

# Senedd Business Guide to the Members Bill Process

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Edition 4: May 2020



National Assembly for Wales

The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

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Welsh Parliament

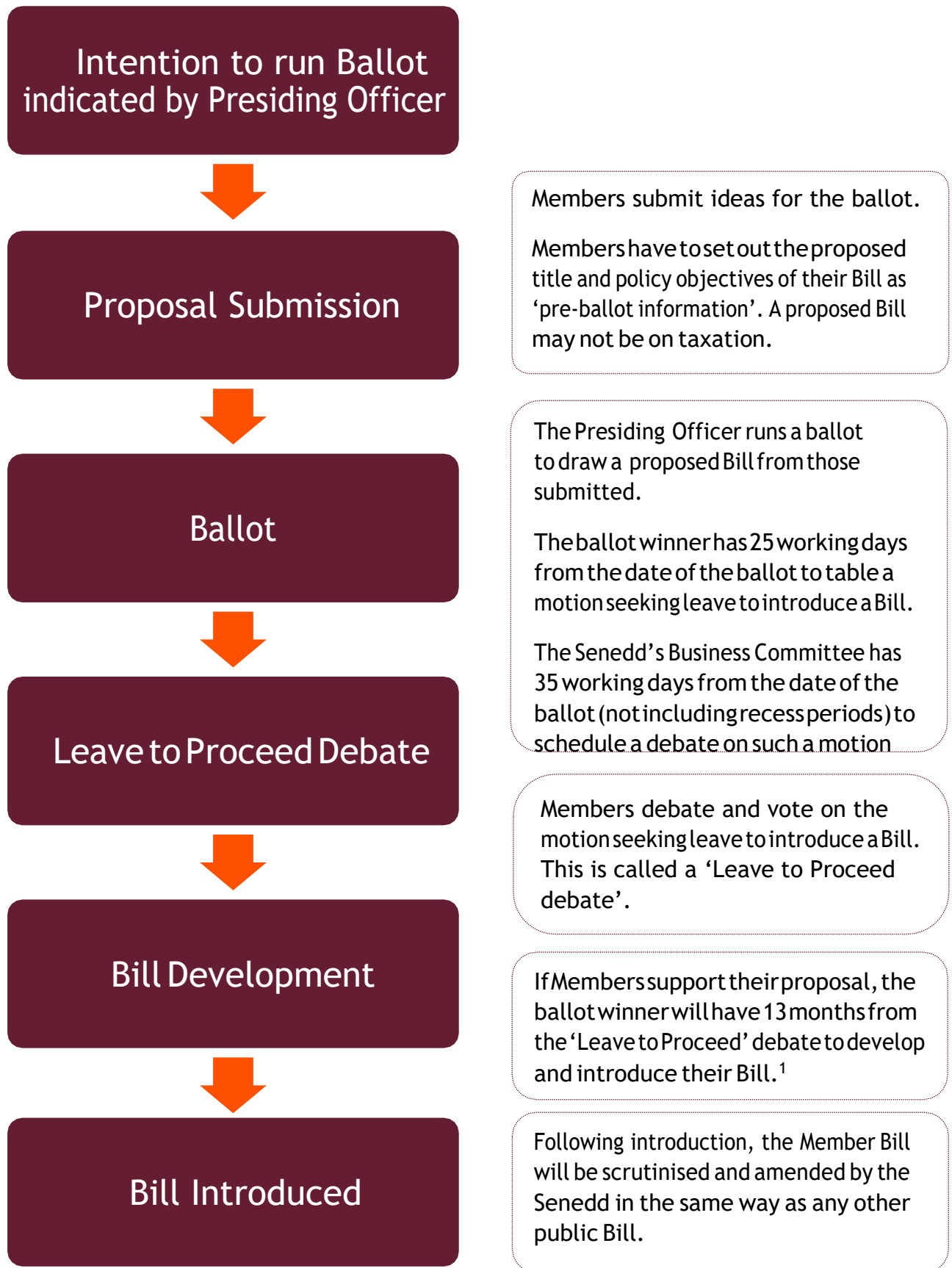


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# Summary of process for Member Bills

November 2016



# 01.Introduction

01. Most Public Bills are introduced in the Senedd by Welsh Government Ministers. However, Public Bills can also be introduced by an individual Member of the Senedd, the Senedd Commission or a Senedd Committee.
02. This guide provides an outline of the processes involved in the development of a Member Bill, and its passage through the Senedd.
03. A step by step guide to the Member Bill process is also included at **Annex 1**.





