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CONFIDENTIAL

PRIME MINISTER

no

The Prime Minister
The possibilities for
giving the Unionists
a much bigger voice
at Westminster are
there. But they need
careful discussion through
the usual channels.

NORTHERN IRELAND

1. I was invited at Cabinet on 21 November (CC/85) 33rd Conclusions Item 2) to consider, in conjunction with the Secretary of State for Northern Ireland, what changes in Parliamentary arrangements at Westminster would be feasible and suitable as means of providing reassurance to Unionists. I have since discussed the various possibilities of procedural change with the Secretary of State for Northern Ireland and the Chief Whip.

the usual channels.

NOT much
can be
said in the
debate.

2. At present the Unionist parties have only a half 'Opposition Day' annually, but there are numerous other opportunities for them to raise Northern Irish matters on the Floor of the House. There is virtually no primary legislation relating exclusively to Northern Ireland. Such measures take the form of Orders in Council. These may be either taken on the Floor of the House or in Standing Committee. In practice any Order which the Unionists want taken on the Floor is so taken.

CDD
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3. There is no Select Committee on Northern Ireland, although the various Departmental Select Committees can examine Northern Irish aspects of their respective remits. There is, however, a Standing Committee, known as the 'Northern Ireland Committee' which is empowered to consider any matter related exclusively to Northern Ireland referred to it by the House. It is a debating not an investigative, body and can only report that a matter 'has been considered'. Its membership comprises all Members for Northern Irish constituencies, plus up to 25 other Members nominated by the House of Commons Committee of Selection. This Standing Committee can debate Northern Ireland Orders in Council in their preliminary or 'proposal' form, but in practice the Committee is largely moribund.

4. There are various ways of increasing the opportunities of Unionist Members to raise Northern Irish matters at Westminster:

(i) More 'Opposition Days': Further time beyond the present annual half-day could not be taken from the other Opposition Parties without their agreement, and would almost certainly have to come from Government time. An amendment to Standing Orders would be required.

(ii) Using primary legislation instead of Northern Ireland Orders in Council. This might take two forms:

(a) embodying present 'Northern Ireland Orders in Council' matters in general United Kingdom legislation;

(b) Northern Irish Bills dealing exclusively with matters relating to Northern Ireland. This would not require amendment of the procedures of the House, but would complicate the drafting of United Kingdom legislation. How far it would place additional burdens on the legislative programme would depend on how far Northern Ireland Bills could be dealt with in Committees.

(iii) More powers for the Northern Ireland Standing Committee: This Committee, which meets infrequently at present, might be given wider powers. In particular it might, if appropriate, be given Powers to take the Second Readings, and possibly the Report stage, of Northern Irish Bills if these were introduced. This might be linked with the elevation of the Committee to Grand Committee status, comparable with the Scottish and Welsh Grand Committee.

(iv) The establishment of a Northern Ireland Select Committee, or increased Northern Irish representation on the existing Departmental Select Committees. Such a Select Committee would be an investigating, evidence-taking body which could, if wished, seek oral and written evidence from the Secretary of State for Northern Ireland. Its recommendations would be advisory only. All the present Departmental Select Committees have 11 Members, except the Scottish Affairs Committee which has 13. Unless special provision were made a Committee of this size would contain only one Member of the minor parties: it would normally need 22 Members for two minor party representatives to be included.

An alternative way of providing an increased 'investigative' role for Northern Irish Members would be to increase their representation on existing Departmental Select Committees. But their present representation is in accordance with their numbers in the House.

5. We have so far confined the consideration of our remit to the procedural feasibility of the various initiatives that might be taken. We have not addressed the question of the likely acceptability of any of them to Northern Irish Members, or the wider implications in terms of the Anglo-Irish Agreement. The timing of any further Parliamentary initiative designed to placate Unionist opinion will be of crucial importance. A number of the proposals would, however, if pursued, give Northern Irish Members of the House a role disproportionate to their numbers, and would require agreement not only between the Government and the Unionists, but also with the other parties through the usual channels.

6. In these circumstances the Chief Whip and I have agreed the following with the Secretary of State for Northern Ireland. In his speech opening the debate on Wednesday 27 November, he would say no more than that the Government fully recognises that there is a need to devise means of keeping Parliament informed about meetings of the Anglo-Irish inter-governmental conference, and that the Government would welcome discussions through the usual channels as to how this can best be achieved. These would then provide an opportunity in due course for ventilating any of the procedural possibilities outlined above which we decide to pursue. I shall report further on this.

I am copying this minute to Cabinet colleagues, the Chief Whip and to Sir Robert Armstrong.

D.A. Munn
(Private Secretary)

WJB

[Approved by the Lord Privy Seal and signed in his absence.]

22 November 1985

