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28.7.82 *Do see please* *28/7*

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23 July 1982

NORTHERN IRELAND ACT 1982

The Northern Ireland Act 1982 received Royal Assent today.

The Act provides for the resumption of devolved government in Northern Ireland as outlined in the White Paper "Northern Ireland: A Framework for Devolution" (Cmd 8541).

There will be a new 78-member Northern Ireland Assembly representing the existing 12 Parliamentary constituencies and elected by the single transferable vote system of proportional representation. It is the Government's intention that election for the Assembly should take place on 20 October 1982, subject to the approval of Parliament.

Role of the Assembly prior to Devolution

Until it can put forward a scheme for the devolution of powers, the Assembly will have important consultative and deliberative functions. It will be able to scrutinise and comment on draft legislation and make reports to the Secretary of State which will be laid before Parliament at Westminster. The Assembly will monitor and report on the policies and activities of the Northern Ireland departments and, to this end, will be required to establish a committee corresponding to each department.

The appointments of Chairmen, Deputy Chairmen, and members of each Committee will be made by the presiding officer and will, so far as practicable, reflect party representation in the Assembly. The Chairmen and Deputy Chairmen will receive salaries. Ministers and the Northern Ireland departments will co-operate closely with the Assembly and its committees.

Proposals for Devolution

It will be for the Assembly to make proposals on how a Northern Ireland administration should be formed and under what arrangements executive powers should be exercised. The powers available for devolution are the full range of legislative and executive responsibilities which were devolved in January 1974.

Criteria for Devolution

The essential criterion for devolution is that the Assembly's proposals are acceptable to both sides of the community. If 70% of Assembly members agreed on a report on the way in which powers should be exercised and an administration formed, that report would be submitted to the Secretary of State who would be required to lay it before Parliament. Proposals agreed by less than 70%, but which appeared to the Secretary of State to be acceptable to both sides of the community, could be submitted to the Secretary of State at his request and would then be laid before Parliament. Executive and legislative powers would be devolved by Order in Council but no such Order would be made unless each House has passed a resolution approving a draft of the Order and stating that its provisions are, in the opinion of that House, likely to command widespread acceptance throughout the community.

Partial/Full Devolution

The Assembly could proceed directly to full devolution under which all the Northern Ireland departments would come under the control of a Northern Ireland Executive. But there could be partial devolution under which one or more departments could be devolved. For instance, three of the Northern Ireland departments could be devolved (ie the Heads of these departments would be members of the Assembly answerable to the Assembly) while the rest stayed under the Secretary of State's control. Partial devolution could lead on to further or full devolution. In the case of partial devolution, executive responsibility will be shared among United Kingdom Ministers and departmental heads drawn from the Assembly.

If the arrangements lost the broad support in the Assembly which had led to devolution in the first place, the devolved powers could be "rolled back" to the Secretary of State and Westminster until fresh proposals were agreed.

A Northern Ireland Executive

When full devolution takes place, the Secretary of State, taking account of the Assembly's recommendations, will appoint a Northern Ireland Executive consisting of not more than 13 members. Provided the Executive retains its support within

the Assembly, elections would be held every 4 years.

If the Executive lost the broad support in the Assembly which had led to devolution, devolved powers could be "rolled back" to the Secretary of State, the Assembly could revert to its earlier consultative functions or be prorogued. If there were no prospect of forming another Executive, the Assembly could be dissolved and fresh elections held.

Notes for Editors

1. The order in Council appointing the date of the election will be made under Section 27(7) of the Northern Ireland Constitution Act 1973. The Order will be debated in both Houses of Parliament early next week. Further Orders will be made in the next few weeks, dealing with salaries and allowances for Assembly members, and rules governing the conduct of Assembly elections.

2. Section 28 of the Northern Ireland Constitution Act 1973 requires the Boundary Commission for Northern Ireland to make recommendations from time to time on the number of Assembly members to be returned from each Parliamentary constituency. The Secretary of State has not yet received the Boundary Commission's report on the number of Assembly members to be returned for each of the 17 new Parliamentary constituencies. Once the Commission's final report is available any changes in the existing arrangements will be effected by Order in Council under the House of Commons (Redistribution of Seats) Act 1949 (as extended by the Northern Ireland Constitution Act 1973), but this could not now be done in time for an election on 20 October because there would be insufficient time for the political parties and the Chief Electoral Officer and his staff to organise on the basis of the new Parliamentary constituencies. The number of Assembly members for each constituency will therefore be as set out in paragraph 11 of Schedule 2 to the Northern Ireland Act (see table below).

<u>Constituency</u>	<u>Number of members to be returned</u>
East Belfast	6
North Belfast	5
South Belfast	5
West Belfast	4
North Antrim	8
South Antrim	10
Armagh	7
North Down	8
South Down	7

Fermanagh & South Tyrone	5
Londonderry	7
Mid Ulster	6

3. The election will take place under the single transferable vote system of proportional representation. This system uses multi-member constituencies. Each voter has only one vote. However, the voter may indicate on his ballot paper not only the candidate whom he would most like to see elected but also his second, third, etc, preferences (up to the number of candidates standing for election in his constituency). Thus no vote is wasted because if the candidate who is the voter's first preference has already reached the quota necessary to give him a seat, then that vote will be transferred to the voter's second preference. If the second preference has already reached the quota, then the vote could be transferred to the third preferences and so on.