

Implementing the ‘Petition of Concern’

(S469) CAJ Briefing Note, January 2018; summary:

- The Petition of Concern mechanism has never been implemented as the Good Friday Agreement (GFA) and Northern Ireland Act (NIA) intend or require. This largely due to the way the Standing Orders of the Assembly have been drafted and applied;
- The Petition of Concern is linked to safeguards in the GFA relating to equality requirements, scrutiny against the European Convention on Human Rights/NI Bill of Rights, and the participation and protection of all parts of the community;
- The process required by the GFA/NIA is that when a Petition of Concern is tabled by 30 MLAs on a key decision a Special Procedure Committee is to be established to examine and report as to whether the decision is in conformity with equality requirements including the ECHR/NI Bill of Rights. (The only exception to this is when the Assembly votes on a cross community basis not to establish the Special Committee.) Following the Committee report a vote is then taken on a cross community basis;
- In practice this has never happened. No referral to the Special Procedure Committee has ever been made when a Petition of Concern has been tabled. The same Committee (known in Standing Orders as the *Ad Hoc Committee on Conformity with Equality Requirements*) can also be otherwise established, this has happened once by a bill committee (on the Welfare Reform Bill);
- The scrutiny role of the special Committee would currently be limited in the absence of legislating for the NI Bill of Rights. Unlike human rights committees in other legislatures (e.g. Westminster Joint Committee on Human Rights) there is also no formalised support structure in place for the special committee;
- The provisions of the GFA and NIA are legally binding. The GFA provides for a review process of the Strand 1 institutions which can lead to changes to the mechanisms where there is agreement to do so. Significant discussion and negotiation has already take place on reform and alternatives, including a review further to the St Andrews Agreement which produced a 230 page report in 2014 on the Petition of Concern. There is no agreement on changes to the GFA. A voluntary Protocol was included in the *Fresh Start* agreement;
- The Petition of Concern has come into increasing disrepute given ironically its use to block equality and rights initiatives and for party political purposes. In the absence of consensus on an alternative, rather than overriding the GFA, the only viable course of action is the implementation of what was originally intended and is required by the GFA and NIA for the Petition of Concern, Special Procedure Committee and NI Bill of Rights. This would provide a significant measure of resolution to (but not eliminate) abuse of the Petition of Concern outside its original intentions;

Background: the Belfast/Good Friday Agreement

Under Strand 1 of the Belfast/Good Friday Agreement (GFA) there are a number of provisions relevant to the Petition of Concern and related Special Procedure Committee.

Paragraph 5 (Strand 1) covers ‘Safeguards’ on the operation of the devolved institutions to “*to ensure that all sections of the community can participate and work together successfully in the operation of these institutions and that all sections of the community are protected*”. This *inter alia* provides for (emphasis added):

(d) arrangements to ensure key decisions are taken on a cross-community basis:

- (i) either parallel consent, i.e. a majority of those members present and voting, including a majority of the unionist and nationalist designations present and voting;
- (ii) or a weighted majority (60%) of members present and voting, including at least 40% of each of the nationalist and unionist designations present and voting.

Key decisions requiring cross-community support will be designated in advance, including election of the Chair of the Assembly, the First Minister and Deputy First Minister, standing orders and budget allocations. **In other cases such decisions could be triggered by a petition of concern brought by a significant minority of Assembly members (30/108).**

Paragraph 6 then provides, at the initiation of a new Assembly mandate, for the registration of MLAs of a:

“designation of identity - nationalist, unionist or other - for the purposes of measuring cross-community support in Assembly votes under the relevant provisions above.”

Paragraphs 11-13 then provide that:

11. The Assembly may appoint a special Committee to examine and report on whether a measure or proposal for legislation is in conformity with equality requirements, including the ECHR/Bill of Rights. The Committee shall have the power to call people and papers to assist in its consideration of the matter. The Assembly shall then consider the report of the Committee and can determine the matter in accordance with the cross-community consent procedure.

12. The above special procedure shall be followed when requested by the Executive Committee, or by the relevant Departmental Committee, voting on a cross-community basis.

Paragraph 13 then makes this Special Procedure mandatory when a Petition of Concern is tabled (unless there is a cross-community vote to the contrary):

13. When there is a petition of concern as in 5(d) above, the Assembly shall vote to determine whether the measure may proceed without reference to this special procedure. If this fails to achieve support on a cross-community basis, as in 5(d)(i) above, the special procedure shall be followed.

