

Research Briefing

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Devolution in Northern Ireland



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Summary

The devolution settlement in Northern Ireland is, as the academic Colin Knox observed in 2010, [“inextricably linked to the divisive issues which precipitated its inception and characterise its operation in practice”](#). Furthermore, as others have written, in Northern Ireland [“more than any other part of the United Kingdom, devolution remains a process”](#).

That process began in 1921, when executive and legislative power was first devolved to the newly created Northern Ireland, making it the only part of the UK to have experience of devolution prior to 1999.

Although Northern Ireland’s devolved institutions resemble those of Scotland and Wales there are three important differences:

- 1) Northern Ireland’s devolution settlement is underpinned by an international treaty, the Belfast/Good Friday Agreement of 1998.
- 2) The devolution settlement in Northern Ireland has been less stable than that in other parts of the UK, with frequent suspensions or periods of deadlock.
- 3) The UK Government and Parliament more frequently legislate on matters devolved to Northern Ireland, usually when its institutions are not fully functioning but also, on occasion, when they are.

This briefing paper sets out the devolution settlement in Northern Ireland as it stands, before revisiting the Belfast/Good Friday Agreement of 1998 and charting subsequent legislation and political events since that date.

Northern Ireland’s devolved institutions have not been fully functioning since the Democratic Unionist Party politician Paul Givan announced his resignation as First Minister on 3 February 2022

1 Northern Ireland: constitutional status

Like Scotland and Wales, Northern Ireland is an autonomous, or devolved, part of the United Kingdom of Great Britain and Northern Ireland (“the UK”). This means that it has responsibility for certain matters as defined in statute.

Under the devolution settlement in Northern Ireland there are three categories of legislative powers: **reserved**, **excepted** and **transferred**. When fully functioning, the Northern Ireland Assembly can make primary and subordinate legislation on “transferred” matters; on “reserved” matters with the consent of the Secretary of State for Northern Ireland and, in limited circumstances, on “excepted” matters.

Excepted matters are subjects reserved to Westminster which will not be transferred unless under primary legislation. [Schedule 2](#) of the [Northern Ireland Act 1998](#) specifies these as:

- the constitution;
- Royal succession;
- international relations;
- defence and armed forces;
- nationality, immigration and asylum;
- elections;
- national security;
- nuclear energy;
- UK-wide taxation;
- Currency;
- conferring of honours;
- international treaties.

[Schedule 3](#) sets out “reserved matters”, subjects which could be transferred by [Orders in Council](#) to the Assembly provided there exists cross-community consent. These include:

- firearms and explosives;

- financial services and pensions regulation;
- broadcasting;
- import and export controls;
- navigation and civil aviation;
- international trade and financial markets;
- telecommunications and postage;
- the foreshore and seabed;
- disqualification from Assembly membership;
- consumer safety;
- intellectual property.

Anything not listed in Schedules 2 or 3 is considered “transferred” to the Assembly, including:

- health and social services;
- education, employment and skills;
- agriculture;
- social security, pensions and child support;
- housing;
- economic development;
- local government;
- environmental issues, including planning;
- transport;
- culture and sport;
- the Northern Ireland Civil Service;
- equal opportunities;
- justice, prisons and policing.¹

¹ Policing and criminal justice were originally “reserved” matters but became “transferred” on 12 April 2010.

This triple division of powers is unique to devolution in Northern Ireland and bears some relation to the [Government of Ireland Act 1920](#), which established the former [Parliament of Northern Ireland](#) in 1921.

That previous devolution settlement also explains why welfare is fully devolved in Northern Ireland but not in Scotland and Wales. The Assembly, however, is constrained by the long-standing “parity principle”, which requires Northern Ireland’s social security and pensions systems to mirror those in the rest of the UK. This principle also applied under the original devolution settlement (1921-72) but was only put on a statutory footing under the Northern Ireland Act 1998.

So, for example, the Northern Ireland Assembly ultimately introduced all the welfare reforms enacted by the UK Government between 2010-17 (albeit with special “mitigations”), whereas the welfare powers devolved under the [Scotland Act 2016](#) – which allow the creation of new benefits – do not have a parity requirement in Scotland.²

The [Corporation Tax \(Northern Ireland\) Act 2015](#) provided for the Assembly to have the power to set [Corporation Tax](#) in respect of certain trading profits, although it has yet to be enacted.

Like those in Scotland and Wales, the Northern Ireland administration is funded by a combination of a “block grant” from Westminster, changes to which are governed by the non-statutory [Barnett formula](#), and locally-raised revenue via taxation. The Assembly has fewer powers in this respect than the [Scottish Parliament](#) or [Senedd Cymru/the Welsh Parliament \(“the Senedd”\)](#), controlling only the “regional rate” for domestic and non-domestic property.³

1.1

The Northern Ireland Assembly

The [Northern Ireland Assembly](#) and power-sharing [Northern Ireland Executive](#) were formed in 1999. Measures agreed under the 2006 [St Andrews](#) and the 2020 [New Decade, New Approach](#) agreements subsequently altered aspects of both.

Voters in Northern Ireland elect 90 [Members of the Legislative Assembly](#) (MLAs), five in 18 multi-member constituencies.⁴ Elections are conducted under the [Single Transferable Vote](#) (STV) system of proportional representation.

² Northern Ireland Assembly Research and Information Service Briefing Paper 99/11, [Parity and Social Security in Northern Ireland](#).

³ HM Treasury, [Funding the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly: Statement of Funding Policy](#), October 2010.

⁴ Until (and including) the 2016 election, the Assembly consisted of 108 elected Members, six from each of Northern Ireland’s 18 Westminster constituencies.

MLAs do not take an oath of allegiance to the King, as at Westminster and in the Scottish and Welsh Parliaments, although they are required to give an undertaking against paramilitarism. Members designate themselves “Nationalist”, “Unionist” or “Other” at the first meeting of an Assembly following an election and can only change this “community” designation between elections if they have changed their party-political affiliation.⁵

The first business of a new Assembly “Mandate” is to elect a Speaker. If this does not occur then no other business can take place, including the nomination of a First and deputy First Minister and other Executive ministers.

The Assembly meets at the [Parliament Buildings](#) in Belfast, the former home of the Parliament of Northern Ireland known as “Stormont”.

How laws are made in the Assembly

Most Bills are introduced by an Executive minister, but a Bill can also be introduced by an Assembly Committee or by an individual MLA. It then has to pass several stages before becoming an Act:

- **First Stage:** The Speaker introduces the Bill to the Assembly. The Clerk of the Assembly reads out the Bill’s title and the Speaker orders the Bill to be printed. There is no debate or vote;
- **Second Stage:** The Assembly debates the general principles of the Bill and then votes on whether to consider the legislative proposal further;
- **Committee Stage:** An Assembly Committee considers the clause by clause and line by line. It also consults interested parties, including the relevant department if it is an Executive Bill. The Committee discusses what amendments to make and produces a report on the Bill;
- **Consideration Stage:** MLAs debate the Committee’s report, including proposed amendments, in the Assembly Chamber. Individual MLAs can also suggest amendments at this stage;
- **Further Consideration Stage:** This stage provides an opportunity for technical and “tidying up” amendments to a Bill;
- **Final Stage:** A final debate on the Bill takes place, although MLAs cannot make amendments at this stage. Members vote on whether or not to pass the Bill.

Following the first reading of a Bill, the Speaker sends a copy to the [Northern Ireland Human Rights Commission](#), and on the completion of all the Stages of a Bill sends it to the Secretary of State for Northern Ireland requesting Royal Assent. If this is granted, the Speaker makes an announcement at the next

⁵ Before 2006, MLAs could change their designation without a change of party membership, something several did so to facilitate David Trimble’s re-election as First Minister in November 2001.

plenary sitting of the Assembly. The enacted law may come into effect immediately, or at a future date.

Most Assembly decisions are taken by a simple majority vote. However, certain “key decisions”, such as the approval of a budget, must have cross-community support. This is decided either by:

- **Parallel consent**, where more than 50% of MLAs agreed to the motion, including more than 50% of designated Nationalists and more than 50% of designated Unionists; or
- **A weighted majority**, which requires the support of 60% of those voting, including 40% Unionist and 40% Nationalist support

Petition of Concern

Another important aspect of Assembly voting is called a [Petition of Concern](#). If, in accordance with [s42\(1\)](#) of the Northern Ireland Act 1998, 30 MLAs:

petition the Assembly expressing their concern about a matter which is to be voted on by the Assembly, the vote on that matter shall require cross-community support.

As a result of concerns that the Petition of Concern mechanism was being used to “veto” certain legislation, its usage was altered by the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022.

Although 30 MLAs can still force a matter being considered by the Assembly to require cross-community support, there is now a 14-day “consideration” period before a valid Petition can be confirmed. Petitioners also need to come from more than one Northern Ireland political party; the Assembly’s Speaker or their deputies cannot sign a Petition; and a Petition cannot be applied to any business relating to the conduct of an MLA or on the second stage of a Bill.

Assembly elections

Assembly elections are held every five years although an “extraordinary” election can be held if the Assembly resolves to dissolve itself with the support of not less than two-thirds of MLAs, or if a First and deputy First Minister fail to be nominated after a total period of six months following an election.

Those eligible to vote are those who have registered and are 18 years or older on polling day. People resident in Northern Ireland who are UK, Irish, EU or Commonwealth citizens are able to register.

Voter identification (ID) is compulsory in Northern Ireland. Electors voting in person at polling stations are required to show photographic ID. The approved forms of ID are [listed on the website](#) of the Electoral Office of Northern Ireland. Voters wishing to vote by post or proxy [must apply](#)

[specifying](#) the reason why they cannot vote in person. Postal voting on demand is not available in Northern Ireland.

Ballots are counted manually in Northern Ireland. Traditionally this has meant two days of counting have been required for all MLAs to be elected. In 2017 the count was completed in a single day for the first time.

If a First and deputy First Minister have not been nominated with 24 weeks of the Assembly first meeting following an election (the Assembly must meet within eight days of polling), then the Secretary of State for Northern Ireland is required to propose a date for another Assembly election.

There are no Assembly by-elections if a vacancy arises. Instead, parties can nominate an individual to become an MLA. This process was introduced on the basis that holding a by-election could alter the party-political balance within a six- (and later five-) member constituency and, therefore, also the composition of the Northern Ireland Executive (see below).⁶ This process is known as “co-option” or “substitution”.

Assembly Committees

Most MLAs are members of [Assembly Committees](#), which mirror and scrutinise the work of individual Northern Ireland Departments, policy, new laws and wider topics in detail.

The role of the Statutory Committees is to advise and assist each Northern Ireland minister in the development of policy within their departmental remits. There are also Standing Committees which deal with Assembly administration (ie the Business Committee). From time to time temporary committees (known as ad hoc committees) are set up to deal with specific issues.

The Chairpersons and Deputy Chairpersons of the Committees are selected by the nominating officers of the main political parties depending on their party strengths. Committee membership is also filled based on party strength in accordance with [Standing Order 47](#). Committees of the Assembly take decisions by a simple majority vote.

The democratic consent mechanism

The UK left the European Union on 31 January 2020 and the Northern Ireland Protocol came into force on 1 January 2021. The full details of how the Protocol would operate were decided by the EU-UK Joint Committee, set up under the [UK-EU Withdrawal Agreement, in December 2020](#).⁷

⁶ The statutory basis for substitution was Section 6 of the [Northern Ireland Assembly \(Elections\) Order 2001](#). This was later altered by Section 6B of the [Northern Ireland Assembly \(Elections\) \(Amendment\) Order 2009](#), which allowed political parties to nominate MLAs.

⁷ Commons Library Briefing Paper CBP9102, [Joint Committee decisions on the Northern Ireland Protocol](#).

