

## SECTION 3: THE EXECUTIVE COMMITTEE

### The Executive Committee

- 3.1 The Executive Committee consists of the First Minister, the deputy First Minister and the Northern Ireland Ministers.

### Role of the First Minister and the deputy First Minister

- 3.2 Section 20 of the Northern Ireland Act 1998 (the Act) provides that the First Minister and the Deputy First Minister shall be chairmen of the Executive Committee. Under the Belfast Agreement their duties include dealing with and co-ordinating the work of the Executive Committee and the response of the Northern Ireland administration to external relationships. For all meetings of the Executive Committee the First Minister and deputy First Minister will be co-chairmen.

### Functions of the Executive Committee

- 3.3 The Act provides that the Executive Committee shall have the functions set out in paragraphs 19 and 20 of Strand One of the Belfast Agreement.

The Executive Committee will provide a forum for

- (i) the discussion of, and agreement on, issues which cut across the responsibilities of two or more Ministers;
- (ii) prioritising executive proposals;
- (iii) prioritising legislative proposals;
- (iv) recommending a common position where necessary; and
- (v) agreement each year on (and review as necessary of) a programme incorporating an agreed budget linked to policies and programmes (Programme for Government).

### Duty to inform Executive Committee

- 3.4 Any matter which

- (i) cuts across the responsibilities of two or more Ministers,
- (ii) requires agreement on prioritisation,
- (iii) requires the adoption of a common position, or
- (iv) has implications for the Programme for Government

shall be brought to the attention of the Executive Committee by the responsible Minister.



Regarding (i), Ministers should, in particular, note that:

- the responsibilities of the First Minister and deputy First Minister include standards in public life, machinery of government (including the ministerial code), public appointments policy, EU issues, economic policy, human rights, and equality. Matters under consideration by Northern Ireland Ministers may often cut across these responsibilities.
- under Government Accounting Northern Ireland, no expenditure can be properly incurred without the approval of the Department of Finance and Personnel;

### **Duty to inform First Minister and Deputy First Minister and Secretary to the Executive Committee**

- 3.5 All significant proposed policy initiatives (including significantly revised policies) or significant statements of policy should be copied to the First Minister and deputy First Minister and to the Secretary of the Executive Committee.

This duty applies, in particular to:

- published Consultation Papers;
- matters not explicitly within the terms of the Programme for Government requiring significant financial resources;
- matters which have implications for the Programme of Government, whether requiring significant financial resources or not;
- all primary and secondary legislation proposed to be presented to the Assembly.

The Secretary to the Executive Committee, acting on behalf of the First Minister and deputy First Minister, may require matters subject to this duty to be brought to the Executive Committee. However, the failure of the Secretary so to do does not discharge the responsible Minister of his or her duty under section 3.4.

### **Attendance at Executive Committee Meetings**

- 3.6 Attendance at meetings of the Executive Committee shall normally comprise the First Minister, the deputy First Minister, the Northern Ireland Ministers, the Secretary to the Executive Committee. Officials may attend, with the approval of the First Minister and the deputy First Minister.



### **Northern Ireland Ministers and the Executive Committee**

- 3.7 In accordance with the terms of the Pledge of Office, the Northern Ireland Ministers must participate with colleagues in the Executive Committee in the preparation of the programme for Government, operate within the framework of the programme for Government when it is agreed within the Executive Committee and endorsed by the Assembly, and support, and act in accordance with, all decisions of the Executive Committee and the Assembly.
- 3.8 Ministers must be as open as possible with the Executive Committee and give accurate and truthful information to the Executive Committee at all times. They must correct any inadvertent error at the earliest opportunity. Ministers who knowingly mislead the Executive Committee will be expected to tender their resignation.

### **Meetings of the Executive Committee**

- 3.9 Meetings of the Executive Committee will be convened and presided over by the First Minister and deputy First Minister. The meetings will normally be held weekly. The relevant provisions of the following paragraphs also apply to any subcommittees.
- 3.10 Executive Committee meetings take precedence over all other business. Members of the Executive should attend all meetings except in the most exceptional circumstances. A Minister should as early as possible inform the Secretary to the Executive Committee if he or she is unable to attend a meeting of the Committee and of the exceptional circumstances which cause the inability to attend the meeting.

### **Executive Committee Agenda**

- 3.11 Prior to each Executive Committee meeting, the Secretary to the Executive Committee shall convene a meeting of two representatives of the First and deputy First Ministers and one representative of the other Ministers on the Executive Committee (the meeting of Ministerial representatives). Each Ministerial representative shall indicate those matters intended to be raised by his or her Minister at the following Executive Committee meeting. The meeting of Ministerial representatives shall
- prepare the agenda for Executive Committee meetings for agreement by the First Minister and deputy First Minister;
  - agree papers to be circulated by the Secretariat to members of the Executive Committee;



- identify potential problems likely to arise at Executive Committee meetings.