## 02. Formulating a proposal

04. Standing Orders state that from time to time, the Presiding Officer must “hold a ballot to determine the name of a Member, other than a member of the government, who may seek agreement to introduce a Member Bill”.
05. Any Member of the Senedd who is not a member of the Welsh Government may submit a proposal for a Bill into the ballot. However, no Member who has previously won the ballot in that Assembly may so apply.
06. The proposed Bill cannot be on taxation.
07. Legislation can directly affect the lives of millions of people across Wales, and as such a robust and demanding process is involved in both developing a proposed law, and guiding it through the Senedd’s scrutiny. In deciding whether to submit a proposal a Member may wish to bear in mind the time commitment involved in developing a Bill (up to 13 months), and taking it through the legislative stages (which is variable, but could potentially take a further 6-12 months).

### 02.1. Submitting pre-ballot information

08. Standing Orders require Members who wish to be included in the ballot to table the following pre-ballot information through the Table Office:
  - a. The proposed title of the Bill; and
  - b. The policy objectives of the Bill
09. Standing Orders do not require a Member to have carried out any consultation on their proposed Bill before entering a proposal in a ballot. However, where possible, it is recommended that Members consult with interested stakeholders, as they will be able to refer to information gained from such consultation in the ‘leave to proceed’ debate, should their proposal be selected in a ballot.
10. In setting out the policy objectives of their Bill, a Member may wish to strike a balance between giving the Senedd clarity on what the ultimate purpose of their proposed legislation is, and flexibility as to how the Bill will achieve that purpose, to accommodate issues arising in the course of consultations on their proposals.
11. A Member may also want to consider how broad they want the scope of their Bill to be, bearing in mind that this could have implications for the nature of committee scrutiny and admissibility of amendments at later stages.
12. A template which includes the type of information required as pre-ballot information is included at **Annex 2**
13. Examples of previous pre-ballot information included by Members in ballots conducted during the Fourth Assembly are available on our website
14. A specific Bill Team of Senedd Commission officials is only available to a Member after their proposal has received ‘leave to proceed’ (see Section 3 below). However, at any point general procedural advice can be sought from Policy and Legislation Committee Service or Chamber and Committee Service (Members may wish to contact the Clerk to the Scrutiny Support Unit).

Likewise, Legal Services can provide advice to Members on whether their proposal would be within competence, and can help to re-formulate an idea to bring it within competence (Members may wish to direct requests for advice to the Head of Legal Services). Research requests can also be submitted to the Research Service (Members may wish to contact the Finance and Statistics Research Leader, who will coordinate such requests).

15. The Presiding Officer will notify Members of their intention to run a ballot, to allow Members to prepare the necessary pre-ballot information and documents.
16. A Member must table their pre-ballot information through the Senedd's Table Office no later than 16.00 on the Friday before the date of the ballot. Members are however welcome to table their pre-ballot information any time prior to this deadline.
17. All pre-ballot information tabled will be published by the Table Office. Members may only enter one proposal for any ballot but may revise or replace their proposal at any time between ballots. The proposals contained in the published list will be entered into each ballot, unless Members advise Table Office otherwise.

## **02.2. The ballot**

18. Such a ballot must include the names of all those Members who have applied to be included and who have tabled the required pre-ballot information (see section 2.1 above) through the Senedd's Table Office.
19. The ballot will be conducted by the Table Office who will inform the successful Member of the result. The result of the ballot will also be published on the Senedd's website and announced by the Presiding Officer in Plenary.

### 02.3. Debate seeking the Senedd's agreement to introduce a Bill

20. A Member who is successful in a ballot may table a motion (within 25 working days<sup>1</sup> of the date of the ballot) seeking the Senedd's agreement to introduce a Bill that will give effect to their pre-ballot information. Along with the motion, they must table an Explanatory Memorandum, which sets out:
- the proposed title of the Bill;
  - the policy objectives of the proposed Bill;
  - details of any support received for the Bill, including details of any consultation carried out; and
  - an initial assessment of any costs and/or savings arising from the Bill.
21. The proposed title and policy objectives provided in the Explanatory Memorandum should be broadly consistent with what the Member previously provided in their pre-ballot information, although a Member may adjust them and/or provide more information at this point.
22. For clarity, Standing Orders do not require the Member to have actually received support for their Bill (or to have carried out a consultation) at this point, only to set out in the Explanatory Memorandum whether they have received particular support.
23. The initial assessment of costs and/or savings in the Explanatory Memorandum is not expected to go into any detail at this early stage, but rather would give an indication of the Member's early considerations. In practical terms, it would be impossible for a Member to accurately set out the costs of a Bill which had not been developed. The purpose of providing an initial assessment of costs and/or savings is therefore to give a general indication of the likely financial impact of the Bill. No detailed cost estimates or impact assessments are required and Members should not subsequently be bound by the general costs provided at this stage in developing their Bill proposals.

