

Senedd Business

# Guide to amendments to Public Bills

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Welsh Parliament  
Senedd Business

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## 01. Introduction

01. This guide explains the rules and procedures relating to amendments. It explains:
- the guiding principles to disposal of amendments;
  - Notices of Amendments (Daily Lists) and Marshalled Lists;
  - proceedings on amendments.
02. An amendment is a proposal to change the wording of a Bill. It is the only mechanism that may be used to propose a change to a Bill and must conform to rules on the admissibility, style and content of amendments.
03. An amendment is also an important mechanism for enabling debate on the provisions of a Bill. Some amendments, known as 'probing amendments', may be tabled primarily to allow a particular issue to be debated, without any intention to effect a change to the text of the Bill.
04. Any Member of the Senedd may table an amendment to a Bill. However, during Stage 2 proceedings, only members of the responsible committee may move and vote on amendments.
05. In order for an amendment to be accepted for tabling, it must conform to the Presiding Officer's **Determination on the Proper Form of Amendments to Public Bills**, and the rules governing admissibility. For further information on tabling amendments, see the **Guide to tabling amendments to Public Bills**.

## 02. Guiding principles

06. The procedures relating to amendments are based on two guiding principles:

- the rule of separate textual amendments; and
- the rule of progress.

### 02.1. Separate textual amendments

07. The first principle is that every substantive change to the text of a Bill requires an individual amendment to be tabled, moved and agreed to.

08. When a committee or the Senedd agrees to an amendment, it is the exact wording of the amendment that is applied to the Bill and has legal effect. A committee or the Senedd cannot take a decision solely on the principle underlying a change to the text of the Bill; it must also decide on the precise manner in which that change is to be made.

09. The admissibility of amendments is provided for by Standing Order 26.61 and the Presiding Officer's **Determination on Proper Form for Amendments to Public Bills**.

10. More detail is available in the **Guide to tabling amendments to Public Bills**.

### 02.2. Rule of progress

11. The second principle is that amendments must be considered and disposed of in strict order. This is called the 'order of consideration'.

12. Standing Orders 26.21 (for Stage 2) and 26.36 (for Stage 3 and Report Stage) provide for a 'default' order of consideration – that amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Bill. This order can be varied either by a committee or the Senedd, as appropriate, but, once agreed, must be followed.

13. It is not permitted to return to a point earlier in the order of consideration than the last amendment disposed of at the particular stage. Once all amendments to a particular section or schedule of a Bill have been disposed of (or, if no amendments have been tabled to a particular section/schedule, it has been deemed agreed when it is reached in the order of consideration), during a particular stage, that section or schedule cannot be revisited at that stage.

### 03. Notice of Amendments

14. The Notice of Amendments (also known as the Daily List) is a list of all amendments tabled on a particular day, in the order in which the amendments were tabled.
15. Amendments may be tabled to a Bill at Stage 2 from the first working day after the completion of Stage 1. Amendments may be tabled at Stage 3 from the first working day after the completion of Stage 2. During the tabling period for each Bill, a Notice of Amendments for each day on which amendments are tabled will be published on the Bill's webpage. Amendments other than late amendments (see the **Guide to tabling amendments to Public Bills**) must be tabled no fewer than five working days before the meeting at which they are to be considered (Standing Order 26.59). By convention, Ministers usually table amendments no fewer than seven working days before the meeting at which they are to be considered.
16. More detail about the tabling of amendments is available in the **Guide to tabling amendments to Public Bills**.
17. For each amendment, the Notice of Amendments will include:
  - the unique amendment number, according to the order in which the amendments were tabled;
  - the text of the amendment;
  - the name of the Member who tabled the amendment;
  - any explanatory text tabled by the Member to accompany their amendment;
  - the names of any Members who have added their name in support of the amendment.
18. If any subsequent changes are made to a Notice of Amendments, for example if an amendment is withdrawn or a Member adds their name in support of an amendment, the relevant amendment will be marked with an asterisk and the version number in the footer of the Notice of Amendments will be updated.