The agenda for Executive Committee meetings will be planned on a rolling basis for agreement by the First Minister and the deputy First Minister. The agenda will include

- (i) items for discussion;
- (ii) items for agreement, without discussion; and
- (iii) items for information, without discussion.

- 3.12 The Secretary to the Executive Committee should be given reasonable notice of any business which is proposed for consideration by the Committee, including business to be raised orally. Generally, at least seven days notice should be given. Items may only be included on the agenda at shorter notice in exceptional and unavoidable circumstances, and subject to the agreement of the First Minister and the deputy First Minister. Not all matters which cut across the responsibilities of two or more Ministers need to be discussed in detail at the Executive Committee. Instead, relevant Ministers may discuss such matters among themselves and agree a proposed decision. The proposed decision should be notified to the meeting of Ministerial representatives and listed for agreement without discussion. The First Minister and deputy First Minister, acting jointly, may modify the agenda to allow full discussion.

### **Submission of proposals to the Executive Committee**

- 3.13 Proposals by a Minister which are to be raised for discussion or agreement at the Executive Committee must be the subject of a written memorandum.
- 3.14 Any such memorandum should indicate clearly the impact of the proposal, if any, on:
- (i) employment and costs to business;
  - (ii) equality of opportunity as between those groups listed in section 75 of the Act;
  - (iii) targeting social need;
  - (iv) exchequer costs and staffing implications;
  - (v) relations, co-operation or common action on a North/South or East/West basis
  - (vi) any relevant EU issues;
  - (vii) human rights.



3.15 A draft of any such memorandum must be circulated to:

- the First Minister and Deputy First Minister;
- any Minister with a functional interest in the proposal;
- the Minister of Finance and Personnel, in the case of proposals involving expenditure or affecting general financial policy,

who each may make comments on the memorandum. Any such comments must be incorporated in the memorandum, even if not accepted by the originating Minister. The originating Minister may also comment on the comments received.

3.16 The opinion of legal advisers should be sought in advance in respect of any issue being raised at the Executive Committee which has legal implications. See paragraphs 3.26-3.31.

3.17 Save in exceptional and unavoidable circumstances and subject to the agreement of the First Minister and the deputy First Minister, memoranda for consideration at Executive Committee meetings should be circulated at least two full working days plus a weekend in advance of the meeting at which they are to be discussed to allow sufficient time to enable Ministers to read and digest them, and to be properly briefed. If decisions are urgently required, and an interval including a weekend is not possible, memoranda should be circulated as long before a meeting as possible, but always at least two full working days before they are to be discussed. Where a Minister wishes to advise the Executive Committee of an issue on which no substantive discussion is expected, the Private Office should alert the Secretary of the Executive Committee in the morning of the day before the Executive Committee meets. In exceptional and unavoidable circumstances memoranda for the Executive Committee may be circulated as late as 24 hours in advance of a meeting, or the responsible Minister may brief colleagues orally at a meeting on a matter requiring substantive decision. In either case, the prior approval of both the First Minister and deputy First Minister would be required to such a course of action.

3.18 It is the duty of Ministers to ensure that memoranda for the Executive Committee are as clear and as brief as possible. The Secretary to the Executive Committee will offer guidance about the length of memoranda for circulation. The memorandum should explain at the outset what the **issues are, indicate briefly the relevant considerations, and conclude with** a precise statement of the decisions sought. Paragraphs should be numbered for ease of reference. Detailed analysis and argument, together with supplementary detail, should be dealt with, where necessary, in annexes.



### **Decision-making by the Executive Committee**

- 3.19 In all business before the Committee, the Chairmen will seek to ensure consensus. If that does not prove possible, a vote may be taken. Decisions will mirror arrangements for the Assembly, where a majority of those present and voting will suffice save for specified areas (budget or programme of government,) or for issues in which 3 members of the Committee ask for the vote to be on the basis of cross-community support. In these cases, cross-community support within the Executive Committee will be needed for a proposal to be passed. "Cross-community support" shall have the same meaning as set out in Section 4(5)] of the Act. A quorum of 7 members will be required for any vote. The requirement for cross-community support must be requested prior to a vote actually commencing.

### **Media Briefings**

- 3.20 At the end of each meeting of the Executive Committee, a public statement or Press Release will be agreed. The Secretary to the Executive Committee will brief the Head of the Executive Information Service.