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<sup>1</sup> The 25 working days means any day unless it is:

- (i) a Saturday or a Sunday;
- (ii) Christmas Eve, Christmas Day, Maundy Thursday or Good Friday;
- (iii) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971; or
- (iv) a day appointed for public thanksgiving or mourning.



24. Standing Orders state that time must be made available for such a motion to be debated within 35 working days of the date of the ballot (not counting working days in a non-sitting week).<sup>2</sup> Time for the debate will be arranged by the Business Committee.
25. The debate provides the Member with an opportunity to make a case for the Bill in principle and to convince other Members to support the motion. It is not a debate on the detailed content of any Bill that is eventually brought forward. No additional documentation is required from the Member ahead of the debate.
26. If the motion is approved, the Member is given permission to formally introduce a Bill that gives effect to the proposed policy objectives set out in the Explanatory Memorandum. Standing Orders require that the Bill must be introduced by the Member within 13 months<sup>3</sup>, otherwise the opportunity will pass.
27. If the Senedd does not agree to allow the Member to proceed with the introduction of the Bill, the Bill falls. Standing Orders prohibit any Member from resubmitting a similar proposal within 6 months of the motion being disagreed.

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<sup>2</sup> The 35 working days means any day unless it is:

- (i) a Saturday or a Sunday;
- (ii) Christmas Eve, Christmas Day, Maundy Thursday or Good Friday;
- (iii) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971;
- (iv) a day appointed for public thanksgiving or mourning; or
- (v) part of a not-sitting week.

<sup>3</sup> This literally means 13 calendar months, regardless of any non-sitting weeks or bank holidays that fall within this period.

## 03. Preparing a Bill

### 03.1. Overview

28. Although Standing Orders state that a Bill must be introduced by the Member within 13 months, in practical terms both the final text of the Bill, and its accompanying Explanatory Memorandum, must be prepared within 12 months. This is because the Presiding Officer normally sees the draft Bill and accompanying Explanatory Memorandum at least 4 weeks in advance of introduction, in order to take a view on its legislative competence prior to introduction.
29. The available time to a Member to develop their Bill can also be affected by recess periods. The time available for developing the Bill and Explanatory Memorandum also needs to account for them being produced in both Welsh and English. .

### 03.2. Bill Team

30. If a Member receives the Senedd's agreement to introduce a Bill, they will have the option of being supported by a specific team of Senedd Commission officials (a 'Bill Team') in developing the Bill. A Bill Team may include:
- the Clerk responsible for Scrutiny Support;
  - members of the Research Service, specialising in both the policy area of the proposed Bill, and financial scrutiny;
  - member(s) of the Legal Service.
31. The potential role of the Bill Team is referred to in the sub-sections below. However, it is suggested that a Member and their Support Staff discuss, agree, and keep under review, their preferred ways of working and the allocation of responsibilities with the Bill Team. This reflects that a significant degree of consultation, research and development of stakeholder relationships may already have taken place by the time that a Member receives the Senedd's agreement to introduce a Bill.

### 03.3. Consultation

32. Standing Orders do not state a specific requirement for a Member to consult on their proposed Bill prior to its formal introduction.
33. However, consultation- on both the general principles of a Bill, and a draft text of the Bill- is strongly recommended.
34. Information gained through consultation enables a Member to:
- determine the most appropriate content for their Bill; and
  - identify and prepare for important or contentious issues likely to arise in the course of the Senedd's consideration of their Bill.
35. The Bill Team can work with a Member and their AMSS to provide advice on promotional and evidence gathering techniques.

## 03.4. Draft Bills

36. In its 2015 report on Making Laws in Wales, the Fourth Assembly's Constitutional and Legislative Affairs Committee specifically recommended that:

“there should be a presumption in favour of publishing draft Bills. This recommendation applies both to the Welsh Government and Assembly Members given leave to introduce Bills.”