GFA Paragraph 36 contains a provision for the Review of the arrangements, including the Assembly's procedures with a view to 'agreeing' and adjustments in the interests of efficiency and fairness. The St Andrews Agreement supplemented this providing for a standing institutional review committee. The GFA, in summary therefore provides that:

- The Petition of Concern is a safeguard to ensure all sections of the community are protected and can participate in the institutions. This is linked to conformity with equality requirements and specifically the European Convention on Human Rights (ECHR) and NI Bill of Rights. The provision is also linked to cross-community voting (either as parallel consent or weighted majority) for which there is a designation of identity;
- The Petition of Concern relates to 'key decisions' (except those which are already pre-designated for a cross community vote);
- A Special Procedure Committee, with powers, is to be established to 'examine and report' as to whether a 'measure or proposal' is in conformity with equality requirements including the ECHR/Bill of Rights;
- In addition to the Special Procedure Committee being triggered by another Committee or the NI Executive – the Committee must also be convened when a Petition of Concern is tabled, unless there is a cross-community vote to the contrary;

The scope of 'equality requirements' is linked, but not restricted to, the ECHR/Bill of Rights, that are clearly intended to be scrutiny tools and contain provisions on rights that are to be protected, respected and fulfilled without discrimination. The absence of the NI Bill of Rights does limit the scope of the special procedure and the rights it would be otherwise mandated to consider.¹

¹ For example, if a Petition of Concern was tabled on a housing issue, reliance could be made on Article 8 & 14 ECHR (right to private and family life without discrimination), but not the right to housing (accommodation) that was advised for inclusion in the NI Bill of Rights, unless the Committee also considers other UK human rights treaty obligations. The GFA provisions for 'Parity of Esteem' were also to be incorporated in the Bill of Rights as a duty to ensure equality of treatment for the identity and ethos of the two main communities (without prejudice to the rights of others) and where relevant would require consideration as part of the special committee if enacted.

The Northern Ireland Act 1998 (NIA):

The main implementation legislation for the GFA provides for the Special procedure committee under Section 13 as follows:

13 (3) Standing orders—

(a) shall include provision for establishing such a committee as is mentioned in paragraph 11 of Strand One of the Belfast Agreement;

(b) may include provision for the details of a Bill to be considered by the committee in such circumstances as may be specified in the orders.

Section 42 of the NIA then provides for Petitions of Concern (emphasis added):

42 Petitions of concern.

(1) If 30 members petition the Assembly **expressing their concern** about a matter which is to be voted on by the Assembly, the vote on that matter shall require cross-community support.

(2) Standing orders shall make provision with respect to the procedure to be followed in petitioning the Assembly under this section, including provision with respect to the period of notice required.

(3) Standing orders shall provide that the matter to which a petition under this section relates **may be referred, in accordance with paragraphs 11 and 13 of Strand One of the Belfast Agreement**, to the committee established under section 13(3)(a).

Section 4(5) (Interpretation) defines cross-community support:

“cross-community support”, in relation to a vote on any matter, means—

(a) the support of a majority of the members voting, a majority of the designated Nationalists voting and a majority of the designated Unionists voting; or

(b) the support of 60 per cent of the members voting, 40 per cent of the designated Nationalists voting and 40 per cent of the designated Unionists voting;

“designated Nationalist” means a member designated as a Nationalist in accordance with standing orders of the Assembly and “designated Unionist” shall be construed accordingly.

In summary the NIA provides that the Standing Orders of the Assembly make provision for the Special Procedure Committee, Petition of Concern and cross community voting. The NIA provides that when a Petition of Concern is tabled the Special Procedure Committee *may* be established in accordance with the stipulations of the GFA (i.e. presumably that it shall be, save if there is a cross community vote to the contrary - this provision could have been more clearly drafted on the face of the legislation). The NIA also provides that MLAs tabling a petition should be ‘*expressing their concern*’ about the matter in question.

