it not be in order for you to share your legal advice with Members at this time, in order to give us the opportunity to look at it? From an equality of arms point of view, it would be the right thing to do. Given that we already delayed the sitting today, we should delay it again to allow us to look at that legal advice.

Mr Speaker: I think that that was a question that was asked at the meeting with the Whips. That would not normally be the case, and the former First Minister will understand that.

Mr Givan: On a point of order, Mr Speaker. This is an unusual and abnormal situation, and I sought the opinion of the Attorney General. I note that you have yet to say whether you have

sought the opinion of the Attorney General. I requested that the Attorney General be here. He is here. He has indicated that he is available to provide you with advice. The magnitude of the decision that you are taking, Mr Speaker, is contrary to the wishes of those who want to put forward the Bill. However, your decision remains to be tested. I therefore appeal to you to adjourn the meeting, have a meeting with the Attorney General and go through the issues. Then you will have taken the advice that we have, and you can come to a more definitive position, based on all the information. I implore you to do so.

Mr Speaker: I have taken the counsel of Legal Services in the Assembly on the matter. I indicated to you that it has considered the cases that you made reference to and the cases that Mr Allister made reference to, and I have set out two paths that Members can pursue, if they are willing to go down those paths. I am clear, and I do not take this matter lightly — believe me, I do not take this matter lightly — what my responsibilities are, and I am content that the advice given to me is in line with the best legal advice.

Mr Poots: Further to that, Mr Speaker. The Member for Fermanagh and South Tyrone did request that that advice was shared, and you said that would be unusual or abnormal. That, of course, was tested in another place with regards to the advice relating to Brexit from the Attorney General to the Prime Minister, and of course it was the case that the Parliament actually did receive the advice. I would formally request that you do provide us with that advice and that we have an opportunity to scrutinise that advice and adjourn for a period of time to allow that to happen.

Mr Speaker: I do acknowledge the case in Parliament that you outlined. I was asked the question at the meeting with the Whips. We do not normally share that advice, but I have indicated to you the breadth of the advice which the legal staff in the Assembly have given consideration to.

Mrs Foster: Further to that point of order, I have to say, Mr Speaker, you mention you would not normally share legal advice and we know that. This is not a normal sitting of the Assembly. This is a sitting to deal with some of the most fundamental issues that can affect our society today, and I implore you to take an adjournment to allow us to have that legal advice so that we can have that equality of arms, and I have to say, as well, to say that you have taken the breadth of legal advice and that

you are satisfied with that legal advice, whilst not acknowledging the fact that the Attorney General has given different legal advice, is not the right route to go down. I implore you once again to share the legal advice with all the Members of this Assembly, even those who are not here, so that we can take a fully informed view about this matter, because these are abnormal days, Mr Speaker, and we are in a very abnormal situation.

Mr Speaker: You will understand there is a discussion going on at the Table here. At the risk of repeating myself again: I have taken counsel on the matter. I am content with the advice that has been offered. I have already indicated that. The legal advice is confidential and privileged, and I think, really, on this decision, I know this will not be readily accepted, but the decision on the questions of procedure and advice is final.

Mr Givan: On a point of order, Mr Speaker, further to that. Further to the points of order that have been raised, you have indicated that you have outlined a pathway for this motion to be brought forward. The problem with that is it is not a pathway; it is a cul-de-sac to the same problem that we cannot overcome, which is the election of a Speaker. Members opposite have indicated they are not supporting the election of a Speaker. Therefore, based on your decision, we are handcuffed and you are handcuffing the Assembly from, in my view and the view of the Attorney General, continuing to carry out its business, which we can do under Standing Order 77, recognising the unusual circumstances that we face. Now, I appreciate that you are taking advice from those beside you and notes are coming in from your legal team, and it is rather unseemly, Mr Speaker.

I would again say, "Adjourn. Put us in a room. Bring the Attorney General into that room with your legal people, so that you, Mr Speaker, alone take this decision". Advice is advice. You, under law, are the decision maker, and we want to ensure that you have all the information at your disposal. Not hearing directly from the Attorney General, I feel, is not providing you with the information and it is not treating the issue with the seriousness that, I believe, it deserves. It is, ultimately and gravely, a matter of life and death.

Mr Speaker: I do not think that I can add anything to what I have already said, Mr Givan, in response to all the previous Members who spoke.

If there are no other points of order, we will move on.

Mr Eastwood: On a point of order in terms of the election of Speaker, Mr Speaker. I —.

Mr Speaker: I just ask you to remain seated. Let me follow out the normal procedures, and then we will have an opportunity for points of order.

