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HCS/11/55

cc. PS/Ministers (B&L) -M
PS/PUS (B&L) -M
Mr Brennan -M
Mr Chesterton -M
Mr Merifield
Mr Spence
Mr M Elliott
Mr Ehrman -M .

PS/Secretary of State (B&L)-M

NORTHERN IRELAND ASSEMBLY

1. The Speaker, Mr Kilfedder, called in to see me briefly at the office before going up to the Assembly for business today. He emphasised that only the Clerk was aware that he was coming.
2. His own personal position is that, while as an MP he will have to act in line with other unionist MPs in terms of relations with Ministers etc, he does not feel so constrained in his capacity as Speaker of the Assembly. If, however, the general resignation of seats across the board is pursued, he may well have to resign his Westminster seat along with the others. He takes the view that he could not fight a by-election in contentious circumstances and remain as Speaker.
3. He is very strongly of the view that any premature Government action to wind up the Assembly would, in present circumstances, be counter-productive. He is anxious to find a way forward for the Assembly to continue to do business, but his hands may well be tied by the Business Committee, of which he says Mr Frank Millar is at the moment the most obdurate. If he can, he will continue to receive letters from the Secretary of State referring matters to the Assembly for advice, and have them read into the record even if the Business Committee or the Assembly by resolution seeks to restrain him from reading them out as at present. It is also possible that Committees will continue to seek evidence

CONFIDENTIAL

CONFIDENTIAL

from officials, but that the Assembly itself may not want at the end of the process to report back formally to the Secretary of State.

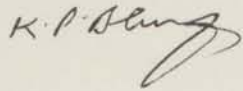
4. It is of interest here that this morning the Assembly's Agriculture Committee met under Dr Paisley's chairmanship and took evidence from DANI officials on forestry, much in the usual way.
5. Mr Kilfedder asked what business was in the pipeline, and whether it would be possible to avoid testing the Assembly at this sensitive time by submitting further business before the dust has (hopefully) settled. I told him that, within the next few weeks, the Secretary of State had been expecting to refer Proposals for Draft Orders on Industrial Relations, Road Races and Social Needs. In the case of the Industrial Relations legislation in particular, these were proposals which had already been inordinately delayed by earlier consultations, and I could not see Ministers happily contemplating any prolonged delay.
6. I suspect that the unionists will want to keep the Assembly as a political platform alive, and some at least of them may realise that this will not be possible if they entirely abandon their "scrutiny" duties. I do not believe it would be in our interests to fore-close our options by bringing the Assembly to an end, unless and until we absolutely have to do so. It would, in my view, be worth considering whether we could not place matters before the Assembly for consideration in such a way as to avoid boxing them in. This might be done by using the form "the following matter is referred for the consideration of the Assembly, and if the Assembly wishes to make any Report or to offer any views on the matter these would need to be available by [specified date]". This form would avoid any opportunity for the Assembly to refuse a requirement to produce a Report, whether at large or within a specified period. Such a "fudge" would, of course, be of no help if the Assembly's policy were to refuse to consider a matter at all, because it had in the first place been referred to it by the Secretary of State who alone, under Section 3 of the Act is empowered to refer it.
7. If it were possible, to refer matters to the Assembly in a somewhat amended form which would nevertheless comply with the provisions of the 1982

CONFIDENTIAL

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Act, we might be able to keep some slender bridges in being. But we will, I think, need to discuss this aspect further.



K P BLOOMFIELD

19 November 1985

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