### **Executive Committee minutes and conclusions**

- 3.21 The minutes of Executive Committee meetings will be limited to the conclusions reached and such summary of the discussion as is necessary for the guidance of those who have to take action. As far as practicable, the opinions expressed by particular Ministers will not be recorded. Matters of special secrecy or political sensitivity may be recorded in a limited circulation annex. The minutes will be approved by the First Minister and the Deputy First Minister prior to circulation to other Executive Committee Members.
- 3.22 Any suggestions for amendment of Executive Committee minutes must reach the Secretary not later than 24 hours before the following meeting of the Executive Committee.
- 3.23 Ministers must act in accordance with decisions of the Executive Committee. Ministers are responsible for instructing their departments to give effect to the conclusions of the Executive Committee. When immediate action is required by a Minister not represented at the meeting, the Secretary will ensure that he or she is notified forthwith. Where urgent action has to be taken by a department, the department may ask the Secretary for an advance copy of the relevant conclusions.



### Confidentiality of Executive Committee proceedings

- 3.24 Ministers should not make public statements or comment on policy proposals which are to be brought to the Executive Committee or are under consideration by it. The privacy of opinions expressed in the Executive Committee must be respected. The Head of the Executive Information Service should be the sole source of briefing to the media about discussions held in the Executive Committee. Once taken, Ministers must publicly support decisions of the Executive Committee.
- 3.25 Executive Committee documents will often contain information which needs to be protected in the public interest. It is therefore essential that, subject to the guidelines on the disclosure of information set out in the Code of Practice on Access to Government Information, Ministers take the necessary steps to ensure that they and their staff preserve the privacy of Executive Committee business and protect the security of Government documents.

### Legal advice

- 3.26 The opinion of legal advisers should be sought in advance in respect of any issue being raised at the Executive Committee which has legal implications. In general, legal advice should be taken in the first instance from an appropriate member of the Departmental Solicitor's Office. If more than one Minister has an interest in an issue and conflicting or inconsistent legal advice has been provided from within the Departmental Solicitor's Office, the Ministers concerned should seek a resolution from the Head of the Departmental Solicitor's Office. If uncertainty cannot be resolved, the Departmental Solicitor's Office may recommend that the opinion of Senior Crown Counsel be sought. In cases of exceptional importance and for the resolution of doubt, the Departmental Solicitor's Office may recommend that the opinion of the Attorney General be sought.
- 3.27 In circumstances where a conflict of interest could arise for the Attorney General or Senior Crown Counsel, or in any other circumstances where a Minister deems it necessary, another Counsel should be engaged to provide legal advice.
- 3.28 A Minister must disclose the conclusions of any legal advice he has received to the Executive Committee. He must furnish a copy of that legal advice to any other Minister upon request.
- 3.29 The fact and content of opinions or advice given by the Attorney General **must not be disclosed outside the Executive Committee without his or her authority.** Written opinions of the Attorney General can be made available to succeeding Executive Committees.
- 3.30 Ministers occasionally become engaged in legal proceedings primarily in their personal capacities but in circumstances which may have



implications for them in their official positions. For example, defamation (other than in relation to purely private matters) may raise issues for the Minister's official position. In all such cases they should consult the legal advisers before consulting their own solicitors, in order to allow the legal advisers to express a view on the handling of the case so far as the public interest is concerned or, if necessary, to take charge of the proceedings from the outset.

- 3.31 In criminal proceedings Law Officers act wholly independently of the Executive Committee. In civil proceedings a distinction is to be drawn between proceedings in which Law Officers are involved in a representative capacity on behalf of the Executive Committee, and action undertaken by them on behalf of the general community to enforce the law as an end in itself.



## SECTION 4: MINISTERS AND THE ASSEMBLY

- 4.1 It is of paramount importance that Ministers give accurate and truthful information to the Assembly correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead the Assembly will be expected to tender their resignation.
- 4.2 Ministers should be as open as possible with the Assembly and should only refuse to provide information when disclosure would not be in the public interest, which should be decided in accordance with relevant statute and Government's Code of Practice on Access to Government Information (Second Edition, January 1997);

### **Assembly statements and other announcements**

- 4.3 Ministers must act in accordance with Assembly Standing Order Number 18 in respect of the proceedings of the Assembly when statements to the Assembly or any other Assembly announcements are to be made.
- 4.4 The timing and subject matter of all such statements and announcements must be notified to and cleared in advance with the First Minister and the deputy First Minister and the Executive Information Service. These notifications where possible should be made at least 3 working days in advance of the proposed announcement date. They should indicate the broad content of the proposed announcement; if necessary, why an oral statement is thought to be appropriate; and whether the policy with which it is concerned has been discussed by Ministers, including references to relevant discussions in the Executive Committee.
- 4.5 If agreement in principle is given, a draft of the statement or announcement should be circulated as soon as possible to the same recipients and to any other Minister whose area of responsibility is also touched on by the statement. Draft statements or answers should be accompanied by background notes.
- 4.6 In the case of announcements by Written Answer, particular care must be taken to avoid making a press announcement before the Written Answer has been delivered to the Assembly member who tabled the Question.
- 4.7 Ministers should not give undertakings, either in or outside the Assembly, that an oral statement will be made in the chamber on any subject at a specific time or within a particular period until agreement has been given by the First Minister and deputy First Minister to the proposed timing. Every effort should be made to avoid leaving significant announcements to the last day before a Recess.