Article 18 of the Northern Ireland Protocol set out the process by which the Northern Ireland Assembly's 90 members can provide "consent" for Northern Ireland to continue to abide by Articles 5 to 10 of the Protocol, which governs Northern Ireland's relationship with European Union customs arrangements. The first vote will take place towards the end of 2024.⁸

Consent only requires a majority in the Northern Ireland Assembly. Under the relevant Regulations, there is no Petition of Concern mechanism or requirement for cross-community consent.

This [democratic consent mechanism](#) does not require a fully functioning Northern Ireland Executive and Assembly. If a motion is not jointly proposed by the First Minister and deputy First Minister (ie if a power-sharing Executive does not exist), then a motion can be tabled by any MLA. Failing that, then the default would be for Articles 5 to 10 of the Protocol to continue to apply in Northern Ireland after 2024.⁹

A majority of MLAs returned at the May 2022 Assembly election support the Northern Ireland Protocol.¹⁰

1.2

Northern Ireland Executive

The [Northern Ireland Executive Committee](#) (or simply "the Executive") exercises executive authority on behalf of the Northern Ireland Assembly. It comprises the First Minister and deputy First Minister, who are joint chairs, and eight "Northern Ireland Ministers" (ministers), all of whom are required to take a [Pledge of Office](#) before assuming office.

Initially, the First Minister and deputy First Minister (who also jointly head the [Executive Office](#)) were elected by the Assembly but following the 2006 St Andrews Agreement and subsequent legislation, they are now nominated, respectively, by the largest party within the largest political designation and the largest party within the second largest political designation. However, if the largest party of the largest political designation is not the largest political party in the Assembly, the nomination of a First Minister is made by that largest party, and the nomination of a deputy First Minister is then made by the largest party of the largest political designation.

Ministers are nominated by the political parties in the Assembly. The number of ministerial offices to which each party is entitled is determined under the [d'Hondt formula](#), based on the number of seats it holds.¹¹ The only exception is the office of the Minister of Justice which, since the devolution of policing and justice in 2010, has been appointed by a cross-community vote by the Assembly on a nomination made either by the First Minister and deputy First

⁸ Commons Library Briefing Paper CBP8713, [The October 2019 EU-UK Withdrawal Agreement](#), pp38-42.

⁹ [The Protocol on Ireland/Northern Ireland \(Democratic Consent Process\) \(EU Exit\) Regulations 2020](#).

¹⁰ Commons Library Briefing Paper CBP9549, [Northern Ireland Assembly Election: 2022](#).

¹¹ The d'Hondt method is also used to determine membership of the Scottish and Welsh Parliaments.

Minister acting jointly, or by any other member of the Assembly.¹² This form of mandatory power sharing is known as consociationalism.

Each minister exercises executive authority within their department but is required under the terms of the [Ministerial Code](#) to refer certain matters to the Executive for agreement. These include significant or controversial matters and matters which cut across the responsibility of two or more ministers. The Executive is also required to agree a Programme for Government and a Budget, both of which are subject to further cross-community approval by the Assembly. The First Minister and deputy First Minister can also call in any matter which they have determined is one which should be considered by the Executive.

The Executive also agrees proposals put forward by ministers for new legislation in the form of “Executive Bills”. An unusual feature of Northern Ireland legislation is that statutory powers are vested in individually constituted Northern Ireland departments, rather than in ministers. The Northern Ireland Civil Service is a separate civil service with its own Head and is made up of nine departments each led by a Permanent Secretary.

Following an Assembly election, Executive ministers remain in office and can continue to exercise executive authority within their respective departments, until a new Executive is formed or up to a maximum of 24 weeks from the Assembly’s first post-election meeting.¹³ If a serving minister resigns or loses their seat in the election, their party can nominate a replacement. If the party declines to do so, the office is filled by the party deemed eligible through the application of the d’Hondt formula.

Following an Assembly election, if either of the parties eligible to nominate to the office of First Minister or deputy First Minister declines to do so, a new Executive cannot be formed, as no other party is entitled to nominate. If a First Minister and deputy First Minister have not been nominated within 24 weeks of the Assembly first meeting following an election then the Secretary of State for Northern Ireland is required to propose a date for another Assembly election.

Similarly, if a First Minister or deputy First Minister resigns during a mandate, the other automatically ceases to hold office, and as a result the Executive can no longer function until both offices have been filled. Both offices must be filled by nomination within 24 weeks, after which the Secretary of State is required to propose a date for an Assembly election. During this period, Executive ministers (other than the First Minister and deputy First Minister) remain in post, and only cease to hold office upon the expiration of the 24-week period after the Assembly first meets following the election, or when 48

¹² The first Minister for Justice was Alliance MLA David Ford, who was succeeded by Independent MLA Claire Sugden in May 2016. Naomi Long, another Alliance MLA, became Minister for Justice in January 2020.

¹³ The Assembly must meet within eight days of an election.

weeks have passed since the First Minister and deputy First Minister ceased to hold office, whichever is the shorter period.

1.3

The UK Parliament and Northern Ireland

The UK Parliament – as is the case in Wales and Scotland – remains sovereign (or legislatively supreme) in relation to UK law and retains the right to legislate, should it wish to do so, in all areas relating to Northern Ireland.

For example, the UK Parliament has legislated to legalise same-sex marriage and abortion in Northern Ireland despite both being transferred matters. The UK Government has also legislated on culture and identity in Northern Ireland, also transferred matters.

Under what is known as the [Sewel Convention](#), however, the UK Parliament does “not normally” pass laws on devolved areas without first obtaining the consent of the Northern Ireland Assembly. This has been refused twice, for the Enterprise Bill in 2015,¹⁴ and for the European Union (Withdrawal Agreement) Bill in 2020.¹⁵ In the absence of a functioning Executive, Legislative Consent Memorandums sponsored by individual ministers cannot be agreed for laying before the Assembly for approval.

Northern Ireland Affairs Committee

The [Northern Ireland Affairs Committee](#) is a Select Committee of the House of Commons which examines the expenditure, administration and policy of the [Northern Ireland Office](#) and its associated public bodies. It comprises 13 Members of Parliament who conduct inquiries and produce reports. There is also a [Northern Ireland Grand Committee](#), which comprises the 18 Northern Irish MPs together with up to 25 other Members. It debates matters relating to Northern Ireland, but [last met in 2013](#).

Secretary of State for Northern Ireland

The [Secretary of State for Northern Ireland](#) has overall responsibility for the Northern Ireland Office, advancing UK Government interests in Northern Ireland and representing Northern Ireland interests in the Cabinet. The Secretary of State also has responsibility for political stability, relations with the Northern Ireland Executive and forwarding Northern Ireland Assembly Bills for Royal Assent (as well as rejecting Bills deemed incompatible with the Assembly’s legislative competence).¹⁶ He or she is generally viewed as an

¹⁴ Commons Library Briefing Paper CBP8274, [Brexit: Devolution and legislative consent](#).

¹⁵ BBC News online, [NI Assembly votes to withhold Brexit bill consent](#), 20 January 2020. On this occasion, legislative consent was refused via an Executive motion rather than under the usual Assembly Standing Orders.

¹⁶ Derek Birrell and Cathy Gormley-Heenan, *Multi-Level Governance and Northern Ireland*, London: Palgrave Macmillan, 2015, p32.

“honest broker” between Northern Ireland’s two main communities, as well as a conduit between the UK and Irish governments regarding changes to the [Belfast/Good Friday Agreement](#).

1.4 Intergovernmental relations

The 1998 Belfast/Good Friday Agreement created several statutory forums involving the UK, Irish and Northern Irish governments, as well as other governments in the British Isles.

North-South Ministerial Council

Strand Two of the Agreement provided that at least 12 subject areas would be identified for co-operation and implementation for mutual benefit under the aegis of the [North South Ministerial Council](#) (NSMC). The NSMC is supported by a joint secretariat and staffed by personnel from the Irish Civil Service and [Northern Ireland Civil Service](#) (which is separate from the [Home Civil Service](#)). At plenary meetings, the Executive delegation is led by the First Minister and deputy First Minister and the [Irish Government](#) delegation by the [Taoiseach](#). The NSMC last [met in plenary on 30 July 2021](#).

British-Irish Council

The 1998 Agreement also established the [British-Irish Council](#) (BIC) as an east-west counterpart to the NSMC, with a secretariat based (since 2012) in Edinburgh. According to the BIC’s website, its purpose is “exchange information, discuss, consult and use best endeavours to reach agreement” on matters of mutual interest. It consists of the UK Government, Irish Government, Northern Ireland Executive, [Scottish Government](#), [Welsh Government](#), [Isle of Man Government](#), [States of Jersey](#) and the [States of Guernsey](#). It meets twice a year in heads-of-government plenary meetings and is supported by workstreams on matters of common interest.¹⁷ The BIC [held its last summit on 16 June 2023](#).

British-Irish Intergovernmental Conference

A third body established under the Agreement was the [British-Irish Intergovernmental Conference](#) (BIIGC), which subsumed the Anglo-Irish Intergovernmental Council and Intergovernmental Conference established under the 1985 [Anglo-Irish Agreement](#). The BIIGC grants the Irish Government a say in areas of bilateral cooperation and on non-devolved matters and, like the NSMC and BIC, has a joint secretariat comprising officials from the UK and Irish Governments. It met regularly between 1999-2007 but lapsed until being reconvened on 25 July 2018. [It last met in London on 19 June 2023](#).

¹⁷ The statutory Ministerial Code covers the Executive’s role in the NSMC and BIC.

Intergovernmental relations in the UK

Between 2017-20, when the Assembly and Executive were not fully functioning, a senior official from the Northern Ireland Civil Service attended meetings of the Joint Ministerial Committee, which was then the main forum in which ministers from the UK's four governments could meet. Following a review of intergovernmental relations (IGR) which concluded in January 2022, the Joint Ministerial Committee was replaced with three tiers:

- Top tier: The Prime Minister and Heads of Devolved Governments Council ("The Council")
- Middle tier: The Interministerial Standing Committee (IMSC), the Finance Interministerial Standing Committee (F:ISC) and additional time limited interministerial committees formed as necessary
- Lowest tier: a number of interministerial groups (IMG) formed to discuss specific policy areas

Intergovernmental decisions, however, will continue to "work on the basis of agreement by consensus" between the UK and devolved governments.¹⁸

Box 1: Attorney General for Northern Ireland

The [Attorney General for Northern Ireland](#) is the chief legal adviser to the Northern Ireland Executive for matters that fall within the devolved powers of the Northern Ireland Assembly. He or she is also responsible for appointing the Director and Deputy Director of the [Public Prosecution Service for Northern Ireland](#).¹⁹

An Attorney General existed in Northern Ireland between 1921-72 and the position was always held by an Ulster Unionist Party MP. Following the prorogation of Stormont in 1972, the Attorney General for England and Wales also became Attorney General for Northern Ireland.

The Attorney General can participate in proceedings of the Assembly but not vote. They are also politically independent and can represent Northern Ireland even when there is no functioning Assembly or Executive, as occurred at a [Supreme Court of the United Kingdom](#) (UKSC) hearing regarding a [dispute between the UK and Scottish Governments](#).

The Attorney General has the power to refer any Assembly legislation, where there is doubt over its legality, to the UKSC.

¹⁸ For full details see Commons Library Briefing Paper CBP8371, [Intergovernmental relations in the United Kingdom](#).

¹⁹ Attorney General for Northern Ireland website, [About Us](#).

2

Political parties in Northern Ireland

At the 2022 Northern Ireland Assembly elections, seven parties and two independent candidates won seats.²⁰ Those (in alphabetical order) with current MLAs are:

Alliance Party of Northern Ireland

The Alliance Party, founded in 1970, does not designate as Unionist or Nationalist but identifies as a cross-community party. [Its website says it believes in a shared society](#), free from intimidation, discrimination and fear, where everyone is safe, can play their part and is treated fairly and with respect. It won 17 seats at the 2022 Assembly election.

