

## **Terms of Reference for Review on:**

### **The development of a formal process and guidance on the handling of Westminster Statutory Instruments which include a role for the Assembly**

## **Background**

As part of its consideration of potential work topics, the Assembly and Executive Review Committee (AERC) wrote to various stakeholders for suggested topics. The following topic was submitted to the AERC by The Executive Office.

‘The development of a formal process and guidance on the handling of Westminster Statutory Instruments which include a role for the Assembly’.

## **Purpose, scope and steps**

The purpose of the review will be to examine how the AERC could contribute to the development of a formal process and guidance on the handling of Westminster Statutory Instruments (SIs), which include a role for the Assembly, and what shape that process and related guidance might take.

The review will focus on examining the potential for the Assembly and the Executive to provide meaningful input to considerations on Westminster SIs which relate to devolved matters. In undertaking the review, the AERC will complement the role of others in implementing improvements in this regard.

The Committee’s work will include the following steps:

- (a) gathering information and evidence on the existing procedures, processes and practices for the development, consideration and parliamentary approval of relevant SIs;
- (b) engaging with stakeholders on their experience of how the existing arrangements have operated to date;
- (c) considering the applicable arrangements which the other devolved administrations have in place;
- (d) identifying necessary procedures, features and provisions which could be included in a formal process and guidance on the handling of such SIs and working with other applicable stakeholders on the development of same; and
- (e) making recommendations to the Assembly on any identified improvements and how these should be implemented.

## **Approach**

In conducting its review, the Committee will take written and/or oral evidence from a range of stakeholders to inform its consideration of the possible improvements that

could be made to how the Assembly deals with Westminster Statutory Instruments, which include a role for the Assembly. The stakeholders will include, for example:

- The political parties and Independent Members represented in the Northern Ireland Assembly;
- Northern Ireland Members of Parliament
- The Executive Office and the other Executive departments;
- The Speaker of the Northern Ireland Assembly;
- Neighbouring devolved institutions;
- The UK Government;
- The House of Commons;
- The House of Lords; and
- The general public via public consultation.

The Committee will also obtain further research, legal advice and other information, as necessary, to inform its deliberations.

### **Outputs and outcomes**

The review will lead to an evidence-based report that will inform the Assembly and the Executive by providing an up-to-date examination and setting out:

- evidence on the stakeholder experience to date of operating the existing arrangements for the development, consideration and parliamentary approval of SIs which relate to devolved matters;
- comparative information from other legislatures on potentially applicable procedures, processes and practices which they have for inputting to considerations on relevant SIs;
- necessary features and provisions which could be included in a formal process and guidance on the handling of such SIs; and
- recommendations to the Assembly and the Executive on a formal process and guidance on the handling of relevant SIs.

The Committee's report, which will be debated in the Assembly, will facilitate the Assembly and the Executive in taking a co-ordinated, systematic and strategic approach to providing input to, and influencing as appropriate, considerations on Westminster SIs, which relate to devolved matters.