Standing Orders, Northern Ireland Assembly

The Standing Orders (SO) of the Assembly deal with the above matters in a number of disparate places, in SO28 (petitions of concern, voting section), SO35 (equality Committee, public legislation) and SO60 (Ad Hoc Committee, committee matters). The Standing Orders were last amended in October 2016 but no changes were made to the above provisions relevant to the subject matter of this paper. Standing Order 28 on Petitions of Concern is as follows:

28. Petition of Concern

(1) A Petition of Concern in respect of any matter shall be in the form of a notice signed by at least 30 members presented to the Speaker. No vote may be held on a matter which is the subject of a Petition of Concern until at least one day after the Petition of Concern has been presented.

(2) Other than in exceptional circumstances, a Petition of Concern shall be submitted at least one hour before the vote is due to occur. Where no notice of the vote was signalled or such other conditions apply that delay the presentation of a Petition of Concern the Speaker shall determine whether the Petition is time-barred or not.

This SO therefore makes no reference to the establishment of the Special Procedure Committee when a Petition of Concern is tabled.

The SO also only requires a signed notice from 30 MLAs. There is no provision for that notice to express what the concerns of the MLAs are, in accordance with the NIA, nor any framing of such concerns with the context of the GFA link to equality requirements and the Special Procedure.

The Special Procedure Committee is then provided for in SO60:

60. Ad Hoc Committee on Conformity with Equality Requirements

(1) The Assembly may establish an ad hoc committee to examine and report on whether a Bill or proposal for legislation is in conformity with equality requirements (including rights under the European Convention on Human Rights or any Northern Ireland Bill of Rights).

(2) The committee may exercise the power in section 44(1) of the Northern Ireland Act 1998.

(3) The Assembly shall consider all reports of the committee and determine the matter in accordance with the procedures on cross-community support within the meaning of section 4(5) of the Northern Ireland Act 1998.

(4) Where there is a Petition of Concern the Assembly shall vote to determine whether the measure or proposal for legislation may proceed without reference to the above procedure. If this fails to achieve support on a parallel consent basis the procedure as at (1) – (3) above shall be followed.

SO 60(4) therefore would require the Assembly to vote on the establishment of the Special Committee (at least on a ‘measure or proposal for legislation’) when a

Petition of Concern is tabled. In practice however this procedure under the separate SO60 has not been followed and such votes have not taken place.

The problems with the operation of the SOs were raised by the Assembly Committee on Procedures in 2013 with the Assembly and Executive Review Committee. By late 2012 39 Petitions of Concern had been tabled during the lifetime of the then Assembly mandate and SO60 had never been used, votes had not taken place and no Special Committee had been established further to a Petition of Concern.

The first and to date only constituting of the Special Committee came in in November 2012, relating to the Welfare Reform Bill. This had been triggered by the bill Committee and not a Petition of Concern.

Procedures Committee members sought legal advice and briefings in relation to the issue *“largely because of an apparent disparity between established practice and possible interpretation of SO 60(4) in terms of POCs.”* A background note records that it was *“Clear, common, well understood practice is that POCs trigger a cross community vote on specific motions, amendments or legislative proposals; but do not, however, generate a question to establish [the Special Committee]. However, the Committee noted that both the Belfast Agreement and the Northern Ireland Act 1998... appear to require the Assembly to vote on whether a measure can proceed or should be referred to [the Special Committee] every time there is a petition of concern.”* The note records that having three distinct SOs had always been the case and that *“very little information exists to explain or clarify this genesis and no corporate memory has survived in respect of this issue.”* A proposal was mooted to produce a composite SO that would clarify the procedure.²

Further detailed provisions are made under SO35 in relation to the use of the Special Procedure Committee to advise as to whether a bill, draft bill or proposal for legislation is compatible with equality requirements. These provisions however relate to the triggering of the Committee by a motion from Ministers or Committee Chairs.

Related procedures and provisions:

Another related process is found in Standing Order 3(11) which provides for the process of community designation at the first meeting of a new mandate in the following terms:

3(11) After signing the Roll a member may enter in the Roll a designation of identity, being “Nationalist”, “Unionist” or “Other”.