Democratic Unionist Party (DUP)

The Democratic Unionist Party, or the DUP, is now the second largest party in the Assembly with 25 MLAs. It was formed in 1971. The DUP designates as Unionist and its vision is to maintain and enhance Northern Ireland's constitutional position within the United Kingdom. [Its website says it wants peace and stability](#) to “build a prosperity that flows to each district, community and family”. The party leader is currently Sir Jeffrey Donaldson, who sits as an MP for the Lagan Valley constituency in the UK Parliament.

People Before Profit Alliance

The [People before Profit Alliance](#) is a socialist party formed in October 2005. It won one seat at the 2022 Assembly elections. It does not designate as Unionist or Nationalist. It operates across the island of Ireland and has seats in the Dáil (the lower house of the Irish parliament).

Sinn Féin

Sinn Féin was formed in 1905. It won 27 seats in 2022 making it the largest party in the Assembly for the first time. It designates as Nationalist. Its website says [its core political objective is a united Ireland](#): “A new and united Ireland must be a place for all, a united Ireland that is home if you are Irish, British, both or neither.” The party president is Mary Lou McDonald, who is a member of the Irish Dáil, while the vice-president is Michelle O'Neill, who is an MLA.

²⁰ Commons Library Briefing Paper CBP9549, [Northern Ireland Assembly Election: 2022](#).

Social Democratic and Labour Party (SDLP)

The Social Democratic and Labour Party, or SDLP, was formed in 1970. It was the fifth largest party at the 2022 elections with eight MLAs. It designates as Nationalist. According to its website, [its vision “is a reconciled people living in a united, just and prosperous new Ireland”](#). The current SDLP leader is Colum Eastwood, who sits as the MP for Foyle in the UK Parliament.

Traditional Unionist Voice (TUV)

Traditional Unionist Voice designates as Unionist. It won one seat at the 2022 Assembly elections. The party was formed in 2007 and opposes the Belfast/Good Friday Agreement, arguing it was designed to “ease Northern Ireland out of the United Kingdom”. Its website also says it [“repudiates the absurdity of mandatory coalition”](#). The current leader of the TUV is Jim Allister, an MLA.

Ulster Unionist Party (UUP)

The Ulster Unionist Party, or UUP, was formed in 1905. At the 2022 elections it won nine seats in the Northern Ireland Assembly. It designates as Unionist and believes in Northern Ireland playing a key part in [“a strong, prosperous, inter-connected United Kingdom”](#). The current leader is Doug Beattie, an MLA.

3

A short history of Northern Ireland

Sovereignty over the island of Ireland was claimed by England in the 12th century. During the 17th century, the Province of Ulster was [settled by Protestants from Scotland and England](#). From the late 13th century there existed a [Parliament of Ireland](#), although this was generally subordinate to that of England and, later, Great Britain.²¹

The [Union with Ireland Act 1800](#) declared that “for ever after” the Kingdoms of Great Britain and Ireland would “be united into one Kingdom, by the name of the United Kingdom of Great Britain and Ireland”. It also stated that the “subjects” of both “shall be on the same footing in respect of trade”.

3.1

Home Rule

A campaign for some degree of [Home Rule for Ireland](#), essentially devolution within the United Kingdom, grew during the 19th century and won Liberal government support in 1886. [Attempts to legislate](#) for a devolved parliament that year and again in 1893, however, failed. The idea of treating parts of Ireland differently arose when Parliament considered a Third Home Rule Bill between 1912-14. This reflected the strength of feeling in the [Ulster Unionist Party](#), which had emerged in opposition to the First Home Rule Bill of 1886.

The fourth Government of Ireland Bill was introduced to Parliament during the [War of Independence](#) (1919-21), a guerrilla conflict fought between the [Irish Republican Army](#) (IRA) and British Crown forces.²² The resulting [Government of Ireland Act 1920](#) made provision for devolving power to two legislatures, the Parliament of Southern Ireland (covering 26 counties) and the Parliament of Northern Ireland (covering the other six).

3.2

Devolution and Dominion

Both parliaments were elected in May 1921, but only the Parliament of Northern Ireland functioned as intended.²³ On 6 December 1921 the Anglo-Irish Treaty was agreed between the UK and Sinn Féin. This created a new “Dominion” within the British Empire called the Irish Free State. Under the

²¹ The new kingdom of “Great Britain” was formed in 1707 following the parliamentary union of Scotland and England.

²² This IRA was to split in 1922 between pro- and anti-Treaty factions.

²³ Commons Library Briefing Paper CBP884, [Parliament and Northern Ireland, 1921-2021](#).

Treaty, the Ulster Unionist-dominated Parliament of Northern Ireland was given the option of joining the Free State or remaining a devolved part of the UK. It chose the latter.²⁴ This was a manifestation of what would later become known as the **principle of consent**. The Free State was constituted on 6 December 1922.

On 1 April 1923 a customs “frontier” was erected along the border separating Northern Ireland from the Irish Free State. This significantly disrupted cross-border roads and railways and meant certain goods were subject to duties (payments). In February 1923 an informal agreement had been reached under which the UK and Free State would enforce the other’s immigration policies. This later became known as the [Common Travel Area](#).

The 1931 [Statute of Westminster](#) enabled each Dominion, including the Irish Free State, to enact new legislation or to change existing legislation without the consent of the UK Parliament. In 1937 the Irish Free State declared itself to be a republic called Éire. [Articles 2 and 3 of a new constitution](#) made a de jure claim to the whole “national territory” of Ireland.

Éire’s [Republic of Ireland Act 1948](#) subsequently removed the last remaining functions of the British Crown in relation to Ireland (mainly confined to diplomatic credentials and international agreements). It also declared that “the description of the State shall be the Republic of Ireland”. This came into force on 18 April 1949 and Ireland left the British Commonwealth of Nations.

In response, the UK Parliament debated and passed the [Ireland Act 1949](#). This declared that “in no event” would Northern Ireland cease to form part of the UK “without the consent of the Parliament of Northern Ireland”. This gave the 1921 **principle of consent** statutory form for the first time.

3.3

The Troubles and the peace process

During the period known as [The Troubles](#) (c1968-98), the border between Northern Ireland and the Republic of Ireland was securitised. This meant that those crossing by road or rail were subject to police and British Army checks in addition to customs arrangements in place since 1923.²⁵ Another result of the deteriorating security situation was that the Parliament of Northern Ireland was at first prorogued (1972) and then abolished (1973).²⁶

[A Northern Ireland “Border Poll” took place on 8 March 1973](#). This transferred the 1949 **principle of consent** from the prorogued Parliament of Northern Ireland (which always had an Ulster Unionist majority) to its people. 98.9% of those voting supported Northern Ireland remaining part of the UK, while 1.1%

²⁴ Commons Library Briefing Paper CBP9260, [The Anglo-Irish Treaty, 1921](#).

²⁵ Commons Library Briefing Paper CBP9105, [The Northern Ireland border](#).

²⁶ The [Northern Ireland \(Temporary Provisions\) Act 1972](#) received Royal Assent on 30 March 1972.

wanted it “to be joined with” the Republic of Ireland. Turnout was 58.6%, but most Nationalist voters boycotted the referendum.

Attempts to restore devolved institutions – this time with a power-sharing element – failed in 1973-74 and 1982-86 and instead Northern Ireland was administered under [Direct Rule](#) from London.²⁷ In 1985, the [Anglo-Irish Agreement](#) reaffirmed the 1973 **principle of consent** and declared that “if in future” a majority of those in Northern Ireland desired a united Ireland then the UK and Irish governments would “introduce and support in the respective Parliaments legislation to give effect to that wish”.²⁸

Security checks and installations remained on the Ireland/Northern Ireland border following the removal of customs checks on 31 December 1992.²⁹

3.4

Belfast/Good Friday Agreement

Multi-party negotiations involving the UK and Irish governments and political parties in Northern Ireland culminated with the [Belfast/Good Friday Agreement](#) on 10 April 1998.³⁰

Although the Agreement did not explicitly refer to the Ireland/Northern Ireland border, it committed the UK government to “as early a return as possible to normal security arrangements in Northern Ireland, consistent with the level of threat” and “the removal of security installations”. According to press reports, the [last of these were removed](#) in 2006. The Belfast/Good Friday Agreement again restated the **principle of consent**, which now included an all-Ireland dimension. Section 1(ii) stated that:

it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish.

The [Northern Ireland Act 1998](#), which implemented aspects of the Agreement, compelled the Secretary of State for Northern Ireland to hold a ballot on Irish unification should it “appear” likely that a majority of its electors would support it.³¹ Were that to be confirmed in such a referendum, then the Secretary of State must “lay before Parliament such proposals to give effect to that wish as may be agreed between His Majesty’s Government in the United Kingdom and the Government of Ireland”.³²

²⁷ Commons Library Briefing Paper CBP8638, [Northern Ireland: Direct Rule](#).

²⁸ [Anglo-Irish Agreement 1985](#)

²⁹ This was a consequence of the [Single European Act](#).

³⁰ Commons Library Briefing Paper CBP9547, [The Belfast/Good Friday Agreement – 25 years on](#).

³¹ The Northern Ireland Act 1998 also grants the Secretary of State a more general power to hold a referendum on whether Northern Ireland should form part of Ireland at any time.

³² See The Constitution Unit, [Working Group on Unification Referendums on the Island of Ireland: Interim Report](#), London: UCL, November 2020, for a full analysis.

4

Devolution in Northern Ireland, 1998-2023

Strand 1 dealt with democratic institutions, an elected Northern Ireland Assembly and power-sharing Northern Ireland Executive.

The Assembly was elected in June 1998 and met for the first time the following month. Ulster Unionist Party leader David Trimble was elected First Minister and SDLP deputy leader Seamus Mallon deputy First Minister. The Assembly met in “shadow” form until 2 December 1999, when executive and legislative powers were formally transferred from Westminster.

“The conflict between the two communities in Northern Ireland was not resolved by the G[ood] F[riday] A[greement],” judged the academic Brigid Laffan. “Rather, it morphed into a non-violent conflict, an uneasy peace rather than deep reconciliation.”³³

On 11 February 2000, following reports from the [Independent International Commission on Decommissioning](#) (IICD) that it had “received no information from the IRA as to when decommissioning will start”, the then Secretary of State, Peter Mandelson, under powers derived from the [Northern Ireland Act 2000](#), suspended the Executive and restored Direct Rule.³⁴

An agreement was subsequently reached that allowed the restoration of devolved institutions with effect from 30 May 2000.

In London, meanwhile, Parliament considered the recommendations of the [Independent Commission on Policing for Northern Ireland](#), chaired by Lord Patten, which had been established under the Belfast/Good Friday Agreement to bring forward proposals for a police service capable of attracting and sustaining support from across Northern Ireland.³⁵ The [Police \(Northern Ireland\) Act 2000](#) subsequently replaced the [Royal Ulster Constabulary](#) with the [Police Service of Northern Ireland](#).

Continuing delays in decommissioning led to the resignation of David Trimble as First Minister on 1 July 2001. To allow time to resolve that situation, the Secretary of State ordered 24-hour suspensions of the Assembly on 10 August and 22 September 2001. On 23 October, the IRA announced its

³³ Brigid Laffan, Brexit: Re-opening Ireland’s ‘English Question’, Political Quarterly, 22 October 2018, p1.

³⁴ Commons Library Research Paper 00/13, [Northern Ireland Bill](#).