## RESTRICTED – POLICY

- 4.8 Copies of the final version of such announcements should be sent to the Private Secretaries to the First Minister and deputy First Minister, the Presiding Officer and the Press Office as soon as they are available.
- 4.9 A Minister in charge of an item of business in the Assembly must ensure that reasonable numbers of copies of any documents published during the preceding 2 years which may be needed for the debate are placed in the Business Office and is responsible for supplying the Assembly library in advance with a list of all those older papers which the Minister considers relevant to the item. When any document is out of print the Minister should decide whether or not a reprint is required. Where any doubt exists about the need for any document to be available for a debate the Minister's Private Secretary should consult the Office of the Presiding Officer.

### **Financial acts of the Assembly**

- 4.10 The Assembly may not pass a financial vote, resolution or Act to which section 63 of the Act applies except on the basis of a recommendation by the Minister of Finance and Personnel.



## **SECTION 5: THE NORTH-SOUTH MINISTERIAL COUNCIL AND THE BRITISH-IRISH COUNCIL**

### **Nominations to the North-South Ministerial Council and the British-Irish Council**

- 5.1 In accordance with section 52(1) of the Northern Ireland Act 1998 (the Act), the First Minister and the deputy First Minister acting jointly must make such nominations of Ministers and junior Ministers (including alternative nominations where appropriate) as they consider necessary to ensure such cross-community participation in the North-South Ministerial Council and the British-Irish Council as is required by the Belfast Agreement. For each meeting, the First Minister and the deputy First Minister will normally nominate each Minister or junior Minister with executive responsibility in the areas to be considered at the meeting. If such a Minister is not nominated, an alternative nomination will be made. The First Minister and the deputy First Minister will also nominate such other Ministers or junior Ministers as they consider necessary to ensure such cross-community participation as is required by the Belfast Agreement. Nominations will be made in the format shown at Appendix A.

### **Advance notice of meetings of the North-South Ministerial Council and the British-Irish Council**

- 5.2 In accordance with section 52(5) of the Act, the First Minister and the deputy First Minister acting jointly must, as far in advance of each meeting of either Council as is reasonably practicable, give to the Executive Committee and to the Assembly the following information in relation to a meeting of either Council:-
- (a) the date;
  - (b) the agenda;
  - (c) the names of Ministers nominated for the meeting.

### **Participation in the North-South Ministerial Council and the British-Irish Council**

- 5.3 In accordance with section 52(2) of the Act, it is a Ministerial responsibility of Northern Ireland Ministers and junior Ministers to participate in meetings and activities of the North-South Ministerial Council and the British-Irish Council in accordance with nominations made jointly by the **First and deputy First Ministers**.
- 5.4 In accordance with section 52(3) of the Act, any Minister or junior Minister who has been nominated to participate in either Council must act in accordance with any decisions of the Assembly or the Executive



Committee which are relevant to that participation.

- 5.5 In accordance with section 52(4) of the Act, a Minister may in writing authorise another Minister or a junior Minister who has been nominated to participate in either Council to enter into agreements or arrangements in respect of matters for which he or she is responsible.
- 5.6 Ministers must participate normally at the North-South Ministerial Council and the British-Irish Council. The First Minister and deputy First Minister, acting jointly, may nominate another Minister or junior Minister to either Council in the place of a Minister who has not participated normally. In the event that the First Minister and deputy First Minister do not nominate the Minister with functional responsibility on these grounds and, instead, nominate another Minister or junior Minister, the Minister with functional responsibility must normally authorise that other Minister or junior Minister to enter into agreements or arrangements in respect of matters for which he or she is responsible, in accordance with section 52(4) of the Act.
- 5.7 A Minister participating in either Council may take decisions within the scope of his or her defined authority (or any authorisation by the Minister responsible for the matter in question) and in accordance with any relevant decisions of the Assembly or the Executive Committee. Participation in the North/South Ministerial Council should be in accordance with the agreed Memorandum of Understanding on Procedures for that Council, attached at Appendix B. Participation in the British-Irish Council should be in accordance with the Memorandum on Procedural Guidance for that Council, attached at Appendix C.
- 5.8 In accordance with section 52(6) of the Act, a Minister or junior Minister who participates in a meeting of either Council must make a report to the Executive Committee and to the Assembly as soon as reasonably practicable after the meeting. The Report to the Assembly must be made orally unless standing orders authorise it to be made in writing.