## 04. Marshalled Lists

19. The Marshalled List is a list of all amendments tabled to a particular Bill, in the order in which they will be voted on (which is normally the order in which they will appear if incorporated into the Bill). The 'order of consideration' is the order in which the sections and schedules of the Bill will be considered. It will be set out at the top of the Marshalled List. For further information on the order of consideration see the **Guide to the scrutiny stages of Public Bills**.
20. Within the order of consideration, amendments to each section or schedule are marshalled in the order in which each first affects the section or schedule to which they relate in the English text.
21. Where more than one amendment affects the same place in the text, they will be marshalled according to the following rules:
  - amendments to leave out a section or schedule and replace it with a new section or schedule will be taken first;
  - amendments to leave out a section or schedule will be taken next; and
  - amendments to amend existing text within a section or schedule will be taken last.
22. Where there is no such distinction, amendments in the name of the Member in charge of the Bill will be given precedence, followed by the remainder in the order in which they were tabled.
23. Amendments to insert new sections or schedules will be taken according to the point at which they are intended to be inserted into the Bill. As with the marshalling of other amendments, an amendment tabled by the Member in charge of the Bill that seeks to insert a new section or schedule will have precedence over those tabled by other Members that seek to insert a new section or schedule at the same point in the Bill.
24. An amendment to an amendment will be marshalled immediately before the amendment it seeks to amend.
25. A final Marshalled List will usually be published on the Bill's webpage at least two days before proceedings. Any subsequent changes to the Marshalled List, for example additional Members adding their name in support, or the withdrawal of an amendment, will be marked with an asterisk, and the version number in the footer of the Marshalled List will be updated.



## 05. Grouping of amendments

- 26.** After the production of a Marshalled List, the amendments are then reorganised into the order in which they will be debated, in which they are grouped by subject so that debate flows logically (this is called the 'Groupings List'). The chair of the committee (for Stage 2 proceedings) or Presiding Officer (for Stage 3 and Report Stage proceedings) may group amendments for the purpose of debate (Standing Order 26.64). Amendments that deal with a similar topic will usually be grouped together in order to minimise repetition in debate.
- 27.** There are three principal grounds on which amendments are grouped:
- amendments that stand or fall together, or are to a lesser extent dependent on each other, are grouped.
    - For example, there might be a series of amendments throughout a Bill to change the name of an organisation, where there would be no point in agreeing to any one such amendment without also agreeing to all the others, and where a single debate on the issue is all that is required. Another clear case would be an amendment to insert a new schedule and the amendment to insert a provision introducing the schedule, where the Bill would be defective if it included one and not the other.
  - amendments that represent alternative ways of addressing the same issue, or are otherwise closely related in terms of the issue they raise, are grouped.
    - This might involve directly competing alternatives, where it would not make sense to agree to all of the amendments and where the issues raised are identical. For example, where the Bill makes provision for a specified period of notice (e.g. one month) and there are amendments to substitute different periods (e.g. two months, three months, six months).
  - amendments to amendments are always grouped with the amendments to which they relate. Similarly, amendments are grouped with any amendments they would pre-empt, to guarantee an opportunity for the later amendments to be debated. For further information about pre-emptions see the **Guide to tabling amendments to Public Bills**.
- 28.** The groupings are usually published on the Bill's webpage at least two days before proceedings.

## 06. Proceedings on amendments

- 29.** As outlined above, amendments are often grouped in order to facilitate debate. Grouping does not affect the order in which amendments are called and moved for a decision (i.e. voted on); this is dictated by the Marshalled List.
- 30.** A separate debate will take place on each group of amendments. The debate on a group is the only opportunity Members have to speak to any of the amendments in that group; amendments may not be debated again when they are disposed of (Standing Order 26.64).
- 31.** For each group of amendments the debate will take the following form:
- chair (or Presiding Officer, as the case may be) calls proposer of the first amendment in the group (“the lead amendment”), to move and speak to the lead amendment and the other amendments in the group;
  - chair (or Presiding Officer, as the case may be) invites proposers of other amendments in the group to speak to their amendment and the others in the group (these amendments are not moved at this stage, but will be called by the chair at the appropriate time during proceedings);
  - chair (or Presiding Officer, as the case may be) invites other members of the committee (or Senedd, as the case may be) to speak to the amendments in the group;
  - chair (or Presiding Officer, as the case may be) invites the Minister to speak;
  - chair (or Presiding Officer, as the case may be) invites the Member in charge of the Bill to speak;
  - chair (or Presiding Officer, as the case may be) invites the proposer of the lead amendment to respond to the debate;
  - chair (or Presiding Officer, as the case may be) will clarify whether the proposer of the lead amendment wishes to move to a vote on the amendment, or to withdraw that amendment;
  - the lead amendment is disposed of accordingly.
- 32.** Once the lead amendment has been disposed of, any other amendments in the group will be called at the appropriate time during proceedings.
- 33.** In accordance with the Marshalled List, the chair (or Presiding Officer, as the case may be) will either move to a debate on the next group of amendments or to a vote on an amendment that has already been debated as part of an earlier group.