³⁵ Commons Library Research Paper 00/58, [Police \(Northern Ireland\) Bill](#).

decommissioning process, saying the move was in order “to save the peace process”.³⁶

David Trimble was eventually re-elected on 5 November 2001 as First Minister along with Mark Durkan as deputy First Minister, who succeeded the retiring Seamus Mallon (see **Box 2**).³⁷

It therefore took a long time for “normal” politics to resume in Northern Ireland. The first Programme for Government, which set out the Executive’s policy commitments, was published on 6 March 2001. Democratic Unionist Party (DUP) ministers also adopted a “half in, half out” approach, boycotting Executive meetings and voting against certain measures in the Assembly.³⁸

The extent of ministerial autonomy also became controversial, with notable “solo runs” by Sinn Féin Ministers: Bairbre de Brún’s on maternity services and Education Minister Martin McGuinness’s decision, made just days before the 2002 suspension (see below) to abolish the eleven-plus. The former was ruled unlawful following a judicial review on the basis that de Brún had not adequately consulted the Executive, while the latter sparked considerable opposition among Unionists.³⁹

Throughout 2002, sectarian violence and allegations that the IRA had broken its ceasefire (despite a second act of decommissioning on 8 April) caused further problems for the devolution settlement in Northern Ireland. On 4 October 2002, three Sinn Féin party members were arrested on charges of spying. This led directly to the suspension of the Assembly by the Secretary of State on 14 October 2002.

Despite these inter-party tensions, the 1999-2002 Assembly passed 36 Acts on transferred matters.⁴⁰

³⁶ Joanne McEvoy, *The Politics of Northern Ireland*, Edinburgh: Edinburgh University Press, 2008, p150.

³⁷ Joanne McEvoy, *The Politics of Northern Ireland*, p135.

³⁸ Joanne McEvoy, *The Politics of Northern Ireland*, p142.

³⁹ Joanne McEvoy, *The Politics of Northern Ireland*, p143.

⁴⁰ Joanne McEvoy, *The Politics of Northern Ireland*, p136.

Box 2: Robinson v Secretary of State for Northern Ireland [2002] UKHL 32

The Northern Ireland Act 1998 imposed a duty on the Secretary of State for Northern Ireland to “propose a date for a poll for the election of the next Assembly” if, after six weeks of a vacancy or following an Assembly election, no First Minister and deputy First Minister had been appointed.

On 6 November 2001 David Trimble and Mark Durkan were elected as First and deputy First Minister respectively, two days after that six-week deadline. The Secretary of State decided to designate the date of the next poll for Northern Ireland elections as 1 May 2003, the date on which elections would, in any case, have taken place by default.

Peter Robinson MLA, leader of the DUP, challenged the legality of the second Assembly ballot and of the Secretary of State’s decision. He argued that the Secretary of State was instead under a duty to call fresh Assembly elections as soon as reasonably practicable because the statutory limit had expired.

The House of Lords ruled (by a majority of 3-2) that both the election of FM and DFM and the Secretary of State’s decision were lawfully taken by adopting a “generous and purposive” interpretation of the 1998 Act.⁴¹

4.1

Direct Rule, 2002-06

Following the suspension of the Northern Ireland Assembly in October 2002, outstanding legislation was processed instead by the UK Parliament, where it took the form of Orders in Council (just as it had between 1974 and 1999).

The Assembly was formally dissolved on 28 April 2003 prior to an election in May 2003. The [Northern Ireland Assembly \(Elections and Periods of Suspension\) Act 2003](#) postponed the election due on 29 May and provided for the temporary suspension of elections until 15 November 2003, but with power for the Secretary of State to continue the suspension for further periods up to a maximum of six months.⁴²

A [Joint Declaration](#) was published on 1 May 2003 which stated that the devolved institutions, if restored, could flourish only in a climate of trust. A draft [Agreement on Monitoring and Compliance](#) between the UK and Irish

⁴¹ [Robinson v Secretary of State for Northern Ireland and Others \(Northern Ireland\) \[2002\] UKHL 32](#), para 15.

⁴² Commons Library Research Paper 03/21, [Northern Ireland Assembly Elections Bill \(Bill 74 of 2002/03\)](#) and Commons Library Research Paper 03/43, [Northern Ireland Assembly \(Elections and Periods of Suspension\) Bill \(Bill 104 of 2002/03\)](#).

Governments was also published, envisaging the establishment of an [Independent Monitoring Commission](#) to look at various commitments under the Belfast/Good Friday Agreement. The [Northern Ireland \(Monitoring Commission etc\) Act 2003](#) was introduced to implement this proposal, which, among other functions, enabled the exclusion of ministers or parties from the Northern Ireland Executive.⁴³

Assembly elections took place on 26 November 2003. Both Sinn Féin and the DUP gained support and seats, thus altering the balance of power within the Executive. A few months later, the Ulster Unionist Party (UUP) MP Jeffrey Donaldson and two newly elected UUP MLAs, Arlene Foster and Norah Beare, defected to the DUP.⁴⁴

A review of the Belfast/Good Friday Agreement involving all the political parties in Northern Ireland began in early 2004. This was halted after the [Progressive Unionist Party](#) withdrew in March but talks on restoring the Assembly resumed at Stormont following European Parliament elections in June. Three days of intensive discussions at Leeds Castle in Kent, however, ended with parties failing to reach an agreement. Nonetheless, further talks were held at Stormont to discuss “sticking points”.

By the end of November 2004, talks had reached a critical stage. Sinn Féin president Gerry Adams met with the Chief Constable of the Police Service of Northern Ireland, Hugh Orde, to discuss the “demilitarisation of republican heartlands”. The meeting came after DUP leader Ian Paisley held talks with the head of the decommissioning body to discuss IRA disarmament. Discussions were also held by both leaders at Downing Street.

On 8 December 2004, Ian Paisley confirmed that a deal to restore devolution would not be signed.⁴⁵ On 21 December, an armed gang stole £26.5m from the Northern Bank in Belfast city centre. On 7 January 2005, Chief Constable Hugh Orde said the IRA were responsible.

On 28 July 2005, the IRA issued a statement calling on all IRA units to end the armed campaign and dump their weapons. On 26 September, the IICD announced that the IRA had completed its decommissioning process. There was no sign, however, that the [Loyalist Volunteer Force](#) and [Ulster Defence Association](#) intended to follow suit.⁴⁶

The [Northern Ireland \(Miscellaneous Provisions\) Act 2006](#), meanwhile, changed the rules governing the disclosure of political donations to parties in Northern Ireland.⁴⁷ Part 4 of the Act also provided for the possible devolution

⁴³ Commons Library Research Paper 03/69, [The Northern Ireland \(Monitoring Commission etc\) Bill \(HL\) \(Bill 158 of 2002/03\)](#).

⁴⁴ At the UK general election on 5 May 2005, the UUP lost all but one seat while the DUP and Sinn Féin increased their support.

⁴⁵ Commons Library Briefing Paper SN/PC/2899, [Northern Ireland – political developments since November 2003](#).

⁴⁶ Joanne McEvoy, *The Politics of Northern Ireland*, p151.

⁴⁷ As of 1 July 2017, the anonymity provisions for donations to political parties in Northern Ireland [were removed](#) but not applied retrospectively.

of policing and justice functions to the Assembly and Executive, including an extension of the last date for the amnesty period for arms decommissioning to February 2010.⁴⁸

The [Northern Ireland Act 2006](#) allowed the Secretary of State to dissolve the Assembly if a First and deputy First Minister were not elected by 25 November 2006. A non-legislative fixed term [Assembly](#), whose membership consisted of the 108 members elected at the November 2003 election, was then created. This met for the first time on 15 May 2006 with a remit to prepare for the restoration of devolved institutions. Its discussions informed the next round of talks.

4.2 St Andrews Agreement, 2006

Multi-party negotiations took place in October 2006 between the UK and Irish governments and all the major parties in Northern Ireland, including the two largest, the DUP and Sinn Féin.

The draft deal, which amended aspects of the Belfast/Good Friday Agreement, included:

- full acceptance of the Police Service of Northern Ireland by Sinn Féin and a commitment from the DUP to form a power-sharing Executive;
- devolution of policing and justice powers within two years;
- requiring the Executive to develop strategies relating to the [Irish](#) and [Ulster Scots](#) languages;
- the adoption of a statutory Ministerial Code which would, inter alia, set out the obligations of individual ministers on the referral of matters to the Executive;⁴⁹
- enabling the Assembly to refer ministerial decisions for Executive review if 30 MLAs petitioned it to do so;
- nominations for the First and deputy First Minister to take place without a cross-community vote and restricting the ability of MLAs to change their community designation during an Assembly term.⁵⁰

A [Transitional Assembly](#) was established to prepare for the restoration of devolution. On 24 November 2006, Sinn Féin nominated Martin McGuinness as

⁴⁸ Commons Library Briefing Paper SN04114, [The Northern Ireland \(Miscellaneous Provisions\) Bill 2005-06 – Major Amendments](#).

⁴⁹ Northern Ireland Office website, [Agreement at St Andrews](#), 13 October 2006.

⁵⁰ Joanne McEvoy, *The Politics of Northern Ireland*, p168. The change from electing to nominating the First and deputy First Ministers was intended to address DUP concerns about being “elected” jointly with a Nationalist party.

deputy First Minister, but the Speaker's conclusion that Ian Paisley had also nominated himself as First Minister was disputed by 12 DUP MLAs.

The same meeting was later interrupted when the Loyalist paramilitary Michael Stone tried to [force his way into Stormont](#) with the apparent intention of assassinating Gerry Adams and Martin McGuinness.

The subsequent [Northern Ireland \(St Andrews Agreement\) Act 2006](#) set the date for the third election to the Northern Ireland Assembly as 7 March 2007. Devolution was to be restored on 26 March. The Act also provided for a statutory Ministerial Code and amendments to the Pledge of Office.⁵¹

At the election, the DUP and Sinn Féin again won the largest number of seats. The DUP leader Ian Paisley and Sinn Féin president Gerry Adams met at Stormont on 26 March and agreed to set up an Executive by 8 May 2007.⁵² As this missed the statutory deadline of 26 March, the [Northern Ireland \(St Andrews Agreement\) Act 2007](#) extended it to 8 May to avoid an immediate dissolution of the Assembly.⁵³

Box 3: Sinn Féin Members at Westminster

On 18 December 2001, the House of Commons debated and agreed a motion to allow Members of Parliament (MPs) who had chosen not to take their seats to use facilities within the precincts of the House and use the departments of the House and claim Members' Allowances. Sinn Féin MPs therefore moved into their offices on 21 January 2002.

A motion from the Leader of the House to suspend allowances for Sinn Féin MPs at Westminster for one year from 1 April 2005 was debated and passed on 10 March 2005. A motion to backdate the restoration of allowances to 1 November 2005 for Sinn Féin MPs was debated and passed on 8 February 2006, together with a motion to grant Sinn Féin funds analogous to [Short Money](#) for the first time.⁵⁴

⁵¹ Commons Library Briefing Paper RP06-56, [The Northern Ireland \(St Andrews Agreement\) Bill 2006-7](#).

⁵² Gerry Adams would step down from the Northern Ireland Assembly in December 2010 and instead become a Teachta Dála (TD) of Dáil Éireann, the lower house of the Irish parliament, in February 2011.

⁵³ Commons Library Briefing Paper RP07-32, [The Northern Ireland \(St Andrews Agreement\) \(No 2\) Bill](#). DUP MEP Jim Allister later set up a new political party called [Traditional Unionist Voice in protest](#).

⁵⁴ Commons Library Briefing Paper SN01667, [Sinn Féin, Allowances and Access to Commons Facilities](#).

4.3

Stability, 2007-16

The period between the restoration of the Northern Ireland Assembly and Executive in May 2007 and early 2017 was one of relative stability in Northern Ireland politics. There were no suspensions of the devolved institutions, as in 2000 and 2001, or Direct Rule from Westminster, as between 2002-07.

DUP leader Ian Paisley retired in June 2008 and was succeeded by Minister of Finance and Personnel Peter Robinson, who became Northern Ireland's longest-serving First Minister (2008-16),⁵⁵ with Sinn Féin's Martin McGuinness continuing as deputy First Minister (2007-17). For several months, however, there was a deadlock between the DUP and Sinn Féin over the devolution of policing and justice.

This was broken on 20 November 2008, when the Executive met for the first time in 154 days. On 3 September 2008, the Independent Monitoring Commission had reported that the IRA's Army Council was no longer operational or functional.

