



MEMO

From: Peter Robinson

Your Ref:

Tel: 520105

Our Ref:

Date: 21 December 1999

cc: PS/Mr Dodds
Mr Spence
Mrs Brown
Mr SweeneyTo: Mr Semple
Secretary to the Executive
Committee

Nigel and I promised some further comment on the draft Ministerial Code of Conduct but, unfortunately as I was ill on Friday, it has been delayed for a couple of days. The Northern Ireland Act - and indeed for that matter the Belfast Agreement - sets out a Ministerial code which forms part of the pledge of office taken by the Ministers at the time of their appointment. That Ministerial Code of Conduct sets out the mind of Parliament when it considered this issue and it strikes me as strange that the Executive Committee would want to extend that Ministerial Code of Conduct in a way that has more to do with gaining control by the centre and in particular the First and Deputy First Ministers over Ministerial colleagues.

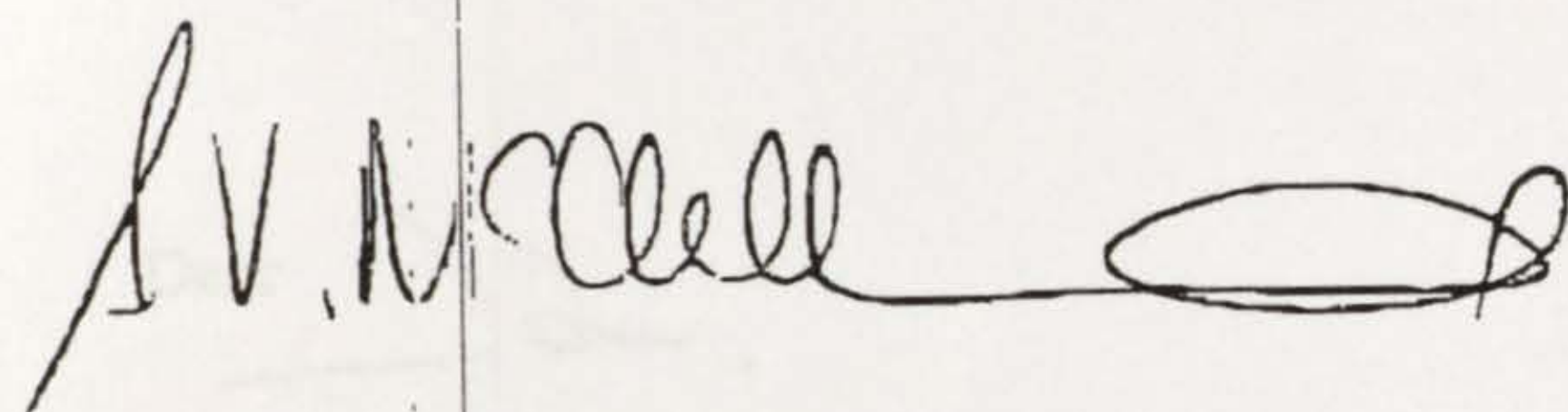
The draft Code of Conduct could be interpreted as an attempt by the First and Deputy First Ministers and their parties to take control, and have authority over, many of the functions that are the responsibility of Ministers from other parties. This has a striking resonance with some of the appointments made by the First and Deputy First Ministers which show an unhealthy addiction to empire building and to authoritarianism.

While some of the terms contained in the draft Code of Conduct are simply common sense and many of them would occur through a natural working relationship, others are quite unnecessary and I am at loss to understand where this draft was conceived and by whom.



I would question the authority of any Ministerial code which goes beyond the intention of Parliament even if it were to be endorsed by the Assembly, no doubt with the support of the First and Deputy First Ministers' parties.

It seems to me that the draft Code of Conduct is an attempt to introduce control of a Westminster style democracy into a structure that was set up (deliberately) without it.



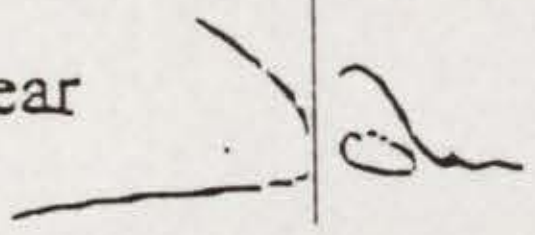
PETER ROBINSON



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Telephone:
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Your reference:
Our reference:
4 January 2000

Dear 

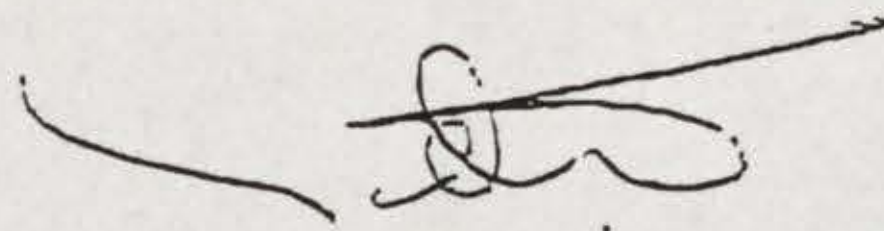
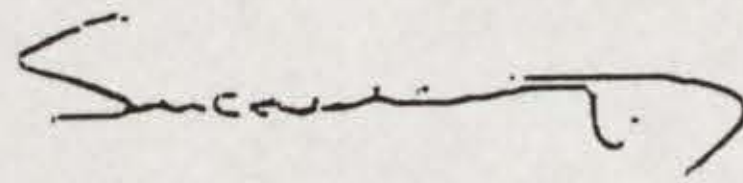
Further to receiving a copy of your letter of 22 December the last paragraph of which said that paragraph 4.4 of the draft Ministerial Code should be adopted with immediate effect setting in place the requirements for appropriate notification and clearance of any statements or announcements to the Assembly. I note that this decision was taken at the Executive meeting on 14 December in relation to a memo my Department had forwarded relating to Belfast Harbour. The fact that the decision was taken to pull out one particular aspect of the draft Ministerial Code and have it immediately approved arising from my memo, I think emphasises my contention that the draft Ministerial Code is a mechanism for the First Minister and Deputy First Minister to achieve control of Ministers which neither the Act, nor the Belfast Agreement for that matter, envisaged they should have.

I still strongly contend that the Executive is acting ultra vires in this matter. They do not have the power by Executive decision to amend primary legislation.

Needless to say as a matter of courtesy, I would have sent an advance copy to both the First Minister and Deputy First Minister of any statement that I was intending to make

in the Assembly but I would not have been forwarding it to be approved. The Act and Pledge of Office does not require me to have clearance nor do the Standing Orders of the Assembly.

Please be advised that I intend to conform to the civility of sending a copy of statements for information but not for clearing as required by the legal Ministerial Code.



PETER ROBINSON

Minister for Regional Development