Member Resignations and Appointments

Mr Speaker: I wish to advise you that, since the Assembly's last sitting, on 13 March 2017, several Members have resigned or ceased to be Members of the Assembly under the Northern Ireland Assembly Disqualification Act 1975. A number of new Members have also taken their seats.

I refer you to all-party notice 208-17/22 that I have issued today, which provides the dates of each resignation and the date when each new Member took their seat by giving the undertaking, signing the Roll of Membership and entering their designations. This was done in my presence or that of a Deputy Speaker and the Clerk/Chief Executive. I welcome the new Members and wish them well.

Since the sitting on Monday 13 March 2017, the following Members have resigned:

Ms Michelle Gildernew, Sinn Féin, Fermanagh and South Tyrone, 9 June 2017.

Mr Paul Girvan, DUP, South Antrim, 9 June 2017.

Mr Chris Hazzard, Sinn Féin, South Down, 9 June 2017.

Ms Elisha McCallion, Sinn Féin, Foyle, 9 June 2017.

Mr Barry McElduff, Sinn Féin, West Tyrone, 9 June 2017.

Mr David Ford, Alliance, South Antrim, 30 June 2018.

Mr Ian Milne, Sinn Féin, Mid Ulster, 3 December 2018.

Ms Michaela Boyle, Sinn Féin, West Tyrone, 3 May 2019

Mrs Naomi Long, Alliance, East Belfast, 30 June 2019.

*Mr Simon Hamilton, DUP, Strangford,
2 September 2019*

*Mr Steven Agnew, Green Party, North
Down, 30 September 2019.*

*Since the sitting on Monday 13 March 2017,
the following Members have taken their
seats by giving the undertaking and signing
the Roll of Membership:*

*Mr Robbie Butler, UUP, Lagan Valley,
14 March 2017.*

*Mr Colm Gildernew, Sinn Féin, Fermanagh
and South Tyrone, 20 June 2017.*

*Ms Catherine Kelly, Sinn Féin, West Tyrone,
20 June 2017.*

*Ms Karen Mullan, Sinn Féin, Foyle,
20 June 2017.*

*Ms Emma Rogan, Sinn Féin, South Down,
20 June 2017.*

*Mr Trevor Clarke, DUP, South Antrim,
28 June 2017.*

*Mr John Blair, Alliance, South Antrim,
2 July 2017.*

*Ms Emma Sheerin, Sinn Féin, Mid Ulster,
4 December 2018.*

*Mr Maolíosa McHugh, Sinn Féin, West
Tyrone, 20 May 2019.*

*Mrs Máire Hendron, Alliance, East Belfast,
1 July 2019*

*Mr Harry Harvey, DUP, Strangford,
12 September 2019.*

*Miss Rachel Woods, Green Party, North
Down, 7 October 2019.*

Mr Speaker: Before we proceed with the first item of business and before I take any points of order, I want to acknowledge that Members on all sides have very strong views about being here today and, indeed, to make two points. First, there are legal constraints on how much business we can conduct today, depending on the decisions the Assembly takes. I will address those issues as we proceed, but it is important that everyone's expectations are clear about the form from the start. Secondly and more importantly, Members are aware that our sitting today is in the context of some extremely sensitive issues. Members will feel passionately about them and will have the right to express

them. However, Members also have a responsibility to express those views and to listen to the views of others respectfully. Many others will be watching these proceedings, and the Assembly should set an example for the wider debate in our community. Therefore, I remind Members of the importance of tone and respect. If that is clear, we will move on, and I will take the point of order.

Mr Eastwood: Thank you, Mr Speaker. Given the fact that the Good Friday Agreement envisages an Assembly, a power-sharing Executive, North/South Ministerial Council and other bodies, is it the case, today, that, if we do not have the nominating officer here from Sinn Féin, no Executive will be formed? Therefore, we will not be able to have an Executive, Northern Ireland Assembly or North/South Ministerial Council. It is our clear view — it is the Good Friday Agreement's clear view — that the best way to effect any change to any legislation is to do it within the confines of those structures and that it will not happen as part of a shadow Assembly. We will not be part of supporting the introduction of a shadow Assembly that will effect no change at all but will lead only to the fundamental destruction of the Good Friday Agreement.

Is it the case, Mr Speaker, that without Members here present to my right, or who should be to my right, that there will not be an Executive formed today? If that is the case, we will be in no position to support a Speaker and allow for the undermining of the Good Friday Agreement through a unionist-dominated shadow Assembly.

Mr Speaker: The Member has moved way beyond my duties today. My duties today are to provide for, at the commencement of this, the election of a Speaker and Deputy Speakers.