When, in March 2009, dissident Republicans killed two soldiers and a police officer, Martin McGuinness joined Peter Robinson in pledging his "whole-hearted support" to the Police Service of Northern Ireland and called on all members of the community to give any information they had on "these traitors to the island of Ireland" to the police. He did so alongside the First Minister and Chief Constable Sir Hugh Orde at Stormont Castle, which was considered "an important and symbolic display of political unity".⁵⁶

In January 2010, following [media stories involving his wife Iris](#), also a DUP MP and MLA, Peter Robinson temporarily handed over his duties as First Minister to Arlene Foster under the terms of the Northern Ireland Act 2006. Following a police investigation, Robinson was cleared of any wrongdoing and returned as First Minister.

4.4

Legislation at Westminster

The UK Parliament continued to debate and pass legislation (in reserved or excepted areas) relating to the devolution settlement in Northern Ireland.

⁵⁵ In October 2007, Peter Robinson had suggested that a four-party "mandatory coalition with no effective opposition was not in the best interests of decision making in Northern Ireland", 11 government departments were "about twice as many as we need" and the community designation system "no basis for tackling community division in the longer term" ("[Robinson seeks radical shake-up of Stormont](#)", Belfast Telegraph, 15 October 2007).

⁵⁶ Colin Knox, *Devolution and the Governance of Northern Ireland*, p40.

The [Northern Ireland Act 2009](#) progressed the devolution of policing and justice agreed at St Andrews in 2006,⁵⁷ while the [Northern Ireland Assembly Members Act 2010](#) allowed the Assembly to delegate authority for determining MLAs' salaries and allowances either to an independent body or the Assembly Commission. It also included provisions – added in the House of Lords – to prevent MLAs with dual mandates as MPs or Members of the European Parliament from drawing their Assembly salaries (but not allowances).⁵⁸

4.5

Hillsborough Castle Agreement, 2010

On 5 February 2010, Sinn Féin and the DUP reached an agreement at [Hillsborough Castle](#) to complete the devolution of policing and justice powers to the Northern Ireland Executive. It also included agreement on parades and on implementing outstanding matters from the St Andrews Agreement.⁵⁹

Three days later, [General John de Chastelain](#), the head of the Independent International Commission on Decommissioning, announced that the [Irish National Liberation Army](#), the [Official IRA](#) and the [South-East Antrim Ulster Defence Association](#) had all decommissioned their weapons.⁶⁰

Elections on 5 May 2011 resulted in little change in the overall party composition of the Northern Ireland Assembly, with the two largest parties remaining the DUP (with 38 MLAs) and Sinn Féin (with 29).⁶¹

The [Northern Ireland \(Miscellaneous Provisions\) Act 2014](#) received Royal Assent on 13 March 2014. This abolished dual mandates, which meant MPs or members of the Dáil could not also serve as MLAs; modified the means by which a Minister of Justice was appointed; moved the Northern Ireland Assembly on to a five-year term; and enabled the Assembly to reduce its size from 108 to 90 MLAs with the consent of the Secretary of State for Northern Ireland and the UK Parliament.⁶²

⁵⁷ Commons Library Briefing Paper RP09-18, [Northern Ireland Bill \(Bill 62 of 2008-09\)](#).

⁵⁸ Commons Library Briefing Paper RP10-25, [Northern Ireland Assembly Members Bill \(HL\) \(Bill 75 of 2009-10\)](#). So-called “double jobbing” had increasingly become an issue in Northern Irish politics. At one point, Ian Paisley was simultaneously an MLA, MP and MEP. By 2011, however, all the major parties in Northern Ireland had agreed in principle to end dual or triple mandates.

⁵⁹ Northern Ireland Office website, [Hillsborough Castle Agreement](#), 5 February 2010.

⁶⁰ Commons Library Briefing paper SN05350, [The Hillsborough Agreement](#).

⁶¹ Commons Library Briefing Paper RP11-42, [Northern Ireland Assembly Elections: 2011](#).

⁶² Commons Library Briefing Paper SN06843, [Northern Ireland \(Miscellaneous Provisions\) Bill: amendments](#).

4.6

Stormont House Agreement, 2014

The [Stormont House Agreement](#) of December 2014 included further changes to the devolution settlement in Northern Ireland, including:

- devolution of Corporation Tax;
- flexibility in the implementation of welfare reform;
- creation of an “official opposition” in the Assembly, consisting of any party eligible to take up ministerial positions but choosing not to do so;
- reduction of Northern Ireland Departments from 12 to 9 before the 2016 Assembly elections,⁶³ and reduction of the number of MLAs from 108 to 90 by 2021;⁶⁴
- extension of the period for agreeing a Programme for Government following the first post-election meeting of the Assembly from 7 to 14 days, and for it to be agreed before the First and deputy First Ministers and other Executive Ministers were selected;
- establishing bodies to consider the legacy of “The Troubles”: an [Historical Investigations Unit](#), an [Independent Commission on Information Retrieval](#), an independent [Oral History Archive](#) and an [Implementation and Reconciliation Group](#).

The Agreement was accompanied by a package of almost £2 billion in financial support from the UK Government.⁶⁵

In December 2014, the then Chancellor George Osborne announced his intention to devolve Corporation Tax to Northern Ireland. The [Corporation Tax \(Northern Ireland\) Act 2015](#) received Royal Assent on 26 March 2015.⁶⁶

Implementation of the rest of the Agreement ran aground over welfare reform. Sinn Féin wanted to use devolved powers to offset the impact of UK Government reforms, but agreement could not be reached. This created problems in agreeing a balanced budget in Northern Ireland, one of the factors that had given rise to the Stormont House process.

⁶³ The resulting [departmental reorganisation](#) was announced to the Assembly by Peter Robinson in March 2015.

⁶⁴ In the event, the reduction took effect at an “extraordinary” election in March 2017.

⁶⁵ Commons Library Briefing Paper CBP7284, [Northern Ireland: Stormont House Agreement and implementation](#).

⁶⁶ Commons Library Briefing Paper SN07078, [Corporation tax in Northern Ireland](#).

4.7

Political developments in 2015

In August 2015 the Police Service of Northern Ireland stated that IRA members may have been involved in the murder of a former IRA member, Kevin McGuigan Snr. This implied official recognition that the IRA still existed.

In response, the Ulster Unionist Party left the Executive and DUP ministers adopted a strategy of rolling resignations. First Minister Peter Robinson stood aside in September after his attempt to adjourn the Assembly was rejected. Arlene Foster again became Acting First Minister while Martin McGuinness remained as deputy First Minister.

The UK Government also commissioned an [independent assessment of paramilitary organisations](#) in September 2015, which reported in October 2015. It concluded that all the main paramilitary groups operating during the Troubles still existed, and that members still engaged in violence, but that their leaderships were committed to political objectives achieved through peaceful means.

The DUP returned to its normal role in the Executive following this report, including Peter Robinson as First Minister.

4.8

Fresh Start Agreement

The five largest parties in the Assembly also began talks with the Irish and UK Governments regarding implementation of the Stormont House Agreement.

After ten weeks an agreement was reached, and [A Fresh Start: the Stormont Agreement and Implementation Plan](#) was published on 17 November 2015. This included measures on welfare and paramilitarism, a commitment to a start date and rate for the devolution of Corporation Tax (April 2018 at 12.5%), a draft Northern Ireland Assembly Bill to reduce the number of MLAs for each constituency from six to five, and a restriction on spending plans that exceeded the “block grant” or borrowing limits.⁶⁷

The subsequent [Northern Ireland \(Welfare Reform\) Act 2015](#) (and related Order in Council based on the Northern Ireland Assembly Welfare Reform Bill) facilitated welfare reform in Northern Ireland, including £585 million from Executive funds to “top-up” UK welfare arrangements over a four-year period.

The [Northern Ireland \(Stormont Agreement and Implementation Plan\) Act 2016](#) gave legislative effect to other commitments in the Fresh Start Agreement, including a new [Independent Reporting Commission](#) to monitor

⁶⁷ Commons Library Briefing Paper CBP7389, [A Fresh Start: the Stormont Agreement and Implementation Plan and the Northern Ireland \(Welfare Reform\) Bill 2015-16 \[Bill 99\]](#).

progress towards ending paramilitary activity and changes to the ministerial Pledge of Office and commitments from MLAs.

Finally, the Act provided for a longer period between the Assembly meeting after an election and the creation of an Executive. This was to facilitate greater discussion of a Programme of Government.⁶⁸

On 19 November 2015, Peter Robinson announced his intention to resign as First Minister and leader of the DUP. He stood down on 11 January 2016 and was succeeded by Arlene Foster in both positions. Assembly elections on 5 May 2016 resulted in little change.⁶⁹

Following those elections, both the Social Democratic and Labour Party (SDLP) and UUP chose not to join the power-sharing Executive and instead formed the [official opposition](#), something enabled by the Stormont House Agreement of 2014.⁷⁰

Box 4: Judicial review and the Executive

Following the restoration of devolved institutions in 2007, there were several judicial reviews of alleged breaches of the statutory Ministerial Code (introduced in 2007) or of Executive responsibilities, which arose in part from the autonomous nature of the 12 (later 9) Northern Ireland Departments:

1. In 2008, a judge ruled that Social Development Minister Margaret Ritchie (SDLP) had breached the Code by removing £1m of funding for a loyalist conflict transformation initiative without seeking full Executive approval;
2. In October 2013, Health Minister Edwin Poots (DUP) was found to have breached the Ministerial Code for not bringing a ban on homosexual men giving blood before the Executive;
3. In December 2013, the High Court ruled that Sinn Féin Agriculture Minister Michelle O'Neill had also breached the Code by reallocating £100m of Common Agricultural Policy funding without Executive approval;
4. And in December 2014, the Enterprise Minister Arlene Foster sought a judicial review against Environment Minister Mark Durkan (SDLP) over his decision to launch the Belfast Metropolitan Area Plan without Executive agreement.⁷¹

⁶⁸ Commons Library Briefing Paper CBP7503, [Northern Ireland \(Stormont Agreement and Implementation Plan\) Bill 2015-16 \[Bill 133\]](#).

⁶⁹ Commons Library Briefing Paper CBP7575, [Northern Ireland Assembly Elections: 2016](#).

⁷⁰ BBC News online, [NI Assembly: SDLP to go into opposition](#), 19 May 2016.

⁷¹ Derek Birrell & Cathy Gormley-Heenan, *Multi-Level Governance and Northern Ireland*, p59.

4.9

Collapse of institutions, 2017–2020

In June 2016 a majority of UK electors supported the UK's departure from the European Union. Although it was a UK-wide ballot, Scotland and Northern Ireland voted to “Remain” while England and Wales voted to “Leave”. Sinn Féin supported Remain and the DUP Leave. Although the Northern Ireland Executive [initially agreed a common stance on “Brexit”](#), tensions later emerged.

On 9 January 2017, Martin McGuinness of Sinn Féin announced he was resigning as deputy First Minister of Northern Ireland. Sinn Féin declined to nominate a successor, which meant First Minister Arlene Foster also stood down.⁷²

This followed a dispute between Sinn Féin and the DUP concerning the [Renewable Heat Incentive](#) (RHI) subsidy scheme, which later became the subject of a [public inquiry](#). Arlene Foster had established the RHI as Minister for Enterprise, Trade and Investment. A flaw in the scheme was subsequently identified which posed a major liability to the Northern Ireland block grant for 20 years, and it was closed in February 2016.⁷³

4.10

Extraordinary Assembly election

An extraordinary election was held on 2 March 2017, which saw the DUP and Sinn Féin remain the two largest parties, although without an overall Unionist majority. This was the first Assembly election to take place following the reduction to 90 MLAs.⁷⁴

An initial round of talks on forming an Executive took place, but on 27 March the statutory time limit for the appointment of Ministers passed. The deadline for a second round of talks also passed on 18 April. On 27 April, the statutory time limit for creating an Executive was extended to 108 days.⁷⁵

This process was interrupted by a UK general election on 8 June 2017, after which a third round of talks began. On 26 June, the Conservatives and DUP negotiated a [confidence-and-supply agreement](#) for the UK Government, which included an additional £1 billion funding for Northern Ireland. A fourth round of talks began on 4 September 2017.⁷⁶

⁷² Martin McGuinness died on 21 March 2017 aged 66.