37. In the Fourth Assembly, consultations on draft Bills were carried out in relation to the Holiday Caravan Sites (Wales) Bill and Nurse Staffing Levels (Wales) Act. This provided an opportunity for the respective Members in Charge to make changes to their proposed Bills before they were introduced (while still introducing Bills that gave effect to the pre-ballot information).

38. Once a Bill has been introduced, its text can only be changed via amendments (which must be agreed by a majority of Members). Consultation on a draft Bill therefore enables Members to address specific issues much more easily. A draft Bill can also be laid before the Senedd, to enable a Committee to conduct pre-legislative scrutiny.

39. The Bill Team can provide specific advice on a timetable to meet the Member's desired consultation requirements.

## 03.5. Consultees

40. There are no 'mandatory' consultees for a Member to consult.

41. In general, a Member will wish to invite organisations and individuals with a known, or anticipated, interest in the subject matter of their proposed bill to respond to their consultation. The Bill Team can work with the Member and their Support Staff to provide advice on suggested consultees.

42. A Member may wish to specifically consult with the relevant Welsh Government and UK Minister(s) in developing their Bill, because:

- a Member may wish to establish whether either the Welsh or UK Governments have any concerns regarding the competence of their Bill;
- the Welsh Government will liaise with the UK Government on the potential impact of the Bill on UK responsibilities;
- only a member of the Welsh Government can move a financial resolution (see section 4.2 below);
- the Bill may include sections that will be commenced by order.

## 03.6. Drafting the Bill and Explanatory Memorandum

43. It is recommended that a Member and their Support Staff meets with the Bill Team at an early stage to discuss how they want to shape their Bill. Different options for the shape of the Bill can be potentially be the subject of a Member's consultation(s).

44. In order for the Bill to accurately reflect the intentions of the Member, specific objectives will need to be given by the Member to the Bill Team's lawyer(s). The lawyer(s) will then be responsible for the drafting of the Bill, in accordance with the Member's instructions. For clarity: the Member is at all times responsible for the content of the Bill and will be asked to formally sign it off at each of

the key milestones in the process.

45. The Bill Team will work with the Member and Support Staff to develop these instructions. The instructions may encompass:

- The aim of the proposed legislation;
- The rationale for the proposed legislation;
- The various objectives of the legislation;
- The range of people and activities intended to be involved and affected by the Bill;
- Identified support for the legislation;
- The policy background associated with the legislation;
- Existing legislation which is associated with the policy area; and
- Other considerations and issues

46. In addition to being guided by the agreed set of Legal instructions, the Bill must be written to conform with the **Presiding Officer's Determination on Proper Form - Public Bills for Acts of the Assembly**. The Bill Team will normally draft the Bill so that it conforms to the Determination.

47. The Bill must also be accompanied by an Explanatory Memorandum, which must comply with the provisions of Standing Orders 26.6, 26.6A, 26.6B and 26.6C.:

48. The development of the Explanatory Memorandum is ultimately the responsibility of the Member, with support from the Bill Team and their Support Staff. For clarity, the Member will be asked to confirm they are content with the drafting of the Explanatory Memorandum, before it is laid.

### **03.7. Additional Standing Order requirements**

49. Once final versions of the Bill and Explanatory Memorandum have been drafted, Standing Orders set out additional criteria that must be met before the Bill can be formally introduced. In particular, a Bill and an Explanatory Memorandum must be:

- Introduced both in English and Welsh; and
- Accompanied by a statement by the Presiding Officer setting out whether, in their opinion, the Senedd has the legislative competence to make the Bill;

50. Ahead of its formal introduction in the Senedd, the Bill will normally be subject to a four week pre-introductory period. During this time, the Presiding Officer is normally given a copy of the Bill and accompanying Explanatory Memorandum in order to take a view on its legislative competence prior to introduction.

51. The final decision on whether the Bill and its accompanying documents are in proper form and are compliant with Standing Orders is taken by the Presiding Officer upon introduction of the Bill.

### **03.8. Formal introduction and legislative statement**

52. A Bill is formally introduced into the Senedd by being laid, along with any accompanying documentation, in the Senedd's Table Office. The Table Office will then arrange for the Bill to be



published on the Laid Documents page on the Senedd's website by the following working day. The Bill will also be published on the Senedd's **progress of bills** webpage.