The GFA and Standing Order refer to a designation of identity by MLAs for the purposes of ‘cross-community’ votes. This has usually been interpreted as a designation of an MLAs party political affiliation as unionist, nationalist or other, rather than a designation of the community background. Following the St

² Memo from Committee on Procedures to AERC -April 2013 (in Report: NIA 166/11-15 (Assembly and Executive Review Committee) (Petitions of Concern), p140

Andrews Agreement, there was an amendment that under the NIA and Standing Order 13(3) now links designation explicitly to party membership, in precluding a change of designation unless an MLA changes political party.³

At present the votes of MLAs designated ‘others’ carry no weight in ‘cross community votes’ which require specific numbers of unionists or nationalists. There has been discussion as to whether the votes of ‘others’ could be added to unionist or nationalist votes. This however is not currently provided for under the GFA or NIA. Whilst amendments to the process and NIA could be made further to agreement under a GFA review process, there has not been agreement on the matter. It is still of course open to MLAs in parties that do not classify themselves as either unionist or nationalist, to individually register as either nationalist or unionist at the first sitting of an Assembly mandate.

Referral of a Ministerial Decision to the Executive Committee

A second set of provisions introduced after St Andrews include a process whereby 30 MLAs can Petition the Assembly expressing a concern that a Ministerial Decision was either not in accordance with the Ministerial Code, or ‘relates to a matter of public importance’. Determination is then made only as to whether the ‘public importance’ threshold has been met, this power is vested in the Speaker following consultation with the political parties. If the Speaker considers the decision to be a matter of public importance they are to refer it to the NI Executive Committee for a decision, as to whether it was in accordance with the Ministerial Code, whether it is a ‘significant or controversial’ matter, and as to any action the Executive Committee intends to take. This provision is contained in s28B of the NIA (as inserted by the NI (St Andrews Agreement) Act 2006). It is also reflected in SO29 of the Assembly. The NI Executive was also given a role of discussing *and agreeing on* ‘significant or controversial’ matters that are outside the scope of the Programme for Government or that have been otherwise determined significant or controversial by the First and deputy First Minister (s20(3) NIA). This provision is not related to a Petition of Concern nor compliance with equality requirements, but rather to more subjective concepts.

The St Andrews Agreement also provided for “*the Assembly to appoint a standing Institutional Review Committee, to examine the operational aspects of the Strand One institutions*” which was to report in relation to Assembly provisions by 2015.

³ This amendment had been sought in the context of two Women’s Coalition MLAs, previously designated as Other, designating as unionist and nationalist respectively; and members of the Alliance changing designation from Other to unionist, and the same MLAs subsequently changing back to Other.

The post-St Andrews Review of Strand 1: Petitions of Concern

The Assembly and Executive Review Committee set up further to St Andrews considered and reported on Petitions of Concern in 2014. As part of its Terms of Reference the Committee specifically considered:

provisions for voting on an Ad Hoc Committee on Conformity with Equality Requirements prior to the vote on a Petition of Concern

It also considered the possibilities of restricting Petition of Concern to certain key areas, changing the 30 MLA threshold, and alternatives to Petitions of Concern (e.g. a weighted majority vote). There was no consensus on any of the issues, save that the threshold for Petitions of Concern may change if the number of MLAs did.

Attempted amendment of NIA

During the time of the review Mark Durkan MP sought to amend the NIA in Westminster during the passage of the Northern Ireland (Miscellaneous Provisions) Bill 2013. His aim was for the NIA to be amended to: *“reflect the terms and intent of paragraphs 11, 12 and 13 of strand 1 of the Belfast Agreement...It would qualify the exercise of veto powers, via petitions of concern in the Assembly, through the consideration of possible equality or human rights implications.”* The Clause⁴ would have explicitly required on the face of the primary legislation the Special Committee to be established when a Petition of Concern was lodged (save for a cross-community vote to the contrary), and would have further codified the provisions in the primary legislation rather than deferring to Standing Orders. The amendment was not carried, partly in the context of the above Assembly and Executive Review Committee undertaking the review at the time.

⁴ Petitions of concern ‘(1) In section 42 of the Northern Ireland Act 1998 (Petitions of concern), omit subsection (3) and insert—

“(3) When a petition of concern is lodged against a measure, proposal or a decision by a Minister, Department or the Executive (“the matter”), the Assembly shall appoint a special committee to examine and report on whether the matter is in conformity with equality and human rights requirements, including the European Convention on Human Rights and any Bill of Rights for Northern Ireland.

(4) Consistent with paragraphs 11, 12 and 13 (Strand 1) of the Belfast Agreement, a committee as provided for under subsection (3) may also be appointed at the request of the Executive Committee, a Northern Ireland Minister or relevant Assembly Committee.