⁷³ Commons Library, [Northern Ireland: resignation of Deputy First Minister](#), 11 January 2017

⁷⁴ Commons Library Briefing Paper CBP7920, [Northern Ireland Assembly Elections: 2017](#).

⁷⁵ See section 1(1) of the [Northern Ireland \(Ministerial Appointments and Regional Rates\) Act 2017](#).

⁷⁶ The Northern Ireland Affairs Committee report, [Devolution and democracy in Northern Ireland – dealing with the deficit](#), includes a useful “Timeline” of events in Northern Ireland 2016–18 on pp3–4.

Agreement seemed close following a fifth round of talks in February 2018, but the DUP leader Arlene Foster said a deal proved impossible due to the “standalone” Irish Language Bill sought by Sinn Féin. There was also disagreement on same-sex marriage in Northern Ireland, and complications arising from the ongoing Brexit negotiations.⁷⁷

In a statement, Foster said the failure of the talks meant it was:

now incumbent upon Her Majesty’s Government to set a budget and start making policy decisions about our school, hospitals and infrastructure.⁷⁸

4.11

Westminster legislation since January 2017

In the absence of fully functioning devolved institutions in Northern Ireland or Direct Rule from Westminster, the UK Parliament pursued a policy of only legislating on behalf of Northern Ireland when necessary.

The [Northern Ireland Budget Act 2017](#),⁷⁹ [Northern Ireland Budget \(Anticipation and Adjustments\) Act 2018](#), [Northern Ireland Budget Act 2018](#),⁸⁰ and [Northern Ireland Budget \(Anticipation and Adjustments\) Act 2019](#) all made provision for spending on public services in Northern Ireland to continue until 31 March 2020.

The [Northern Ireland \(Regional Rates and Energy\) Act 2018](#) provided authority for the collection of regional domestic and non-domestic rates.⁸¹

The [Northern Ireland Assembly Members \(Pay\) Act 2018](#) also enabled the Secretary of State to intervene on pay for MLAs.⁸² On 29 March 2018, the then Secretary of State for Northern Ireland Karen Bradley issued a [Determination](#) that a £500 inflationary increase due on 1 April 2018 would not apply. This followed [recommendations made by Trevor Reaney](#), a former Clerk to the Northern Ireland Assembly.

⁷⁷ See BBC News online, [Power-sharing talks collapse at Stormont](#), 14 February 2018. In the absence of fully functioning devolved institutions, the Northern Ireland Assembly could not consider legislative consent for the [European Union \(Withdrawal\) Act 2018](#).

⁷⁸ The Journal, [McDonald: ‘Three language acts were included in draft DUP deal, but no agreement on marriage equality’](#), 15 February 2018.

⁷⁹ Commons Library Briefing Paper CBP8122, [Northern Ireland Budget Bill 2017-19](#).

⁸⁰ Commons Library Briefing Paper CBP8363, [Northern Ireland Budget \(No. 2\) Bill 2017-19](#).

⁸¹ Commons Library Briefing Paper CBP8266, [Northern Ireland \(Regional Rates and Energy\) Bill 2017-19](#).

⁸² Commons Library Briefing Paper CBP8267, [Northern Ireland Assembly Members \(Pay\) Bill 2017-19](#).

On 28 September 2018, the Secretary of State wrote to MLAs to confirm their salary would be cut by 15% from 1 November, and by a further 12.5% from 1 January 2019 if an Executive had not been formed.⁸³

4.12

Political developments, 2017-19

On 6 September 2018 the Secretary of State for Northern Ireland announced her intention to introduce primary legislation to allow certain decisions to be taken in the absence of a devolved Assembly and Executive.⁸⁴

Among the impetuses for this was the Buick case of September 2017, in which the High Court in Belfast ruled that Peter May, permanent secretary at the Northern Ireland [Department for Infrastructure](#), had acted unlawfully in granting planning permission for the Arc 21 waste disposal incinerator at Mallusk. He did so without ministerial authorisation because there was no Northern Ireland Executive.

Mrs Justice Keegan observed that the case advanced by the Department for Infrastructure “would mean civil servants in Northern Ireland could effectively take major policy decisions such as this one for an indefinite period”.⁸⁵

Northern Ireland (Executive Formation and Exercise of Functions) Act 2018

The Northern Ireland (Executive Formation and Exercise of Functions) Bill 2017-19 was introduced to the House of Commons on 18 October 2018 and all its Commons stages were taken on 24 October. This made provision to:

- suspend the Secretary of State for Northern Ireland’s “duty” to call another Assembly election for a time-limited period;
- enable civil servants in the absence of Northern Ireland Ministers to take certain decisions in accordance with [guidance published by the Secretary of State](#);
- permit UK ministers to make some public appointments in the absence of a fully functioning Assembly and Executive.⁸⁶

The [Northern Ireland \(Executive Formation and Exercise of Functions\) Act 2018](#) received Royal Assent on 1 November. Aspects of the Act were strongly

⁸³ Northern Ireland Office news release, [Secretary of State confirms MLA pay reduced by 1 November 2018](#), 28 September 2018. MLA pay had also been reduced during the 2002-07 period of Direct Rule from Westminster.

⁸⁴ [HC Deb 06 September 2018 vol 646 c347](#)

⁸⁵ [R \(Buick\) v Department of Infrastructure \[2018\] NIQB 43](#)

⁸⁶ Commons Library Briefing Paper CBP8418, [Northern Ireland \(Executive Formation and Exercise of Functions\) Bill 2017-19](#).

criticised by political parties in Northern Ireland as well as academic observers.⁸⁷

4.13

Talks to restore devolved institutions

The Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 set, in effect, a new deadline of 26 March 2019 for the restoration of devolved institutions in Northern Ireland, although this was later extended – by regulations – for another five months.

Towards the end of 2018, talks continued – both formally and informally – between political parties in Northern Ireland and the UK and Irish Governments, albeit with little progress.

On 18 April 2019, the [journalist Lyra McKee was shot](#) during unrest in Derry/Londonderry. The New IRA, a dissident republican group, admitted responsibility for the killing. McKee’s funeral was attended by the leaders of Northern Ireland’s main political parties, who subsequently agreed to a further round of talks, which commenced on 7 May 2019.

4.14

Abortion and same-sex marriage

In July 2019, the Government introduced the [Northern Ireland \(Executive Formation\) Bill 2017-19](#), which further extended the period for Northern Ireland Ministers to be appointed and imposed a duty upon the Secretary of State to report on progress to that end.

During its Commons Committee Stage, the Bill was amended so that the Secretary of State would be obliged to lay regulations changing the law on abortion and same-sex marriage in Northern Ireland by 21 October 2019, unless a devolved Executive had been formed.⁸⁸

Both issues had a high profile after the Republic of Ireland voted to decriminalise same-sex marriage and abortion in two constitutional referendums, in [May 2015](#) and [May 2018](#) respectively. Several MPs argued that Northern Ireland’s position was anomalous given that both same-sex marriage and abortion were legal everywhere else in the UK.

⁸⁷ Anurag Deb and Conor McCormick, [The Bradley Bill and the Cessation of Constitutionalism in Northern Ireland](#), Admin Law Blog, 26 October 2018.

⁸⁸ Commons Library Insight, [Abortion and same-sex marriage in Northern Ireland: Do Westminster votes undermine devolution?](#), 10 July 2019.

Members of the Northern Ireland Assembly had debated same-sex marriage several times, [narrowly voting in favour in November 2015](#). However, it was blocked by the DUP using the Petition of Concern.⁸⁹

In the House of Lords, the Northern Ireland (Executive Formation) Bill 2017-19 was further amended. This meant the deadline for the introduction of a regulation on same-sex marriage was moved to 13 January 2020,⁹⁰ and for abortion to 31 March 2020. A negative instrument was specified for the former and a positive instrument for the latter.

Additionally, sections 58 and 59 of the [Offences Against the Person Act 1861](#) – under which abortion constitutes a criminal offence – were to be repealed in Northern Ireland unless an Executive was in place by 21 October 2019.

The [Northern Ireland \(Executive Formation etc\) Act 2019](#) received Royal Assent on 24 July 2019. Same-sex marriage became legal on 13 January, while abortion was decriminalised from 22 October 2019 onwards.

A new legal framework for abortion services in Northern Ireland was introduced, by regulation, on 25 March 2020 following a [six-week consultation](#). The [Abortion \(Northern Ireland\) Regulations 2020](#) were subsequently re-made as the [Abortion \(Northern Ireland\) \(No. 2\) Regulations 2020](#) on 12 May 2020, correcting drafting errors identified by the Joint Committee on Statutory Instruments. These were approved by both Houses of (the UK) Parliament in June 2020.

Full commissioning of abortion services in Northern Ireland, however, did not take place. The Northern Ireland Minister for Health argued that the 2020 regulations did not actually compel the Executive to provide abortion services. In October 2021 Mr Justice Colton ruled that the Secretary of State had failed to comply with his duties under section 9 of the Northern Ireland (Executive Formation etc) Act 2019.⁹¹

In March 2021, the UK Government laid the [Abortion \(Northern Ireland\) Regulations 2021](#) which gave the Secretary of State power to “direct Northern Ireland Ministers and, departments or relevant agencies” to commission abortion services in Northern Ireland. A direction was subsequently issued to the Northern Ireland Department of Health, the Minister for Health, the Health and Social Care Board, and to the First and deputy First Minister, to “commission and make abortion services available in Northern Ireland as soon as possible, and no later than 31 March 2022”.

⁸⁹ The Assembly had conducted a [Review of the Petitions of Concern](#) in 2014 amid concerns they were “now being played like a joker” card.

⁹⁰ On 21 October 2019, the Secretary of State [extended the deadline for Executive formation until 13 January 2020](#), for which provision had been made in the Northern Ireland (Executive Formation etc) Act 2019.

⁹¹ Commons Library Briefing Paper CBP8909, [Abortion in Northern Ireland: recent changes to the legal framework](#).

When this deadline passed, the [Abortion \(Northern Ireland\) Regulations 2022](#) came into force on 20 May 2022. In addition to removing the need for Executive agreement, the regulations also imposed an obligation on the Northern Ireland Department of Health to fund and commission abortion services, while giving the Secretary of State the power to intervene directly if necessary.

4.15 New Decade, New Approach

On 9 January 2020, Julian Smith, the then Secretary of State for Northern Ireland, and Simon Coveney, the then Irish Tánaiste (Deputy Prime Minister), published the text of a deal, [New Decade, New Approach](#), to restore the devolved institutions in Northern Ireland three years after they collapsed.

The deal secured cross-party agreement and the Northern Ireland Assembly [convened on Saturday 11 January](#). An [Executive was therefore formed](#) two days before the statutory deadline of Monday 13 January 2020.

The New Decade, New Approach agreement included several proposed changes to the devolution settlement in Northern Ireland.

4.16 Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022

Some of these proposals were given legislative effect by the UK [Northern Ireland \(Ministers, Elections and Petitions of Concern\) Act 2022](#).

By law, the Secretary of State for Northern Ireland had been required to propose a date for an Assembly election if Executive ministers had not been appointed within 14 days of an Assembly election, or if the posts of First and/or deputy First Minister remained unfilled after seven days.

The 2022 Act replaced those time limits with up to four six-week periods for appointing Executive ministers. It also allowed ministers to remain in office following an election for up to 24 weeks, and for up to 48 weeks if the First and/or deputy First Minister stop holding office.

4.17 Resignation of the First Minister

[Paul Givan announced his resignation](#) as First Minister of Northern Ireland on 3 February 2022, effective from midnight (4 February). This meant deputy First Minister Michelle O'Neill also relinquished office.