53. By convention the Member in charge can make a legislative statement in plenary on the Bill's main aims and objectives shortly after its introduction. The Bill Team can work with the Member and their Support Staff to develop such a statement.
54. Following the statement, other Members of the Senedd may ask questions to the Member in charge in relation to the Bill, or raise issues of their own in relation to its content, aims and objectives. The Bill Team can work with the Member and their Support Staff to prepare lines to take in response to such questions.



## 04.Support during the legislative processes

55. Once introduced, a Member Bill is subject to the same 4 stage legislative process in the Senedd as a government Bill. The following section explains the different legislative stages that a Bill is subject to during its passage through the Senedd, and the support that the Bill Team may provide at these stages.

### 04.1. Stage 1

56. Stage 1 of the Senedd's legislative process allows for the consideration of the general principles of a Bill by a committee (or committees), followed by the agreement of the general principles by the Senedd in plenary.

#### 04.1.1. *Committee(s) consideration*

57. Following the introduction of a Bill, the Business Committee must decide whether or not to refer the Bill to a committee for consideration of the general principles.

58. Where it decides to refer a Bill to a committee, the Business Committee must also establish and publish a timetable within which the committee is required to report. The Member in charge may submit a suggested timetable to the Business Committee to inform their considerations (the Bill Team can assist with developing this).

59. In certain instances, the Business Committee may not decide to refer a Bill to a committee at Stage 1. In such circumstances, the Member in charge of the Bill may table a motion proposing that the Senedd agrees to the general principles of the Bill in Plenary immediately, without prior consideration by a committee.

60. During Stage 1, the committee will normally focus on examining the principal purpose or purposes of the Bill. Generally, the committee will consider:

- a. the aims / policy objectives of the Bill;
- b. whether a legislative approach is the most appropriate means by which to achieve those aims / objectives; and
- c. whether the Bill, as drafted, is capable of achieving its stated aims / objectives.

61. In conducting its work, it is expected that the committee will invite representations from interested parties usually by asking for written and oral evidence to inform its work. This could involve a call for written evidence and for oral evidence to be heard from a range of interested stakeholders in public during committee meetings. This usually involves taking evidence from the relevant Welsh Minister.

62. It is possible that the Member in charge of a Bill will also be a member of the Committee responsible for scrutinising their Bill. In such circumstances, it is custom and practice that the Member in charge will not also act as a committee member in items where their Bill is being considered. Typically, the Member in charge will ask another Member to be a regular substitute for them, on items where the committee is considering their Bill.

63. The committee will also expect to receive oral evidence from the Member in charge in relation to the Bill over a number of meetings. It is custom and practice for the Member in charge to attend

the first and last committee meetings where evidence is taken in relation to the Bill . At the first meeting, the Member in charge may be questioned on the aims and objectives of the Bill and the reasons for its introduction. At the last meeting, the Member in charge may be asked to address issues and concerns raised by stakeholders during the committee's evidence sessions. At both meetings Members may ask questions on any issues relating to the Bill.

64. The Bill may also be considered by the committees responsible for the functions of Standing Orders 19 and 21 (known in the 4<sup>th</sup> Assembly as the Finance Committee and Constitutional and Legislative Affairs Committee). These Committees may consider and report on the legislation's financial implications and on the quality and appropriateness of provisions conferring powers to Welsh Ministers.

#### *04.1.2. Support for Committee Meetings*

65. The Bill Team can work with the Member in charge, and their Support Staff to develop briefing to assist in responding to questions from Committee Members. The style of the briefing can be adapted to the Member's preferences. The Bill Team can also help the Member to prepare for Committee (for example by holding a 'practice run').
66. A Committee will allow the Member in charge to bring a number of advisers with them to a committee meeting, to assist them in responding to questions. A Member in charge may invite members of the Bill Team to accompany them for this purpose. In such instances, members of the Bill Team will only be able to provide answers to factual questions raised by the Committee.
67. The Member in charge may be required to provide further information to the Committee at any time during their evidence taking. The Bill Team can work with the Member in charge and their Support Staff to develop written papers and correspondence.

#### *04.1.3. Committee report*

68. At the end of the Stage 1 considerations, the committee(s) will publish a report(s). The committee responsible for the consideration of the general principles of the Bill, may include in its report a recommendation that the Senedd either agrees or does not agree to the general principles of the Bill.
69. The report may also contain recommendations for amendments to the Bill, based on the evidence the committee has received.