(5) A committee appointed under this section—

(a) shall have the powers to call people and papers to assist in its consideration; and

(b) shall take evidence from the Equality Commission and the Human Rights Commission.

(6) The Assembly shall consider the report of any committee appointed under this section and determine the matter in accordance with the requirements for cross-community support.

(7) Standing Orders shall provide for—

(a) decisions on the size, timescale and terms of reference for such a committee; and

(b) procedure(s) to allow for subsection (8).

(8) In relation to any specific petition of concern or request under subsection (4), the Assembly may decide, with cross-community support, that the procedure in subsections (3) and (5) shall not apply.”

Assembly and Executive Review Committee Options

The Review Committee in relation to the triggering of the Special Committee put options to the political parties these, in summary, were:

- Option A: amend the NIA to reflect the current Assembly Practice of not voting for the Special Procedure when a Petition of Concern is tabled;
- Option B: vote on Special Procedure when a Petition of Concern is tabled on legislation (with various sub-options);
- Option C: vote on Special Procedure whenever a Petition of Concern is tabled;

Option A which would change the GFA provision for the Special Procedure Committee was supported by the DUP and UUP.

The Alliance and SF preferred option B although SF were also open to Option C which was the preferred option of the SDLP, citing the intention of the GFA.

By contrast the DUP argued that the Petition of Concern should not be limited to equality issues, offering an alternative interpretation of the GFA/NIA and citing custom and practice to date of Petitions of Concern being used for any issue:

In law, there is no requirement that petitions of concern can only be used in relation to 'equality' issues, nor is there anything in the Belfast Agreement which would operate –or seek to operate - as such a limitation. The practice has also been that petitions of concern have been used for a variety of reasons ...Arguably, few have specifically related to equality issues as such.

The DUP recognised the terms of SO60 were problematic, as SO 60(4) could be interpreted as limited, suggesting this could be addressed by a minor amendment, and arguing the SOs would comply with the NIA as there is some mechanism for triggering the Special Committee when a Petition is tabled.

There was also consideration as to whether the Special Procedure should become a standing committee and a number of models were looked at. Notably the Westminster Joint Committee on Human Rights (JCHR) has a dedicated human rights legal advisor to inform its deliberations (as did the NI Policing Board until relatively recently). The Northern Ireland Human Rights Commission also has a formal role in advising the Assembly on matters of human rights compliance. There was some interest in a standing Committee from Alliance and SF but no consensus. There were also differences of view on replacing the Petition of Concern with an alternative mechanism. The DUP and Alliance were in favour of a weighted majority vote but the SDLP and SF opposed. There was also discussion on the restriction of Petition of Concern to certain areas, including not using Petitions for private members' motions. The review Report was published in March 2014.⁵

⁵ Report: NIA 166/11-15 (Assembly and Executive Review Committee) (Petitions of Concern)

Stormont House Agreement (December 2014)

In December 2014 the Stormont House Agreement was published following talks among the Executive parties and two governments. Paragraphs 57 and 58 deal with the Petition of Concern, which are limited to agreeing the threshold should remain at 30 MLAs (essentially this increased the threshold as the overall number of MLAs was reduced from 108 to 90) and that “Changes will be made to the operation of the Petition of Concern mechanism through a protocol agreed between the parties.”

Fresh Start Agreement (November 2015)

This Agreement, aiming to implement some of the Stormont House Agreement provisions, contained a Protocol on the use of the Petition of Concern. The Protocol is clear that it is voluntary and does not remove the statutory entitlement to use a Petition of Concern. The signatory parties agree the following principles to the use of the Petition of Concern:

- (i) that Petitions of Concern should only be tabled in exceptional circumstances;
- (ii) that in order to minimise the incidence of the use of Petitions of Concern, Private Members’ motions tabled by members of the signatory parties should be so phrased that they do not bind the Assembly or the Executive by requiring a vote upon the matter under consideration;
- (iii) to this end such business should be conducted in the form of ‘take note’ debates;
- (iv) in cases where a tabled Private Members’ motion does not comply with the conditions set out at provisions outlined within paragraph 4(ii), other signatory parties will be permitted under the terms of this protocol to table a Petition of Concern on the matter under discussion;
- (v) where a Petition of Concern is tabled, this should state the ground or grounds upon which it is being tabled and the nature of the detriment which is perceived as arising from an affirmative vote on the matter; and
- (vi) the provisions of section 13(3) of the Northern Ireland Act 1998 and of paragraph 60 of Assembly Standing Orders relating to the referral of Bills to the Ad Hoc Committee on Conformity with Equality Requirements will continue to apply.

