

FROM: D J R HILL  
Constitutional & Political Division  
25 SEPTEMBER 1998

5574  
28 SEP 1998  
CENT SEC  
5157  
25 SEP 1998

cc Mr Sangle  
~~Mr Brown~~  
Mr McCarty

ASST  
SEC 29 SEP 1998  
CENT SEC

cc: Ms Wheldon (HOLAB)  
Mr Stephens  
Mr Gray OLC  
Mr McCusker  
Mr Whysall  
Mrs Evans (HOLAB)  
Mr Maccabe  
Mr Brooker - see para 6  
Ms Wooldridge  
Mr Webb  
Mr Watson

2 Resahe  
Miss O'Boyle  
29/9

Ms Weston (HOLAB)

## NORTHERN IRELAND BILL: JUNIOR MINISTERS

Welcome back.

One of the trickier outstanding issues is whether to make any provision in the Bill for the appointment Junior Ministers, and if so what provision should be made.

2. The problem is that most parties seem to think that in principle it would be a good idea at least to enable the appointment of Junior Ministers (whether now or at some stage in the future), but none has yet come up with any clear or generally acceptable ideas on :

- how they should be appointed (by D'Hondt, FM/DFM or Departmental Ministers)
- what role they should have (whether supporting departmental Ministers or pursuing cross-cutting issues)
- what role if any they could have in the discharge of statutory functions, given that these will be the responsibility of departmental Ministers who might well come from a different party

3. Against that background it would be highly politically desirable, if at all possible, to identify the elements of an outline legislative provision which would enable the appointment of Junior Ministers while taking account of these difficulties. When we discussed this briefly on



Wednesday night you agreed with George Gray's view that it would not be possible simply to provide that Junior Ministers could be appointed on a basis to be set out in Standing Orders because they would be part of the 'Executive' and should not be creatures of the legislature.

4. We discussed a possible model in which Junior Ministers might be appointed on the basis of criteria proposed by the FM/DFM, which would be subject to Assembly approval. Ideally this would enable the FM/DFM effectively to set out in detail how Junior Ministers would be appointed, whether by d'Hondt or whatever; and how they could be dismissed. Junior Minister' functions, as set out in the Bill, might be to assist the Executive Committee in delivering any 'programme of government'. That should provide flexibility for them to be appointed to act in support of particular Ministers or to promote cross-cutting initiatives. I hope that would also be sufficient to get round the vexed question of how, if at all, they might discharge statutory functions associated with Northern Ireland Departments.

5. Apart from that, I hope we could keep any legislative references to a minimum. It would be necessary to provide that any Junior Minister should take the pledge of office as a condition of appointment and that they would be subject to the exclusion provisions in clause 23; and we would want any reference to Junior Ministers in the Bill to be sufficient to justify paying them at a higher rate than ordinary Assembly members. I cannot think of anything else we would need to cover: in particular, I see no need to impose a statutory limit on their numbers.

6. In general I do not think it would be appropriate to incorporate Junior Ministers within the definition of 'Ministers' for the purpose of the Act, but I suppose it is possible that the availability of Junior Ministers would provide another means of making 'alternative arrangements' when a Minister does not wish to attend a meeting of the North/South Ministerial Council: the SDLP have certainly had this thought in mind. It could therefore be sensible to ensure that the Clause concerned with attendance at meetings of the NSMC (? and other bodies under strands two and three) allows attendance by Junior Ministers as well as 'Northern Ireland Ministers'.

7. As a first step I should be grateful for any observations which you and copy recipients may have on the question of whether it would be possible to construct a workable legislative provision on these lines; and whether the model set out above needs to be expanded or adjusted in any way. Thereafter, if we agreed it was worth pursuing, I should be grateful if you would work up instructions and invite Council to produce a New Clause for consideration. Before finally deciding to proceed with it,



Ministers would probably wish to consult at least the main parties so it would be helpful if we could work towards getting a draft by 5 October. That said, the uncertainties surrounding this issue means that it cannot be regarded as a top priority. Nevertheless, I know that that Mr Murphy is keen that we should at least explore whether it is possible to construct a sensible legislative provision on the basis of what we do know of the parties' positions.

*signed*

*David Hill* DJR Hill

**Constitutional & Political Division**