#### **Work of the North-South Ministerial Council**

- 5.9 Ministers participating in the North-South Ministerial Council must engage in the work of the Council as specified in paragraph 5 of Strand Two of the Belfast Agreement:-
  - (i) exchange information, discuss and consult with a view to co-operating on matters of mutual interest within the competence of the Assembly and the Oireachtas;
  - (ii) use best endeavours to reach agreement on the adoption of common policies, in areas where there is a mutual cross-border and all-island benefit, and which are within the competence of the Assembly and the Oireachtas, making determined efforts to overcome any disagreements;



- (iii) take decisions by agreement on policies for implementation separately in each jurisdiction, in relevant meaningful areas within the competence of the Assembly and the Oireachtas;
- (iv) take decisions by agreement on policies and action at an all-island and cross-border level to be implemented by the North-South implementation bodies.

5.10 As specified in paragraph 6 of Strand Two of the Belfast Agreement, a Minister participating in the NSMC should be in a position to take decisions at the NSMC within his or her defined authority.

#### **Work of the British-Irish Council**

5.11 Ministers participating in the British-Irish Council must engage in the work of the Council as specified in paragraph 5 of Strand Three of the Belfast Agreement

- (i) exchange information, discuss, consult and use best endeavours to reach agreement on co-operation on matters of mutual interest within the competence of the relevant Administrations;
- (ii) make suitable arrangements for practical co-operation on agreed policies.



## SECTION 6: THE BRITISH-IRISH INTERGOVERNMENTAL CONFERENCE

### British-Irish Intergovernmental Conference

- 6.1 Where excepted or reserved matters relating to Northern Ireland are to be discussed at a meeting of the British-Irish Intergovernmental Conference, the First Minister and the deputy First Minister acting jointly must ensure that there is such cross-community attendance by Ministers and junior Ministers at the meeting as is required by the Belfast Agreement.
- 6.2 Participation in the British Irish Intergovernmental Conference should be in accordance with the agreed Memorandum of Understanding on Supplementary Procedural Arrangements, attached at Appendix D.



## SECTION 7: THE CIVIC FORUM

### Civic Forum

- 7.1 In accordance with paragraph 34 of Stand One of the Belfast Agreement, the First Minister and the deputy First Minister will agree which sectors, in addition to the business, trade union and voluntary sectors, will be represented on the consultative Civic Forum. They will by agreement provide administrative support for the Civic Forum and establish guidelines for the selection of representatives to it. Acting jointly, and subject to the approval of the Assembly, they shall make arrangements for obtaining from the Forum its views on social, economic and cultural matters.
- 7.2 Northern Ireland Ministers and junior Ministers should respond positively, where possible and appropriate, to invitations from the Civic Forum to attend meetings, provide information, etc.



## SECTION 8: THE PRESENTATION OF POLICY

- 8.1 Official facilities financed out of public funds can be used for departmental publicity and advertising, but may not be used for the dissemination of material which is essentially party political. The conventions governing the work of the Executive Information Service are set out in a guidance note on the work of the Executive Information Service, copies of which have been placed in the Assembly Library.
- 8.2 In order to explain policies or to announce new policies a Minister may decide to hold a press conference. This will be convened by the Principal Information Officer of the department. All press conferences are on the record and open to any representative of the media. It is often the practice of Ministers to give separate radio and TV interviews afterwards in order to secure the most effective presentation of their views or announcement.

### Publication of Consultation Papers

- 8.3 Consultation Papers should be handled in accordance with the arrangements in Section 3.
- 8.4 Except where Consultation Papers are of a routine character or of minor importance, the timing of their publication is governed by similar considerations to those applying to announcements made in the Assembly. Ministers are therefore asked to apply to Papers the procedure laid down in Section 4 above. If a Paper is laid before the Assembly the lead department on the policy issues concerned should take responsibility for its processing and distribution. This should be handled in close consultation with the Office of the First Minister and the deputy First Minister.
- 8.5 Care should be taken to avoid infringing Assembly privilege when publicity is being arranged for Consultation Papers and similar documents. Confidential Final Revise proof copies (CFRs) can be made available under embargo and with discretion to members of organised groups of correspondents, a short time before copies are laid in the Vote Office (ie before publication). In some cases (for instance, where commercially sensitive information is involved, or where the disadvantages of any breach of an embargo are thought to outweigh the benefits of making advance copies available to the media) no copies should be made available to the media before publication. Where it is considered that the balance of advantage favours the issue of advance copies to the media under embargo, so as to enable their representatives to digest the contents of a Consultation Paper before general publication, the interval **between issue of CFRs under embargo and publication should not normally exceed a few hours.** Only in special circumstances - for instance, if a Consultation Paper is particularly long or technical - should CFRs be issued under embargo overnight. Any proposal to issue CFRs under an embargo of longer than 24 hours must be cleared with the Head of the Executive Information Service. CFRs may be given only to



representatives of the media and then only under strict embargo. Any breach of an embargo is a serious matter and should be reported immediately by the Principal Information Officer to the Minister and to the Office of the First Minister and the deputy First Minister.