In summary the non-binding Protocol expects Petitions of Concern only to be used in exceptional circumstances; for private members’ motions to be framed in a way not requiring a vote (and hence Petition of Concern) and for MLAs tabling a Petition of Concern to state the grounds on which it is being tabled and the nature of the detriment the proposal would carry. The Protocol also reiterates the provisions of the NIA and S60 regarding the Special Procedures committee, (in reference to the referral of bills).

Call in and Local Government

At the same time as much of the above the Assembly debated a similar safeguard mechanism for local government in light of the establishment of eleven new Councils following local government reorganisation. A key safeguard for the new councils was the 'Call In' mechanism provided under the primary legislation (s41 of the Local Government (Northern Ireland) Act 2014).

The 'Call In' mechanism provides for 'key decisions', when the decision has been 'called in' by 15% of representatives, to be reconsidered and only approved if passed by a 'qualified majority' of 80% of councillors.

The primary legislation does set out some criteria, namely that the decision in question would 'disproportionately affect adversely a section of inhabitants' of the local government district. The merits of a "call in" have to be determined by a legal opinion. However, the terminology of 'disproportionately adversely affect' neither draws on recognised legal concepts nor is not further elaborated on in the legislation. It was consequently subject to criticism by CAJ and the Environment Committee of the NI Assembly for lacking legal certainty, however the Act does provide for secondary legislation that can qualify its provision and interpretation. The first attempt at such regulations was rejected in a February 2014 via a DUP Petition of Concern in the Assembly. At this stage the concerns were that a draft still lacked legal certainty and a qualified majority still would have been required regardless of the merit of the Call In.

The secondary legislation was therefore redrafted and presented to the Assembly as the draft *Local Government (Standing Orders) Regulations (Northern Ireland) 2016*. These regulations tied the 'call in' to circumstances where a legal opinion indicates a risk that the decision is, among other matters, incompatible with the ECHR or the Council's equality scheme insofar as it relates to the equality duty contained in s75(1) of the Northern Ireland Act 1998.

This formulation is therefore similar to the original intention of the scrutiny role of the of Special Procedure Committee, focusing on equality provisions and the ECHR. Whilst this position from the SDLP minister was supported by all other parties (SF, UUP, Alliance and SDLP itself), it was not supported by the DUP who tabled a Petition of Concern to block it. The DUP told the Assembly their position was in particular based on opposition to equality duties being part of the call in consideration, instead expressing a preference for the less legally certain concept of being 'disproportionately adversely affected' being maintained.

There has therefore been no secondary legislation enacted to regulate the 'Call In' process.

Conclusions and Observations

- The provisions for the Petition of concern in the GFA and NIA are tied into the scrutiny of the Special Procedure Committee of key decisions in relation to their compliance with equality requirements including the ECHR/Bill of Rights, but in practice this has never been realised;
- This is largely due to the manner in which the Standing Orders of the Assembly have been drafted and applied. Standing Orders also do not provide for MLAs tabling a Petition of Concern to set out the concerns they are raising. This context has helped facilitate the Petition of Concern becoming a veto on any issue without reference to the Special Procedure on equality requirements. The Special Committee if properly convened, whilst not changing the ultimate determination of the decision by cross-community vote, would help highlight Petitions of Concern that had no merit in terms of engagement with equality requirements;
- The Role of the Special Committee in the application of its scrutiny tools would currently be restricted in the absence of the NI Bill of Rights and the provision of an effective operating model;
- The above can be remedied through changes to the Standing Orders / their application or codifying GFA provisions on the face of the NIA, and strengthened by the implementation of the NI Bill of Rights, and an effective operating model for the Committee. All of this however is known among parties and has been the subject of previous reviews and negotiations. The current blockage is not one of requiring new solutions but of political will to ensure implementation of existing provisions required by the GFA, in particular by the duty bearer, the UK government;
- Alternatives to the Petition of Concern can be considered in the context of review of Strand 1 of the GFA, but such reviews have already taken place and there is no consensus on changes. The original provisions are legally binding and regardless of political will it is the case that the current Standing Orders and their application is not in line with the GFA/NIA and could be subject to challenge;

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