#### *04.1.4. Stage 1 debate*

70. At least five days following the publication of the responsible committee's Stage 1 report (or the deadline set by Business Committee for such), the Member in charge may formally propose that the Senedd agrees to the general principles of the Bill. A debate on such will normally have been included in Business Committee's timetable for the Bill's consideration. The Member must ensure that a motion to agree the general principles of the Bill is tabled through the Table Office no later than 5 working days before the Stage 1 debate takes place. Following that debate the Senedd decides whether to agree to the general principles of the Bill.
71. If the Member in charge chooses to not table a motion to agree the general principles of the Bill, the Stage 1 debate does not take place on the scheduled date. In such circumstances, the

Member in charge would normally write to the Business Committee, to request additional time or otherwise that the debate is postponed.

72. The Member in charge of the Bill will open and close the Stage 1 debate. Members of the Committees that scrutinised the Bill, and other interested Members, may also speak. In addition, the Minister(s) with responsibility for the areas covered by the Bill will contribute on behalf of the Welsh Government.
73. The Bill Team can work with the Member in charge and their Support Staff to develop a speech for the debate and suggested lines to take to respond to points arising during the debate.
74. Stage 1 is completed by the Senedd voting on whether it agrees the general principles of the Bill. The Member in charge may withdraw the motion seeking the Assembly's agreement of the general principles of the Bill at any time before the vote itself (including during the preceding debate).
75. If the Senedd agrees to the general principles of the Bill, it proceeds to Stage 2.
76. If a majority of Members vote against agreeing the general principles of the Bill, the Bill falls and no further action can be taken in relation to it.
77. In the event of a tied vote, the Presiding Officer will use their casting vote to agree the general principles of the Bill. Further information about Stage 1 proceedings can be found in the Guide to the Legislative Process.

## **04.2. Financial Resolution**

78. Stage 2 begins the day after Stage 1 has been completed. Once Stage 2 has begun, Members may begin tabling amendments (see section 4.3 below).
79. However, all Bills that have financial implications must have the consent of the Senedd, by means of a financial resolution, before Stage 2 proceedings (meetings to consider and dispose of tabled amendments) can begin.
80. Under Standing Orders, a financial resolution is required where a Bill:
  - a. creates a new charge on or increases significantly the expenditure charged on the Welsh Consolidated Fund ("WCF");
  - b. gives rise to significant expenditure payable out of the WCF for a new service or purpose or a significant increase in expenditure payable out of the WCF for an existing service or purpose; or
  - c. would impose or increase a charge, or otherwise require a payment to be made, (including by provision that may be made by Subordinate Legislation), that would go into the WCF.
81. An agreed financial resolution recognises that the demand for funding resulting from the Bill will need to be met from the WCF.
82. Critically, a motion for a financial resolution may only be moved by a member of the Welsh Government. This is because it is necessary for both:
  - the Senedd to collectively sanction the raising of revenue or the use of resources through a vote; and
  - the Welsh Government to accept the financial consequences of a Bill, as it is responsible for the

management of public funds and so must have control over the raising of revenue and the use of resources (within devolved areas).

83. The financial resolution is therefore a critical stage for a Member's Bill. Standing Orders state that a Bill will fall if the Financial Resolution is not agreed within six months of the completion of Stage 1.
84. It is therefore strongly recommended that the Member in charge of a Bill approaches the Welsh Government well ahead of the Stage 1 debate to request that a motion on the Financial Resolution is brought forward within a reasonable timescale.

### 04.3. Stage 2

85. When referring a Bill to a committee for stage 1 proceedings, the Business Committee will normally establish and publish a timetable for the completion of Stage 2 proceedings at the same time.
86. Detailed guidance about Stage 2 proceedings, including information about the timetable for Stage 2 and on tabling, grouping and moving of amendments is available in the **Guide to the Legislative Process**

#### 04.3.1. Formulating and tabling amendments at Stage 2

87. The Member in charge does not have to table any amendments for consideration at Stage 2. However, the Member may wish to table amendments in order to take account of:
- commitments made by the Member during Stage 1 proceedings;
  - comments made by stakeholders during Stage 1 proceedings; or
  - recommendations made by committees in their Stage 1 reports.
88. Amendments for Stage 2 proceedings can be tabled with the relevant Clerking Team (who will be contactable at [legislation@senedd.wales](mailto:legislation@senedd.wales)) from the first day on which Stage 2 starts. Any Member (including the Member in charge and members of the Welsh Government) may table amendments at Stage 2 and there is no limit on the number of amendments that may be tabled. Information on how to table amendments is available at:
- **Guide to Amendments to Bills** (PDF, 176KB)
  - **Tabling Amendments to Bills** (PDF, 310KB)
89. 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**, and the rules outlined in **Standing Orders** governing admissibility. The Bill Team can work with the Member in charge and their Support Staff to develop amendments.
90. Standing Orders state amendments (other than late amendments) must be tabled at least five working days before the meeting at which they are to be considered. However, it is customary for the Member in charge of a Bill (and for the Welsh Government) to table all their amendments at least seven working days before the meeting at which they are to be considered.