## Speeches

- 8.6 On most occasions Ministers should speak only about affairs concerning their departmental responsibility and they should not comment on those areas of work which fall to another member of the Executive Committee. If this is impossible because, for example, the two are interconnected, Ministers should exercise special care when making the reference. They should avoid levelling criticism at their Ministerial colleagues and they should not anticipate decisions not yet made public. Where it is possible Ministers should seek advance permission to comment on the work of another department. Any Minister who intends to make a speech which deals with, or makes observations which bear upon, matters which fall within another Minister's responsibilities should, at all times, consult that Minister.
- 8.7 In speeches or other public statements Ministers should avoid making comment on an issue upon which a decision of the Executive Committee is required (as defined in Section 3 of this Code) in advance of that decision being taken. Once taken, Ministers should support that decision in line with the pledge of office.
- 8.8 Ministers wishing to refer in a speech or any other public statement to economic policy or to proposals involving additional public expenditure or revenue costs should in all cases consult the members of the Executive Committee responsible for Finance and Economic Development and the First Minister and deputy First Minister.
- 8.9 Ministers should use official machinery for distributing texts of Ministerial speeches only when such speeches are made on official occasions and deal with Assembly business as distinct from Party policy. Speeches made in a party political context should be distributed through the Party.
- 8.10 Ministers should not accept payment for speeches of an official nature or which directly draw on their responsibilities or experience as Ministers, either on their own or their department's account, or with a view to donating the fee to charity.
- 8.11 Radio and television broadcasts by Ministers are of four types: party political; Budget; special broadcasts by Ministers; and interviews with **Ministers for news and feature programmes.**
- 8.12 The broadcasting authorities may provide opportunities within the regular framework of their programmes for Ministers to give factual explanations of legislation or policies approved by the Assembly or to seek the co-operation of the public on matters where there is a general consensus of



## RESTRICTED – POLICY

opinion. The BBC may also provide the First Minister and deputy First Minister with an opportunity to broadcast to explain significant events or to seek public co-operation over such events. These are traditionally known as "Ministerial" broadcasts. The Independent Television Commission (ITC) is not obliged to relay either type of special broadcast. No approach should be made to the BBC or to the ITC for a broadcast of either type without the approval of the First Minister and deputy First Minister.

- 8.13 Ministers invited to broadcast on radio and television in a private and not a Ministerial capacity will wish to consider if such a broadcast would have a bearing on another department's responsibility in which case they should clear the matter with the colleague concerned before agreeing to the invitation. This consideration should extend to Departments in the UK Government, the Scottish and Welsh administrations and the Republic of Ireland, as appropriate.
- 8.14 Ministers will wish to use their discretion as to whether the nature of any invitation to make a broadcast at home or abroad is such that they should consult the First Minister and deputy First Minister before agreeing to broadcast.
- 8.15 Ministers should not accept payment for official broadcasts on radio or television, either on their own or on their department's account or with a view to donating the fee to charity.

### Press articles

- 8.16 Ministers may contribute occasionally to a book, journal or newspaper (including a local newspaper in their constituency) for the purpose of supplementing other means of informing the public about the work of their department provided that publication will not be at variance with their obligations to the Assembly. Any Minister wishing to practice regular journalism, including the contribution of weekly or fortnightly articles to local newspapers in their constituencies, must have the prior approval of the First Minister and deputy First Minister. In cases of doubt, and in all cases where a Minister is contemplating the contribution of an article going beyond the strict confines of his or her departmental responsibility, the First Minister and deputy First Minister should be consulted, before work has begun and in any case before any commitment to publish is entered into. In all cases where an article contains material which falls within the departmental responsibility of another Minister, that Minister must be consulted. This consideration should extend to Departments in the UK Government, the Scottish and Welsh administrations and the Republic of Ireland, as appropriate. Ministers should not accept payment for writings, either on their own or on their department's account, or with a view to donating the fee to charity.
- 8.17 Ministers are advised not to engage in controversy in the correspondence columns of the press. Ministers may however see advantage in correcting



serious errors or misstatements of fact which lead to false conclusions. Such letters should be brief and confined to the exposition of facts.

- 8.18 Ministers may not, while in office, write and publish a book on their Ministerial experience. Former Ministers are required to submit their manuscript to the Secretary of the Executive Committee and to conform to the principles set out in the Radcliffe Report of 1976 on Ministerial memoirs (Cmnd 6386). Ministers may not receive payment for a book written before becoming a Minister if the decision to publish was taken afterwards.