If a Speaker and Deputy Speakers are elected, the role of the incoming Speaker will be to move forward on the election of the other office holders. To elect a Speaker and Deputy Speakers, we require cross-community support.

1.30 pm

Mr Allister: On a point of order, Mr Speaker. Is it correct that if the Assembly were to elect a Speaker and Deputy Speakers but was not able to form an Executive, it could, nonetheless, proceed to do business in this House, which could include private Member's Bills to seek to make legislation? Therefore, does it follow, if that is correct, that those determined to thwart the election of a Speaker are, in effect,

thwarting the possibility of taking action to defend the unborn, whose voice cannot be heard here today but whose voice is the one crying out to us all in this Chamber? Is it not a tragedy that the SDLP, who proclaim themselves as a pro-life party, will take a step, it seems, to stop a Speaker being elected knowing that that stops legislation to prevent the introduction of section 9 of the appalling Act from July? Are both those things correct?

Mr Eastwood: Further to that point of order, Mr Speaker.

Mr Speaker: Let me respond to Mr Allister first, and then we will come to you.

Mr Allister, you are quite clear about, and I do not think you need me to explain to you, the procedures and the non-adhering to the procedures. If the ministerial offices are not filled, this does not prevent the Assembly from proceeding to debate private Member's motions or having further sittings to consider non-Executive business.

Mr Allister: That is right, Mr Speaker, and legislation.

Mr Eastwood: Mr Allister has made my point for me. The Good Friday Agreement is absolutely 100% clear. The power-sharing Executive, the Northern Ireland Assembly, the North-South Ministerial Council: at any point over the last 1,000-plus days, those institutions could have been restored. People on these Benches have tried hard. We have offered proposals to get those institutions back in place, but it is absolutely clear to us today, notwithstanding any particular issue, that no issue will be dealt with by this House or by an Executive unless two of the parties — the DUP and Sinn Féin — get their act together and get an Assembly and Executive formed.

Some Members: Hear, hear.

Mr Eastwood: That is why we are here today. We will gladly take part in those institutions but we will not be party to a stunt that is using and abusing people's emotions and sensitivities over a very difficult issue, which could have been dealt with at any point over the last 1,000 days. However, because this is not a serious attempt to do that and because it will only undermine the principles of the Good Friday Agreement and the fundamental thing the people voted for, we will not participate in this stunt any longer and we will not provide cross-community support for the election of a Speaker. Thank you.

Mr Allister: Further to that point of order, Mr Speaker.

Mr Speaker: Let me just respond *[Interruption.]*

Mr Stalford: On a point of order, Mr Speaker. *[Interruption.]*

Mr Beggs: On a point of order, Mr Speaker.

Mr Speaker: I will take a point of order from Mr Allister and then Mr Stalford.

Mr Allister: Could you just clarify, Mr Speaker? You have already said that if a Speaker was elected — and the SDLP, clearly, are of a mind to thwart that — the Assembly could debate motions. Could it also, then, at that stage, suspend its Standing Orders to allow the introduction of private Member's Bills? So, by stopping the election of a Speaker, not only are motions being prevented but the opportunity through Standing Order 77 is being thwarted to actually pass legislation on this issue.

Mr Speaker: You already know the answer to your question. Until we elect a Speaker and Deputy Speakers, we are not going anywhere. Mr Stalford.

Mr Stalford: It is all right.

Mr Speaker: Mr Roy Beggs.

Mr Beggs: On a point of order, Mr Speaker. Will the Speaker acknowledge that it is the changes that were brought into the running of this Assembly and the appointment of the First Minister and the deputy First Minister following St Andrews that have created this impasse?

Mr Speaker: Can you say that again, Mr Beggs?

Mr Beggs: Will the Speaker acknowledge that the changes to the procedures in this Assembly for the appointment of the First Minister and the deputy First Minister have actually put a blockage in the system where one or other of the big parties can prevent the establishment of the Executive and thereby they are abusing their position of power?

Mr Speaker: That may be something you feel, but that is a political point rather than a point of order for today's proceedings.

Ms Sugden: On a point of order, Mr Speaker. Further to Mr Allister's point around the

opportunity to table private Member's legislation in the absence of a Northern Ireland Executive, will the Speaker confirm whether, given that the passage through the Assembly requires a Committee Stage, legislation can actually fully pass through this House, given the fact that Committees cannot be established in the absence of a Northern Ireland Executive? In saying that, does that mean that any attempts to try to pass legislation in the absence of a Northern Ireland Executive will indeed fall and a lot of this exercise is fruitless?