91. An amendment needs a majority of Members to vote in favour of it to be passed. In the event of a tied vote, the Chair will use their casting vote to vote against the amendment.

#### 04.3.2. *Committee consideration of amendments at Stage 2*

92. As noted above, custom and practice is that the Member in charge will not act as a member of the Committee considering their Bill. As a result, they do not vote on amendments at Stage 2.

93. By convention, the Member in charge will have the opportunity to speak to:

- their own amendments; and
- all groups of amendments (by convention, the Member in charge will be the last but one speaker in each group of the debate, speaking after the Minister).

94. The Bill Team can work with the Member in charge and their Support Staff to develop:

- suggested lines to take on the grouped amendments; and
- documentation summarising each amendment; and the Member’s desired vote in relation to such.

95. The Member in charge may be accompanied by officials (including members of the Bill Team) to Stage 2 proceedings. Officials may pass notes to the Member in charge but may not speak during Stage 2 proceedings.

#### 04.3.3. *Revising the Bill and Explanatory Memorandum following Stage 2*

96. If any amendments were agreed to during Stage 2 proceedings, an “as amended at Stage 2” version of the Bill will be published on the Senedd’s website following the completion of Stage 2 proceedings. This will be done by the Committee’s clerking team.

97. If a Bill is amended during Stage 2 proceedings, the Member in charge must prepare a revised Explanatory Memorandum (unless the Committee which conducted stage 2 proceedings resolves that this is not necessary). The Bill Team can work with the Member and their Support Staff to develop a revised Explanatory Memorandum.

98. In accordance with Standing Orders, a revised Explanatory Memorandum prepared by the Member in charge must be laid at least 5 working days before the Senedd meets to consider Stage 3 proceedings for the first time.

### 04.4. Stage 3

99. Stage 3 is an additional amending stage that provides for the line-by-line scrutiny of a Bill by all Assembly Members during a Plenary meeting.

100. As with Stage 2, the Member in charge is not required to table any amendments during Stage 3. However, they may wish to bring forward further amendments to the Bill in light of amendments agreed to or disposed of during Stage 2 proceedings. The Bill Team can work with the Member and their Support Staff to develop amendments.

101. Detailed guidance about Stage 3 proceedings, including information about the timetable for Stage 3 and on the tabling, grouping and moving of amendments is available in the **Guide to the Stages of Public Bills and Acts**.

102. During the Stage 3 debate the Member in charge will have the opportunity to speak to:

- their own amendments; and
- all groups of amendments (by convention the Member in charge will be the penultimate speaker in each group of the debate, speaking after the Minister).

**103.** The Bill Team can work with the Member in charge and their Support Staff to develop:

- suggested lines to take on the grouped amendments; and
- documentation summarising each amendment and the Member’s desired vote in relation to such.

**104.** The Bill Team or the Member’s Support Staff cannot accompany the Member in charge during the Stage 3 debate. However, support can be provided by e-mail throughout the debate.

**105.** When all selected amendments have been disposed of at Stage 3, the Member in charge, or any member of the Government, may move a motion without notice that the Assembly consider further amendments at further Stage 3 proceedings. Information about Further Stage 3 proceedings is set out in the **Guide to the Stages of Public Bills and Acts**.

**106.** Once Stage 3 is completed, the Member in charge of the Bill may move a motion without notice that the Senedd consider amendments at Report Stage. Information about Report Stage proceedings is set out in the **Guide to the Stages of Public Bills and Acts**.

**107.** If a Bill is amended during Stage 3 proceedings, and the Senedd agrees to consider the Bill at a Report Stage, the Member in charge must prepare a revised Explanatory Memorandum, unless the Senedd resolves that no revised Explanatory Memorandum is required. The Bill Team can work with the Member in charge and their Support Staff to develop a revised Explanatory Memorandum. The revised Explanatory Memorandum prepared by the Member in charge must be laid at least five working days before the Senedd meets to consider Report Stage proceedings for the first time.