Under the law as it then stood, the Secretary of State was required to name a date for an election if the offices had not been filled before 12.01am on Friday 11 February. However, the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022 received Royal Assent on 9 February, which meant the Secretary of State was no longer under an immediate obligation to call an election.

An Assembly election took place, as scheduled, on Thursday 5 May 2022.

4.18

Legacy and language

Other aspects of the New Decade, New Approach agreement remain outstanding.

Legacy issues

Addressing legacy issues related to the Troubles was a key part of the [Stormont House Agreement](#) reached in December 2014.⁹² However, achieving a consensus on the way forward proved difficult. In July 2021 the UK Government presented [a new set of proposals](#) to Parliament, saying it was:

increasingly of the view, after long and careful reflection, that any process that focuses on the lengthy pursuit of retributive justice will severely hold back the successful delivery of a way forward focused on information recovery, mediation and reconciliation that could provide a sense of restorative justice for many more families than is currently achieved through the criminal justice system.⁹³

The proposals were met with criticism and anger from Northern Ireland's political parties, the Irish Government, the families of victims of the Troubles on all sides, and campaign and human rights groups. Questions have also been raised over the compatibility of the proposals with the European Convention on Human Rights.⁹⁴

In May 2022 the [Northern Ireland Troubles \(Legacy and Reconciliation\) Bill 2022-2023](#) was introduced in the House of Commons. This differed from the July 2021 proposals in seeking to end legal proceedings concerning Troubles-related conduct and provide conditional immunity from prosecution for those who co-operate with investigations conducted by a newly established

⁹² Commons Library Briefing Paper CBP8352, [Investigation of Former Armed Forces Personnel Who Served in Northern Ireland](#).

⁹³ HM Government, [Addressing the legacy of Northern Ireland's past](#), foreword.

⁹⁴ [HC Deb 14 July 2021 Vol 699 cc392-98](#) and Irish Post, [The Troubles: Micheál Martin calls Britain's planned 'amnesty' for soldiers and paramilitaries 'wrong for many, many reasons'](#), 15 July 2021.

Independent Commission for Reconciliation and Information Recovery.⁹⁵ The bill received Royal Assent on 18 September 2023.⁹⁶

Language

A section on “Rights, language and identity” formed part of the January 2020 [New Decade, New Approach](#) agreement. This committed the Northern Ireland Executive to sponsoring and overseeing “a new framework both recognising and celebrating Northern Ireland’s diversity of identities and culture, and accommodating cultural difference”.⁹⁷

This was to comprise:

- The establishment of a statutory Office of Identity and Cultural Expression, with its director appointed by the First and deputy First Minister acting jointly;
- Legislation to create a Commissioner for the Irish language;
- Repeal of the [Administration of Justice \(Language\) Act \(Ireland\) 1737](#);⁹⁸
- Legislation to create another Commissioner “to enhance and develop the language, arts and literature associated with the Ulster Scots / Ulster British tradition in Northern Ireland”;⁹⁹
- The establishment of a central Translation Hub to provide services for the Executive, local government and other public bodies;
- A change to [Assembly Standing Orders](#) to allow business to be conducted through Irish or Ulster Scots.¹⁰⁰

Paragraph 5.23 stated that the draft Bills were to be officially published on the day of the formation of the Executive and presented to the Assembly for consideration within 3 months of the restoration of the institutions. The [three draft Bills were published](#) but this deadline for consideration was not met.

The Department for Communities established the [Translation Hub](#) on 19 April 2021. On 15 June 2021, [MLAs passed a motion supporting plans for simultaneous translation services](#) in Irish and Ulster-Scots in the Northern Ireland Assembly.

In August 2021 the Minister for Communities, Deirdre Hargey, appointed two expert advisory panels to provide recommendations for the Executive’s draft Irish Language Strategy and draft Ulster Scots Language, Heritage and Culture Strategy.¹⁰¹ The [Assembly’s Committee for Communities was told that](#)

⁹⁵ Commons Library Briefing Paper CBP9553, [Northern Ireland Troubles \(Legacy and Reconciliation\) Bill 2022-2023](#).

⁹⁶ Northern Ireland Office, [NI Troubles \(Legacy & Reconciliation\) Act receives Royal Assent](#), 19 September 2023.

⁹⁷ New Decade, New Approach, para 26.

⁹⁸ This banned the use of the Irish language in courts of law.

⁹⁹ Both language commissioners were to be appointed by the First and deputy First Ministers acting jointly.

¹⁰⁰ Full details were set out in Annex E of the agreement.

¹⁰¹ Neither draft strategy had been put out to consultation within six months of the New Decade, New Approach agreement.

[these would be provided](#) by the expert advisory panels in December 2021, with possible publication in early 2022.¹⁰²

When [Arlene Foster resigned as First Minister of Northern Ireland](#) in June 2021, Irish language legislation formed part of the talks between Sinn Féin and the DUP. Sinn Féin said it would not support a new DUP First Minister unless Irish language legislation was introduced by the next Assembly election in May 2022. The new DUP leader, Edwin Poots, said he would support legislation [but not necessarily before the next Assembly election](#).

Sinn Féin subsequently asked Brandon Lewis, the Secretary of State for Northern Ireland, to introduce legislation at Westminster, saying it was the “only way forward to finally resolve” the dispute. The DUP MP Sammy Wilson said the UK Government “must not interfere in devolved issues at the behest of Sinn Féin”.¹⁰³

Speaking in the House of Commons on 21 June 2021, Brandon Lewis, the Secretary of State for Northern Ireland, said that:

If the Executive has not progressed the legislation for the identity, language and culture package in the New Decade, New Approach agreement by the end of September [2021], the UK Government will take the legislation through the UK Parliament. The New Decade, New Approach agreement was endorsed by the UK Parliament, and we will introduce the legislation that delivers on these commitments in October 2021, if necessary. This will provide for the creation of an Office for Identity and Cultural Expression, an Ulster Scots Commissioner, and an Irish language Commissioner.¹⁰⁴

No legislation was introduced by the UK Government before the Northern Ireland Assembly election on 5 May 2022, but the [Identity and Language \(Northern Ireland\) Bill](#) was later introduced in the House of Lords on 25 May and received its Second Reading on 7 June.¹⁰⁵ [It received Royal Assent on 6 December 2022](#).

4.19

Northern Ireland (Executive Formation) Bill

On 22 February 2023, the [Northern Ireland \(Executive Formation\) Bill](#) moved through all its stages in the House of Commons.¹⁰⁶ The legislation extends the period for Executive formation by a year to 18 January 2024, while retaining the power to name an election date at any time. The UK Government said “this additional time for the [Northern Ireland] parties to focus attention on restoring devolved institutions in Northern Ireland also provides space for the continued UK-EU dialogue to find solutions to the problems the NI Protocol is

¹⁰² In April 2021 the Irish language group Conradh na Gaeilge (CnaG) said it [planned legally to challenge the Executive’s failure to publish an Irish language strategy](#).

¹⁰³ BBC News online, [Irish language talks back on at Stormont](#), 17 June 2021.

¹⁰⁴ [HC Deb 21 June 2021 \[Northern Ireland: New Decade, New Approach Agreement\]](#).

¹⁰⁵ Commons Library Briefing Paper CBP9357, [Identity and Language \(Northern Ireland\) Bill 2022-23](#).

¹⁰⁶ Commons Library Briefing Paper CBP9725, [Northern Ireland \(Executive Formation\) Bill 2022-23](#).

causing”.¹⁰⁷ Similar legislation was introduced in November 2022; that bill also enabled the Secretary of State to amend MLAs’ salaries while the Assembly was unable to conduct business.¹⁰⁸

4.20

Northern Ireland Budget (No. 2) Bill 2022-23

On 27 April 2023, the Secretary of State for Northern Ireland, Chris Heaton-Harris MP made a [Written Ministerial Statement](#) to Parliament setting out the final budget position for the current financial year. The announcement provided £14.2 billion to be spent by the Executive with more than half earmarked for health. The Government announcement said the budget would be confirmed in UK primary legislation if a devolved government was not in place. On the same day, the Secretary of State introduced the [Northern Ireland \(Interim Arrangements\) Bill](#), which allowed civil servant decision-making arrangements to continue until an Executive was formed.¹⁰⁹

In the absence of a fully functioning Assembly and Executive since February 2022, the [Northern Ireland Budget \(No. 2\) Bill 2022-23](#) was introduced to the House of Commons on 29 June 2023 to set a budget for Northern Ireland. The bill authorised the use of certain resources for public services in Northern Ireland for the year ending 31 March 2024.¹¹⁰ The bill received Royal Assent on 18 September 2023.

4.21

Proposals for reform

Some political parties in Northern Ireland have argued for further reforms to the devolution settlement. The Alliance Party, for example, proposes that:

- The current cross-community voting system in the Assembly be replaced by a weighted majority system, free from designations. This change should also extend to the Executive.
- The Executive should be formed by voluntary coalition, which is decided through negotiation between parties and which is subject to a vote in the Assembly. Collective responsibility should apply.

¹⁰⁷ HM Government, [Bill to extend NI Executive formation period progresses through House of Commons](#), 22 February 2023.

¹⁰⁸ HM Government, [Northern Ireland \(Executive Formation etc\) Bill introduced in Parliament](#), 21 November 2022.

¹⁰⁹ Commons Library Briefing Paper CBP9782, [Northern Ireland \(Interim Arrangements\) Bill 2022-23](#).

¹¹⁰ Commons Library Briefing Paper CBP9826, [Northern Ireland Budget \(No. 2\) Bill 2022-23](#).

- The First and deputy First Ministers should be renamed “Joint First Ministers”.¹¹¹ The Executive Office should remain a joint office in name and practice.
- Assembly arrangements should be strengthened in order to facilitate an effective opposition made up of parties who do not wish to enter the Executive.¹¹²

¹¹¹ The SDLP already refers to the First and deputy First Ministers in this way.

¹¹² Alliance, [Together We Can: Alliance Party Assembly Manifesto 2022](#), Belfast, p91.

5 Political leaders in Northern Ireland

5.1 First Ministers of Northern Ireland

David Trimble MLA (UUP) (1 July 1998 – 1 July 2001, 6 November 2001 – 14 October 2002)¹¹³

Ian Paisley MLA (DUP) (8 May 2007 – 5 June 2008)

Peter Robinson MLA (DUP) (5 June 2008 – 11 January 2010, 3 February 2010 – 10 September 2015, 20 October 2015 – 11 January 2016)¹¹⁴

Arlene Foster MLA (DUP) (11 January 2016 – 9 January 2017, 11 January 2020 – 14 June 2021)

Paul Givan MLA (17 June 2021 – 4 February 2022)

5.2 Deputy First Ministers of Northern Ireland

Seamus Mallon MLA (SDLP) (1 July 1998 – 6 November 2001)

Mark Durkan MLA (SDLP) (6 November 2001 – 14 October 2002)

Martin McGuinness MLA (Sinn Féin) (8 May 2007 – 20 September 2011, 31 October 2011 – 9 January 2017)¹¹⁵

Michelle O'Neill MLA (Sinn Féin) (11 January 2020 – 14 June 2021, 17 June 2021 – 4 February 2022)

5.3 Northern Ireland Assembly Speakers

Lord Alderdice MLA (Alliance) (1 July 1998 – 29 February 2004)

Eileen Bell MLA (Alliance) (8 May 2007)

¹¹³ In 1998, Ulster Unionist MLA Sir Reg Empey served as Acting First Minister. David Trimble joined the House of Lords in 2006 and left the UUP a year later to become a member of the Conservative Party.

¹¹⁴ In 2007 and 2011, DUP MLA Arlene Foster was Acting First Minister.

¹¹⁵ During 2011, Sinn Féin MLA John O'Dowd served as acting deputy First Minister.