Mr Speaker: The answer, really, Ms Sugden, is that we do not need Statutory Committees for it to happen.

Mr Givan: On a point of order, Mr Speaker. In light of your decision not to suspend Standing Orders and to allow that motion to proceed, which I deeply regret that you have taken, given the issues and given the genuine motivation of what today was about, I want to commend those organisations and the tens of thousands who came to this place who wanted MLAs to get back in here, and I want to commend our constituents across Northern Ireland who want us to get back and deal with health, education and infrastructure: all of the everyday issues that we are elected to resolve.

The SDLP have now decided that they will not support the election of a Speaker. Therefore, that thwarts the opportunity for an election to take place, which would have created an Assembly that has legislative powers; it would not be a shadow Assembly. The people are crying out that we reach out towards each other, that we stop poking each other in the eye, or we are going to go blind. We need people on the other side of this Chamber to respond to those of us who want to work with them, and that goes for all those who are not here. However, they have decided not to participate, and that is something that I think the public will fail to understand. This institution provides a platform for us to have those debates and those conversations and to build relationships. That should be happening. It is what the people expect. Therefore, because the SDLP are not here, the election of a Speaker cannot now take place, and, therefore, we will no longer as a party be participating in the rest of these proceedings, and we will be leaving the Chamber now, Mr Speaker. Thank you.

Mr Allister: On a point of order, Mr Speaker. You have been very generous in relation to points of order, but could I make two points? Until this moment, until this day in Northern Ireland, the safest place for an unborn child was

in the sanctuary of its mother's womb. Sadly, from tonight, the most dangerous place for some unborn will be in the mother's womb because the wanton decision can be taken to kill them. That is really what we are talking about, and that is something which rightly provokes a lot of feeling. It is a matter of immense regret to me that this House has not been able to face up to that situation.

The second point I wanted to make is that it is an illustration of the absurdity of the governmental arrangements in this place that a party such as Sinn Féin, which does not even want Northern Ireland to exist, can, by a veto, prevent this House from effectively doing any business. Unless and until that is changed, there is no hope for these institutions.

Mr Speaker: That is a political opinion, and obviously you have placed your concerns on record, Mr Allister.

Mr Stalford: On a point of order, Mr Speaker. You have been asked on more than one occasion by my colleague the Member for Fermanagh and South Tyrone whether you will indeed publish the legal advice that you were given. I think that it is important that we see that in the context of the fact that the Attorney General, the most senior law officer in Northern Ireland, gave advice that would have allowed for the opportunity for the motion to be debated here. I really think that it is important that people see the advice upon which the decision was made that this House would not be in a position to save the lives of unborn children.

Mr Speaker: You have placed your concerns on record.

Mrs Foster: Further to that point of order, Mr Speaker, before we leave this place today, it is incumbent upon me — I am thankful to Mr Allister for raising the points that he raised — to say how terribly sad I am today about this situation. We had the opportunity today to elect a Speaker. We had the opportunity today to bring forward legislation to stop Stella Creasy's amendment coming into effect into Northern Ireland, a place that we are all very proud of and a place where today we will have the most liberal abortion laws anywhere in Europe. Just think of that for a moment: Northern Ireland will have the most liberal abortion laws anywhere in Europe.

I think this is a shameful day for those who have not come. I think that, when they reflect on it and when we realise that we have no regulatory system now in place for abortions in

Northern Ireland, that it is something that has been decriminalised by 12 o'clock this evening, it is with incredible sadness that we should mark this day. There will be some who will celebrate today. I have to say that this is not a day for celebration for the unborn. It is certainly not a day of celebration for them.

We may not have been able to prevent this legislation going through today, but let me say this: this is not the end of the matter. As far as this party is concerned, we will take every possible legal option open to us to try to stop it. If it comes into force tonight, there are other options in terms of repealing, and we will make sure that we do everything we can in our conscience to protect the life of the unborn.

Some Members: Hear, hear. *[Applause.]*

Mr Swann: On a point of order, Mr Speaker. In light of where we are now in the Chamber and those who are present, we will not be nominating someone for Speaker. I think the Chamber and Northern Ireland have lost a very important and credible institution today with the actions in the Chamber, because I think there is a clear signal now to the people of Northern Ireland, to the people who are no longer in the Chamber, that they devalue democracy in Northern Ireland. We are a democratic party. We believe in the devolved institutions of Northern Ireland. With what we have seen here today, I call now on the Secretary of State to implement serious five-party intensive talks to see whether this place is actually worth restoring. The fact is that it is only ourselves, the TUV and the independent Member for East Londonderry who are sitting in here, who realise the opportunity that has been missed. Over 1,000 days, a health service crumbling, school principals not knowing where their budget lies, our infrastructure falling apart, business not knowing whether it is worthwhile being in Northern Ireland any more, and we have missed this opportunity today. There were serious issues that could have been talked about. There are serious issues that affect everybody in Northern Ireland, and this pantomime, this fiasco today, has I think demonstrated, surely, to the Secretary of State that now is the time to give serious consideration to whether this place has any future.