### 06.1. Calling amendments

- 34.** The chair (or Presiding Officer, as the case may be) will call amendments in turn from the Marshalled List. Each amendment is called and, if moved, disposed of individually in its place in the list.
- 35.** The only reason for an amendment on the Marshalled List not to be called is where to do so would be inconsistent with a decision already taken at an earlier point in the proceedings. Instances of this are known as ‘pre-emptions’.

36. An example of this is where an amendment would, if agreed to, remove the text on which a later amendment relies. An amendment to leave out subsection (1), for example, would, if agreed, 'pre-empt' any other amendment to that subsection, which would subsequently 'fall'.
37. Before the committee (or Senedd, as the case may be) disposes of an amendment which would 'pre-empt' another amendment, the chair (or Presiding Officer, as the case may be), will draw Members' attention to the 'pre-emption' which could result. Similarly, if a 'pre-emption' has occurred, at the relevant point in proceedings the chair will draw the committee's attention to instances where an amendment has fallen as a result of a decision on an earlier amendment.

## **o6.2. Moving, not moving and withdrawing amendments**

38. An amendment must be moved before it can progress to a vote. In addition, in order for a debate to take place on a group of amendments, the lead amendment must be moved.
39. At any time after the lead amendment is moved, but before it is voted on, the Member who moved it may seek to withdraw it. In this event, the chair (or Presiding Officer, as the case may be) must ask the committee (or Senedd, as the case may be) whether it agrees to the amendment being withdrawn. If any member of the committee (or Senedd, as the case may be) objects, the amendment cannot be withdrawn and a vote on it must be taken. If there are no objections, the amendment is withdrawn and proceedings continue (Standing Order 26.66).
40. In the case of amendments other than lead amendments, if, after a debate on an amendment, the Member in whose name an amendment appears does not wish to push their amendment to a vote, they may choose not to move the amendment when it is called by saying "not moved".
41. In that event, the amendment may be moved by any other member of that committee at Stage 2, or at Stage 3 and subsequent amending stages, by any other Member (Standing Order 26.65).
42. Whilst any Member can table amendments at Stage 2, only a member of the committee can move and vote on amendments. If a Member who is not a member of the committee wishes to have their amendment moved for debate and voting, they will need to approach a member of the committee to do this for this for them (this could include the chair).
43. In line with the Business Committee convention adopted in the Third Assembly, amendments tabled by the Member in charge or, in the case of non-Government legislation, the relevant Minister, will be moved by the committee chair.

## **o6.3. Voting on amendments**

44. When an amendment is called that has already been debated, the chair (or Presiding Officer, as the case may be) will 'put the question', normally by saying:

"The question is that amendment x be agreed to. Are there any objections?"
45. If there are no objections, that amendment is deemed agreed (Standing Orders 17.34 and 12.36). This is known as voting 'on the nod'.
46. Where any Member objects, a vote is taken on the amendment in question. Members may vote in favour, vote against, abstain, or choose not to vote. Voting in committee is by show of hands (Standing Order 17.35). Standard practice to date for Stage 2 proceedings has been for all votes to be recorded and published in the meeting minutes. Voting in Plenary is undertaken via an

electronic voting system and the details of votes are recorded and published in the Record of Proceedings and the Votes and Proceedings.

47. A simple majority in favour of an amendment is required for an amendment to be agreed. In the event of a tied vote, the chair's casting vote on an amendment (or Presiding Officer's, as the case may be) must be used in the negative, i.e. against the amendment (Standing Order 6.20).

#### **o6.4. Agreement to sections and schedules**

48. If no amendment is tabled to a section or schedule of a Bill, that section or schedule is deemed to be agreed. Therefore, the only way to debate a particular section or schedule is to table an amendment to it.
49. At the end of proceedings the chair (or Presiding Officer, as the case may be) will announce those sections and schedules that have been deemed agreed. If proceedings at that stage have not yet been completed, there may be further opportunities for Members to table amendments to those sections and schedules of the Bill which have not yet been deemed agreed.