### **Party and other publications**

- 8.19 Ministers are not barred from contributing to the publications of the political organisations with which they are associated. However, in all cases where an article contains material which falls within the departmental responsibility of another Minister, that Minister must be consulted. This consideration should extend to Departments in the UK Government, the Scottish and Welsh administrations and the Republic of Ireland, as appropriate. Payment should not be accepted for articles which draw on Ministerial experience or which have been prepared with any assistance from public resources.
- 8.20 The prohibition of the practice of journalism by Ministers above, does not extend to writings of a literary, sporting, artistic, musical, historical, scientific, philosophical or fictional character which do not draw on their Ministerial experience. While payment for the occasional piece is acceptable, regular payments are not.
- 8.21 Ministers are sometimes asked to give interviews to historians or to other persons engaged in academic research or in market opinion surveys, or to fill in questionnaires at the request of such people or organisations. Ministers should bear in mind the possibility that their views may be reported in a manner incompatible with their responsibilities and duties as members of the Executive Committee. Careful consideration should therefore be given to such invitations before they are accepted; in cases of doubt, the First Minister and deputy First Minister should be consulted.

### **Complaints**

- 8.22 Ministers who wish to make a complaint against a journalist or a particular section of the media either to the Press Complaints Commission or to the Broadcasting Complaints Commission must have the authority of the First Minister and deputy First Minister. The nature of the complaint and the case for referring it to the appropriate body should be set out in a letter to the Secretary of the Executive Committee.



RESTRICTED – POLICY



## SECTION 9: MINISTERS' VISITS

### Visits overseas

- 9.1 In planning visits overseas, account should be taken of the need for Ministers to be accountable to the Assembly in the normal way and of the requirement that meetings of the Executive Committee take precedence over all other business.
- 9.2 Any member of the Northern Ireland Executive Committee who wishes to make a visit overseas for any reason, except for visits to European Union countries on official business should notify the Secretary to the Executive Committee to enable him or her to ensure that no conflicts arise between visits by different Ministers. The Secretary to the Executive Committee will consult with the Foreign and Commonwealth Office about any visit which might have implications in the wider UK context. The reason for the visit and a list of the countries to be visited should be given. If it is thought that a Minister may need to provide entertainment while abroad, this should also be notified to the Secretary to the Executive Committee, who will advise, in consultation with the Foreign and Commonwealth Office as appropriate.
- 9.3 Ministers should make it their personal responsibility to approve the size and composition of any Ministerial delegation for which they are responsible. Ministers must ensure that the size of parties is kept as small as possible. Where it is considered to be desirable in the public interest that a Minister be accompanied by his or her spouse at public expense this decision should be notified to the Secretary to the Executive Committee. Each Minister should ensure that a comprehensive and central record is maintained. This record should contain details of the numbers and costs of all delegations in support of the Minister whose travel has been at public expense, including visits to EU countries for the purpose of attending meetings of EU Councils. The record should be maintained in such a way that an up-to-date list of visits and costs of such visits can be made available by departments at short notice in the event of departmental Ministers being asked to account for travel undertaken.
- 9.4 Ministers should act in accordance with any agreements which have been made with the Foreign and Commonwealth Office when visits are being arranged and before extending invitations to Ministers in foreign governments to pay official visits to Northern Ireland.

### Ministers recalled from outside Northern Ireland

- 9.5 If a Minister is outside Northern Ireland on a visit which, if it is overseas, has been notified according to paragraph 9.2 and is called home for Ministerial or Assembly reasons - including to vote - the cost of the extra journey back and forth may be met by public funds.



### **Ministers' visits within the United Kingdom**

- 9.6 Ministers who are planning official visits to England, Scotland or Wales which would involve a public engagement should inform the appropriate UK Secretary of State, First Minister in Scotland or the First Secretary in Wales, respectively and the Members of Parliament for the constituencies to be included in the itinerary. They should also inform the Home Secretary of prospective visits to the Channel Islands and the Isle of Man. In addition, Ministers wishing to visit a Government establishment not sponsored by the department of which they are the Minister should advise the sponsor department in advance.
- 9.7 A Minister preparing to make a visit within the United Kingdom may wish to inform the MPs and, where relevant, the MLAs for the constituencies to be included within his or her itinerary. Ministers cannot, of course, invite MPs or MLAs to accompany them to functions organised by a third party, but adequate notice to the relevant MP and MLAs would enable them to ensure that they have an opportunity to request invitations from local organisers to functions of an official nature, should they wish to attend. It will also enable them to make suggestions to the Minister about the inclusion in the itinerary of places which it would be helpful to visit.

### **Invitations to Events which fall with the Departmental Responsibility of another Minister**

- 9.8 Where a Minister receives an invitation to an event which is outside his or her departmental responsibility, the invitation should normally be declined and the organisers advised which Minister, by virtue of their departmental responsibility, would be more appropriate to attend the event. It is for the organisers to decide whether or not the invitation should be reissued. In exceptional circumstances a Minister may wish to accept such an invitation for personal reasons. The Minister should write to the Minister who holds departmental responsibility (the responsible Minister) providing details of the invitation and reasons for wanting to accept it. The agreement of the responsible Minister should be secured before a Minister accepts an invitation which falls outside his or her area of responsibility.

