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CD26:

*John. Murphy
Lord Alderdice*

FROM: J JOHNSTON
Constitutional & Political Division
26 August 1998

*M
28/8/98*



cc See Attached List

NOTE FOR THE RECORD

MR MURPHY'S MEETING WITH LORD ALDERDICE: THURSDAY 20 AUGUST 1998

Mr Murphy, Mr Semple, Mr Barr and I met Lord Alderdice for 40 minutes on Thursday afternoon to touch base on a range of issues related to the Assembly. Nial Johnston and Nigel Carson from Lord Alderdice's office were also present.

Recall of the Assembly

Lord Alderdice said that both the DUP and Sinn Fein were strongly supporting the recall of the Assembly with the DUP asking for a motion to be put down condemning the Omagh bomb but not one supporting the peace process. The UUP, SDLP and Alliance had been less enthusiastic although Dermott Nesbitt had come round to the view that perhaps the Assembly should be recalled. He had arranged to meet David Trimble and Seamus Mallon to hear their views on the matter which he would then communicate to Mr Murphy and the Secretary of State. Mr Murphy replied that he did not favour the return of the Assembly as it could prove to be unhelpful although he appreciated that if the two big parties were in favour then it would be difficult to resist. He suspected that Mr Trimble and Mr Mallon would be against recall.

Lord Alderdice said that wished to avoid setting a precedent for recall because there were dangers in that if the decision was down to the First and Deputy First Ministers then all future recalls would have to be decided by them and there might be circumstances in the future where the Executive would want to avoid a recall if, for example, the Assembly wished to scrutinise the actions of the Executive on a particular issue. He thought that one possible way around the problem would be to say that as the Omagh situation was really a security matter and security matters were dealt with by the Northern Ireland Office it was more appropriate that Westminster should be recalled. Ultimately of course this would be a matter for Standing Orders which should set out the circumstances under which a recall would be permissible.

Arrangements for 14 September

With regard to arrangements for the Assembly resuming on 14 September Lord Alderdice thought that the arrangements for practical matters was going well. The Chamber should be up and running well in advance of 14 September and the installation of media facilities was moving ahead. He would shortly begin the process of allocating offices which should go smoothly although he did expect the usual upset or two. For example, the UUP was asking for a particular room close to the Chamber for use as their Whip's office which they had used pre-1972. The movement of parties into the building

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would start rolling forward from the weekend. There was a need to recruit and train door keepers and messengers to provide similar services available in Westminster. He suspected that some members might be upset by the security arrangements for the Clinton visit.

Additional Standing Orders

Lord Alderdice advised that Fred Cobain (UUP) and Denis Haughey (SDLP) had been appointed as the alternating Chairmen of the Standing Orders Committee which was looking at the 1973 Assembly Orders to see how much would be applicable to the New Assembly. The Committee was due to meet on Monday and would begin to look at the draft Additional Standing Orders which had been issued by the Secretary of State. He also believed that the Advisory Committee to the Presiding Officer would shortly approve the establishment of the Shadow Commission for the Assembly.

Lord Alderdice then raised a couple of specific matters relating to the Standing Orders. Firstly, it was his intention to register as Independent Presiding Officer and he thought that this might have a knock-on effect on the prospects for the Alliance Party picking up committee chair or deputy chairs under the application of D'Hondt. He suggested that Standing Orders might need an additional rule either to leave the position of the Alliance Party as it is with 6 seats, but making it clear that the Presiding Officer was not eligible to take up any of the seats under D'Hondt, or reducing their complement to 5 seats. He also thought there was a need for clarification in the Additional Standing Orders as to whether the election of committee chair and deputy chairs would be on the basis of the selection of 20 posts on a straight run under D'Hondt or by two separate runs of ten as two separate runs would reduce the prospects for the smaller parties picking up chairs or deputy chairs.

Re-election of the Presiding Officer

Nial Johnston raised the position of re-election of the Presiding Officer at the next Assembly election and recommended that the practice in the Dáil, where the Speaker is re-elected unopposed under a multi-member STV system, should be adopted by the Assembly so that the Presiding Officer's constituency would be reduced from 6 to 5 seats. Lord Alderdice commented that that was a matter which could be left for say 2 or 3 years and the appropriate change made under Order in Council by the Secretary of State but that it should eventually be clarified beyond doubt.

Possible Legal Action By Peter Robinson

Lord Alderdice referred to the publication of the official report on the Assembly's proceedings at its first meeting. Publication had been delayed because of alleged defamatory comments made by Martin McGuinness about Dr Paisley and Peter Robinson under limited privilege which Mr Robinson had indicated could be subject to legal action. Lord Alderdice had been advised by the lawyers that if Mr Robinson could prove malicious intent by Mr McGuinness in making the remarks there was a possibility of a legal action which could also involve Lord Alderdice as Presiding Officer who is responsible for organising the publication and distribution of the report and the Secretary of State who has responsibility for authorising its publication. It had been suggested that

one course of action might be to delete the offending remarks from the report and include a statement that the report had been modified. If, however, the Secretary of State endorsed such action it was likely that she would be required to give Mr McGuinness advance warning of her intentions. These matters were being considered by lawyers and as soon as he had a firm indication of the outcome he would advise the Secretary of State accordingly. Lord Alderdice considered it might be worthwhile amending the Northern Ireland Bill to give members full privilege for 2 or 3 months of the shadow period. He would also consider what procedures should be put in place once the Assembly resumes in September to avoid further problems related to privilege.

Funding for Party Support

Mr Murphy said that he would be having a further discussion with the parties on the funding of party support in the Assembly as he was concerned that the recent letter from the Secretary of State to the parties did not fully reflect the arrangements which he had discussed with them before the Parliamentary recess. Indeed, Dr Paisley had since written to the Secretary of State asking for the matter to be reviewed.

Lord Alderdice commented that it was important that the parties should understand the difference between support for party headquarters and support for the needs of their Assembly party.

Signed: Jackie Johnston

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cc: PS/Secretary of State (B&L)
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Mr Jeffrey
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Mr Holmes