Some Members: Hear, hear.

Mr Speaker: You will understand that the points that you are making are political points and not within my remit to respond to, Mr Swann.

Ms Sugden: On a point of order, Mr Speaker. Will you confirm that any legislation that this House may pass would indeed be compatible with the Westminster legislation, given that this House is subordinate to the Westminster Chamber?

I suppose what I am saying is that, if we were to be successful in passing any legislation in the House, would it supersede the legislation that will come into effect tomorrow or at midnight tonight?

1.45 pm

Mr Speaker: Sorry, Miss Sugden, I am not quite clear about what you are saying, but legislation that is made in Northern Ireland would be Northern Ireland legislation and would not, as I understand, be subordinate to the legislation made in Westminster. That is my understanding.

Mr Swann: On a point of order, Mr Speaker. The Ulster Unionist Party had tabled a recall motion for tomorrow, and I think that we have gained over 30 signatures, but, given what we have seen here today, we have withdrawn our names from that petition, so I do not think that tomorrow will go ahead either.

Mr Speaker: Thank you, Mr Swann.

Members, having been given notice by not fewer than 30 Members, under Standing Order 11, I have summoned the Assembly to meet here today for the purpose of conducting the items of business that appear in the Order Paper. Before we can proceed, I want to make clear the procedural constraints on this sitting.

Section 39(1) of the Northern Ireland Act 1998 provides:

"Each Assembly shall as its first business elect from among its members a Presiding Officer and deputies."

Therefore, the Assembly cannot conduct any further business until a Speaker and at least two Deputy Speakers have been elected. Members should be clear: if a Speaker and at least two Deputy Speakers are not elected, no further business can proceed. I am aware that contrary views on the matter have been expressed, but it is universal practice elsewhere that their first action is the election of a Speaker. It is a matter of common sense, as, I am sure, Members will recognise. Legally, we cannot proceed to conduct any business, including the appointment of Ministers, without

first electing a Speaker and deputies. Members need to take the decisions that will enable the business of the Assembly to proceed.

Election of Speaker

Mr Speaker: The first item of business is the election of the Speaker, and I will remain in the Chair for this process. I wish to advise Members that the election of the Speaker will be conducted under the procedures set out in Standing Order 4. I will begin by asking for nominations. Any Member may rise to propose that another Member be elected as Speaker. I will then ask for the proposal to be seconded by another Member, as required by Standing Order 14. Members who have been proposed will be asked whether they are willing to accept the nomination. If they are not, that proposal will fall. I will then ask for a further proposal and will follow the same procedures for each. When it appears that there are no further proposals, I will make it clear that the time for proposals has passed.

If Members indicate that they wish to speak, a debate relevant to the election of Speakers may then take place. Members will be allowed up to three minutes. At the conclusion of the debate or the conclusion of the nominations, if there are no requests to speak, I shall put the Question that the Member first proposed shall be Speaker of the Assembly. The vote will be on a cross-community basis. If the proposal is not carried, I shall put the Question in relation to the next nominee and so on until all nominations are exhausted. Once a Speaker has been elected, all other nominations will fall automatically. Do I have any proposals for the role of Speaker?

Mr Swann: Mr Speaker, we will not nominate.

Mr Speaker: Sorry, Mr Swann. No nominations?

Mr Swann: We will not nominate.

Mr Speaker: Members have been unable to elect my successor today, so the matter will be revisited at a future date. We will move on to the next item of business, for which I will remain in the Chair.

Election of Deputy Speakers

Mr Speaker: Members, I am required to move on to the next item of business in the Order Paper, which is the election of Deputy Speakers, just to complete the process. The procedure for electing Deputy Speakers will be the same as for the election of the Speaker. I will ask for proposals, which must be seconded, and I will continue in that way until there are no further proposals.

Do I have any proposals for the office of Deputy Speaker of the Assembly?

Mr Swann: Out of courtesy to you, Mr Speaker, and to this place, we will leave the Chamber now, and you will have no quorum. I propose that the sitting be suspended.

Mr Speaker: There are no nominations for Deputy Speaker.

Adjourned at 1.51 pm.

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