### **Expenses on travel and hospitality**

- 9.9 In using official cars and travelling by rail or air, Ministers must always make efficient and cost effective travel arrangements. When Ministers travel on official business, their travel and hospitality expenses should normally be borne by the departmental Vote. When any expenses are not met in this way, Ministers will wish to ensure that no undue obligation is involved - see also Section 12 below.



- 9.10 Accepting offers of free travel can be misinterpreted. However, an offer to a Minister on official business to accompany a representative of a host foreign government may be acceptable, provided it creates no undue obligation, and if it offers a saving of official time or provides an opportunity to conduct official business. Offers of transport from other organisations should not normally be accepted, except where provided as an integral part of a tour of inspection. In exceptional cases such an offer may be accepted if this would represent a saving of official time and there is no risk of an undue obligation being created. In these cases, if the journey is of any significant distance, the organisation concerned should be reimbursed from the public purse to the value of a scheduled business class ticket. In any cases of doubt, the First Minister and deputy First Minister should be consulted.

#### **Air Miles**

- 9.11 Air Miles and other benefits earned through travel paid for from public funds, other than where they are de minimis (for example, access to special departure lounges or booking arrangements which go with membership of regular flier clubs), should be used only for official purposes or else foregone. However, if it is impracticable to use the benefits for Government travel, there is no objection to Ministers donating them to charity if this is permissible under the terms of the airline's scheme and the charity is one chosen by the airline.

#### **Travelling expenses of spouses or partners**

- 9.12 The expense of a Minister's spouse or partner when accompanying a Minister on official duties may occasionally be paid from public funds, provided that it is clearly in the public interest that he or she should accompany the Minister. In the case of official visits overseas, the Secretary to the Executive Committee should be notified on each occasion. For official visits within the United Kingdom, payment of these expenses is at the discretion of the Minister who should consult his or her Permanent Secretary. Each Minister must keep a record of all such expenses.

#### **Travelling expenses of special advisers**

- 9.13 If the Minister considers it necessary, a Special Adviser, may accompany a Minister on a visit at public expense.

#### **Decorations from other countries**

- 9.14 Although the issue rarely arises, Ministers should not, while holding office, accept decorations from other countries.



## SECTION 10: MINISTERS' CONSTITUENCY AND PARTY INTERESTS

- 10.1 It is wrong in principle for Ministers to use for party or constituency work facilities provided through public funds to enable them to carry out their official duties. This point of principle is reflected in the entitlement of Ministers to an Assembly salary in recognition of the time spent in attending to the interests of their constituents, and to the reimbursement of their secretarial expenses when attending to constituency business. Ministers should thus have their constituency work done at their own expense, as they would if they were private Assembly Members. Government property should not generally be used for constituency work or party activities. Where Ministers host Party events in Government property, it should be at their own or Party expense with no cost falling to the public purse.
- 10.2 Where Ministers have to take decisions within their departments which might have an impact on their own constituencies, they should, of course, take particular care to avoid any possible conflict of interest.

### The Assembly Ombudsman for Northern Ireland

- 10.3 Ministers who are asked by members of the public to submit complaints to the Ombudsman should, where possible, act no differently from other Assembly Members. Ministers should accordingly consider requests on their merits in deciding whether to refer complaints to the Ombudsman, to take them up with the Minister of the department concerned, to refer the complaint to another Assembly Member (where the complainant is not a constituent of the Minister) or to decline to take action. Before reference of a complaint to the Ombudsman the Minister should inform the Minister of the department concerned.
- 10.4 Where a complaint from a constituent is against the Minister's own department the Minister will generally wish to investigate it personally unless he or she has already been directly involved in the case. Where a Minister has been so involved, the Ombudsman should be asked to investigate if the complaint is within his jurisdiction; and there may be other circumstances in which a Minister will prefer to refer a complaint to the Ombudsman straight away.

### Deputations

- 10.5 Ministers are free to make their views about constituency matters known to the responsible Minister by correspondence, leading deputations or by personal interview provided they make clear that they are acting as their constituents' representative and not as a Minister. Particular problems arise over views expressed on planning applications and certain other cases involving exercise of discretion by Ministers (eg on school or hospital closures, roads or landfill site inquiries) in which representations intended to be taken into account in reaching a decision may have to be made available to other parties and thus may well receive publicity.



## RESTRICTED – POLICY

Ministers are advised to take particular care in such cases to represent the views of their constituents rather than express a view themselves; but when they find it unavoidable to express a view they should ensure that their comments are made available to the other parties, avoid criticism of decisions taken by the Executive Committee, confine themselves to comments which could reasonably be made by those who are not Ministers, and make clear that the views they are putting forward are ones expressed in their capacity as constituency representatives. Ministers should take account of any potential implications which their comments could have on their own departmental responsibilities.