William Hay MLA (DUP) (8 May 2007 – 13 October 2014)

Mitchel McLaughlin MLA (Sinn Féin) (12 January 2015 – 12 May 2016)

Robin Newton MLA (DUP) (12 May 2016 – 11 January 2020)

Alex Maskey MLA (Sinn Féin) (11 January 2020 –)

5.4

Secretaries of State for Northern Ireland

Mo Mowlam MP (3 May 1997 – 11 October 1999)

Peter Mandelson MP (11 October 1999 – 24 January 2001)

John Reid MP (25 January 2001 – 24 October 2002)

Paul Murphy MP (24 October 2002 – 6 May 2005)

Peter Hain MP (6 May 2005 – 27 June 2007)¹¹⁶

Shaun Woodward MP (28 June 2007 – 11 May 2010)

Owen Paterson MP (12 May 2010 – 4 September 2012)

Theresa Villiers MP (4 September 2012 – 14 July 2016)

James Brokenshire MP (14 July 2016 – 8 January 2018)

Karen Bradley MP (8 January 2018 – 24 July 2019)

Julian Smith MP (24 July 2019 – 13 February 2020)

Brandon Lewis MP (13 February 2020 – 47 July 2022)

Shailesh Vara (7 July 2022 – 6 September 2022)

Chris Heaton-Harris (6 September 2022 –)

¹¹⁶ Between 2005-07, Peter Hain also served as Secretary of State for Wales.

6 Information and further reading

6.1 Online sources of information

Northern Ireland Executive: <https://www.northernireland.gov.uk/>

Northern Ireland Assembly: <http://www.niassembly.gov.uk/>

Northern Ireland Assembly Research and Information Service (RaISe):
<http://www.niassembly.gov.uk/assembly-business/research-and-information-service-raise/>

British-Irish Council: <https://www.britishirishcouncil.org/>

North-South Ministerial Council:
<https://www.northsouthministerialcouncil.org/>

Northern Ireland Life and Times Survey (opinion polling):
<http://www.ark.ac.uk/nilt/>

CAIN Web Service – Conflict and Politics in Northern Ireland:
<http://cain.ulst.ac.uk/>

History of the Northern Ireland Assembly (1998-2007):
<http://www.niassembly.gov.uk/about-the-assembly/general-information/history-of-the-assembly/>

Between [1999-2005](#) and [2006-2009](#), the Devolution Monitoring Programme at [The Constitution Unit](#) produced regular – and comprehensive – accounts of the devolution settlement in Northern Ireland.

6.2 Further reading

History of Ireland/Northern Ireland

David McKittrick & David McVea, *Making Sense of the Troubles: A History of the Northern Ireland Conflict*, London: Penguin, 2012

Richard English, *Irish Freedom: The History of Nationalism in Ireland*, London: Macmillan, 2006

Diarmaid Ferriter, *The Transformation of Ireland 1900-2000*, London: Profile, 2004

Thomas Hennessy, *A History of Northern Ireland, 1920-1996*, London: Palgrave Macmillan, 1997

Good Friday Agreement

Siobhán Fenton, *The Good Friday Agreement*, London: Biteback, 2018

David Mitchell, *Politics and peace in Northern Ireland: Political parties and the implementation of the 1998 Agreement*, Manchester: Manchester University Press, 2017

Deaglan de Breadun, *The Far Side of Revenge: Making Peace in Northern Ireland*, Cork: Collins Press, 2008

Jonathan Powell, *Great Hatred, Little Room: Making Peace in Northern Ireland*, London: Bodley Head, 2008

Politics and public policy in Northern Ireland

Sam McBride, *Burned: The Inside Story of the 'Cash-for-Ash' Scandal and Northern Ireland's Secretive New Elite*, Dublin: Merrion Press, 2019

Derek Birrell & Cathy Gormley-Heenan, *Multi-Level Governance and Northern Ireland*, London: Palgrave Macmillan, 2015

Colin Knox, *Devolution and the governance of Northern Ireland*, Manchester: Manchester University Press, 2010

Joanne McEvoy, *The Politics of Northern Ireland*, Edinburgh: Edinburgh University Press, 2008

Politicians and parties in Northern Ireland

Malachi O'Doherty, *Gerry Adams: An Unauthorised Life*, London: Faber & Faber, 2017

Graham Walker, *A history of the Ulster Unionist Party: protest, pragmatism and pessimism*, Manchester: Manchester University Press, 2012.

Dean Godson, *Himself Alone: David Trimble and the Ordeal of Unionism*, London: Harper Perennial, 2011

Sean Farren, *The SDLP: The Struggle for Agreement in Northern Ireland, 1970-2000*, Dublin: Four Courts Press, 2010

Liam Clarke & Kathryn Johnston, *Martin McGuinness: From Guns to Government*, Edinburgh: Mainstream, 2001

7

Timeline of devolution in Northern Ireland

22 May 1998: Referendum held on the Belfast/Good Friday Agreement.

25 June 1998: Elections to the Northern Ireland Assembly. Four days later David Trimble is elected First Minister (designate) and Seamus Mallon deputy First Minister (designate).

19 November 1998: Northern Ireland Act 1998 receives Royal Assent.

2 December 1999: Power is passed from Westminster to Belfast and the new Northern Ireland Executive meets for the first time.

11 February 2000: Assembly is suspended following lack of agreement on decommissioning; power is restored on 20 May 2000.

6 May 2000: The IRA releases a statement saying it is ready to begin a process that would “completely and verifiably” put its arms beyond use.

11 August 2001: One-day suspension of the Northern Ireland Assembly, and another on 21 September.

6 November 2001: David Trimble and Mark Durkan elected as First Minister and deputy First Minister respectively.

14 October 2002: Northern Ireland Assembly suspended following a major police investigation into alleged intelligence gathering by republicans.

20 March 2003: Assembly elections delayed until 29 May, and several times thereafter.

7 May 2005: David Trimble quits as leader of the Ulster Unionist Party. He is succeeded by Sir Reg Empey on 24 June.

28 July 2005: The IRA formally orders an end to its armed campaign and says it will pursue exclusively peaceful means.

26 September 2005: General John de Chastelain says the IRA has put all its weapons beyond use.

13 October 2006: The St Andrews Agreement is reached in Fife, Scotland.

13 February 2007: The last remaining British Army watchtower is dismantled in south Armagh.

26 March 2007: DUP leader Ian Paisley and Sinn Féin president Gerry Adams announce that power sharing will be restored on 8 May.

8 May 2007: Direct Rule over Northern Ireland from Westminster officially ends after almost five years. Ian Paisley and Sinn Féin's Martin McGuinness are nominated as First and deputy First Minister respectively.

4 December 2007: Sinn Féin Education Minister, Caitríona Ruane, announces the end of the 11-plus exam. There is widespread opposition to her proposals among Unionists.

5 June 2008: Ian Paisley stands down as First Minister and DUP leader and is succeeded by Peter Robinson. Sinn Féin's Martin McGuinness remains deputy First Minister.

11 January 2010: Peter Robinson temporarily stands aside as First Minister. Arlene Foster becomes Acting First Minister.

5 February 2010: Sinn Féin and the DUP consent to the Hillsborough Castle Agreement on the devolution of policing and justice to the Assembly.

5 May 2011: Assembly elections see the two largest parties remain the DUP (with 38 MLAs) and Sinn Féin (with 29 MLAs).

23 December 2014: The Stormont House Agreement includes devolution of Corporation Tax and flexibility in implementing welfare reform.

August 2015: The murder of former IRA member Kevin McGuigan leads to the UUP leaving the Executive and DUP Ministers adopting a strategy of rolling resignations.

10 September 2015: First Minister Peter Robinson stands aside after failing to adjourn the Assembly.

20 October 2015: An independent assessment of paramilitary organisations reports, and Peter Robinson returns as First Minister.

17 November 2015: The Fresh Start Agreement is published, including measures on welfare and paramilitarism.

19 November 2015: Peter Robinson announces his intention to stand down as First Minister and leader of the DUP. He is succeeded by Arlene Foster on 11 January 2016.

5 May 2016: Assembly elections see the two largest parties remain the DUP (38 MLAs) and Sinn Féin (28 MLAs).

9 January 2017: Martin McGuinness resigns as deputy First Minister following a row with the DUP over the Renewable Heat Incentive. Arlene Foster, therefore, also stands down as First Minister.

2 March 2017: An extraordinary Assembly election sees the DUP and Sinn Féin remain the two largest parties.

26 June 2017: The Conservatives and DUP negotiate a confidence-and-supply agreement for the UK Government.

1 November 2018: The Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 becomes law, allowing civil servants in Northern Ireland to take some decisions in the absence of political direction.

January 2020: The New Decade, New Approach document is published and wins all-party agreement. The Northern Ireland Assembly convenes on 11 January and an Executive is formed. DUP leader Arlene Foster returns as First Minister, with Sinn Féin's Michelle O'Neill as deputy First Minister.

14 June 2021: Arlene Foster resigns as First Minister after losing the confidence of the DUP. She is succeeded by Paul Givan three days later.

4 February 2022: Paul Givan resigns as First Minister due to concerns over the Northern Ireland Protocol.

5 May 2022: The seventh elections to the Northern Ireland Assembly take place. Sinn Féin becomes the single largest party for the first time.

8

Elections in Northern Ireland, 1997-2022

Northern Ireland Assembly elections, 1998-2022

Northern Ireland Assembly election results														
Vote share and seats won by party														
	Share of 1st preference votes (%)							Seats won						
	1998	2003	2007	2011	2016	2017	2022	1998	2003	2007	2011	2016	2017	2022
DUP	18.1%	25.3%	30.1%	30.0%	29.2%	28.1%	21.3%	20	30	36	38	38	28	25
Sinn Féin	17.6%	23.2%	26.2%	26.9%	24.0%	27.9%	29.0%	18	24	28	29	28	27	27
UUP	21.3%	22.3%	14.9%	13.2%	12.6%	12.9%	11.2%	28	27	18	16	16	10	9
SDLP	22.0%	16.7%	15.2%	14.2%	12.0%	11.9%	9.1%	24	18	16	14	12	12	8
Alliance	6.5%	3.6%	5.2%	7.7%	7.0%	9.1%	13.5%	6	6	7	8	8	8	17
UK Unionists	4.5%	0.8%	1.5%	...	...	...	...	5	1	0	...	...	...	...
PUP	2.5%	1.1%	0.6%	0.2%	0.9%	0.7%	0.3%	2	1	1	0	0	0	0
PBPA	...	...	0.1%	0.8%	2.0%	1.8%	1.1%	...	...	0	0	2	1	1
TUV	...	...	...	2.5%	3.4%	2.6%	7.6%	...	...	...	1	1	1	1
UKIP	...	...	...	0.6%	1.5%	0.2%	...	...	...	...	0	0	0	...
Green Party	0.1%	0.4%	1.7%	0.9%	2.7%	2.3%	1.9%	0	0	1	1	2	2	0
Others	7.4%	6.4%	4.4%	2.8%	4.8%	2.7%	4.9%	5	1	1	1	1	1	2
Total:	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	108	108	108	108	108	90	90

Westminster elections in Northern Ireland, 1997-2019

UK General Election results in Northern Ireland											
Vote share and seats won by party											
	Share of vote (%)					Seats won					
	UUP	SDLP	DUP	SF	Other	UUP	SDLP	DUP	SF	Other	Total
1997	32.7%	24.1%	13.6%	16.1%	13.6%	10	3	2	2	1	18
2001	26.8%	21.0%	22.5%	21.7%	8.1%	6	3	5	4	0	18
2005	17.8%	17.5%	33.7%	24.3%	6.7%	1	3	9	5	0	18
2010	15.2%	16.5%	25.0%	25.5%	17.9%	0	3	8	5	2	18
2015	16.0%	13.9%	25.7%	24.5%	19.9%	2	3	8	4	1	18
2017	10.3%	11.7%	36.0%	29.4%	12.5%	0	0	10	7	1	18
2019	11.7%	14.9%	30.6%	22.8%	20.2%	0	2	8	7	1	18

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