#### **04.5. Stage 4**

**108.** Stage 4 is the last stage of the Senedd’s legislative process. Following a debate, a vote is held on whether the final text of the Bill should be passed or not. The Bill is passed if a majority of Members of the Senedd vote in favour of the motion. The Bill falls if a majority of Members of the Senedd do not vote in favour of the motion.

**109.** If there is an equality of votes at Stage 4, the Presiding Officer will use their casting vote to vote against the passing of a Bill.

**110.** Further information about Stage 4 proceedings can be found in the **Guide to the Stages of Public Bills and Acts**.

**111.** Once passed by the Senedd, the Bill will enter a four week period known as the period of intimation. During this time, the Counsel General and the Attorney General may, in accordance with section 112 of the Government of Wales Act 2006, refer the question of whether the Bill, or any provision of the Bill, would be within the Senedd’s legislative competence to the Supreme Court for decision). Similarly, the Secretary of State for Wales may make an order prohibiting the Presiding Officer from submitting the Bill for Royal Assent if they have reasonable grounds for believing that certain conditions apply (section 114 of the 2006 Act). The Member in charge does not have any required role in contacting the Counsel General, Attorney General or Secretary of State.



112. During the period of intimation, the Welsh Government, in consultation with the Member in charge, Bill Team and AMSS, will develop a set of Explanatory Notes to accompany the Act.
113. Following the period of intimation, a Bill must be submitted by the Presiding Officer for Royal Assent. Once a Bill has received Royal Assent, it becomes an Act of Senedd Cymru. It is customary for the Member in charge to be invited to attend the formal Sealing ceremony for their Act.



# **Annex 1: Step-by-step guide to the Member-proposed Bill process**

## **1. Submission of pre-ballot information**

The Member in charge submits the proposed Bill's title and policy objectives, as pre-ballot information through the Senedd's Table Office.

## **2. The ballot**

The Presiding Officer holds a ballot. The winner of the ballot is given an opportunity to table a motion seeking the Senedd's agreement to the introduction of a Bill that gives effect to the pre-ballot information. Along with this motion, the ballot winner must table an Explanatory Memorandum, which sets out:

- the proposed title of the Bill;
- the policy objectives of the proposed Bill;
- details of any support received for the Bill, including details of any consultation carried out; and
- an initial assessment of any costs and/or savings arising from the Bill.

## **3. Debate seeking the Senedd's agreement to introduce a Bill**

The Member opens and closes a debate on a motion in Plenary on whether the Senedd gives agreement for the introduction of the Member Bill. Members of the Senedd vote on the motion which may be carried by a simple majority.

## **4. Drafting the Bill and Explanatory Memorandum**

If the Senedd gives agreement to introduce the Member Bill, the Member has 13 months within which to draft a Bill and an accompanying Explanatory Memorandum (which normally involves consulting stakeholders).

## **5. Formal introduction and legislative statement to Plenary**

The Bill and accompanying Explanatory Memorandum is formally introduced in the Senedd's Table Office. The Member has an opportunity to make an introductory statement on the Bill to all Members of the Senedd in Plenary.

## **6. Business Committee referral**

Business Committee decides whether committee consideration of the Bill at Stage 1 is required and if so, which committee the Bill should be referred to for scrutiny.

## **7. Stage 1 committee consideration**

The responsible committee takes evidence from interested stakeholders, including the Member in charge and the relevant Welsh Minister. Other committees may also take evidence.

## **8. Stage 1 committee report and recommendations**

The responsible committee publishes a report which includes recommendations relating to the general principles of the Bill. Other committees may also publish reports.

## **9. Stage 1 debate and vote on the general principles**

The Member in charge opens and closes a Stage 1 debate in Plenary, after which a vote is taken on whether the general principles of the Bill should be approved or not.

## **10. Securing a financial resolution**

The Senedd, through a vote on a motion moved by the Welsh Government, agrees - or does not agree - that the demand for funding resulting from the Bill will be met from the Welsh Consolidated Fund.

## **11. Drafting and tabling of amendments at Stage 2**

If the general principles of the Bill are agreed to, Stage 2 begins and amendments to the Bill can be tabled by all Members (including the Member in charge and members of the Welsh Government).

## **12. Stage 2 proceedings in committee**

A committee considers and disposes of all the amendments tabled. The Member in charge by convention has the opportunity to speak to all groups of amendments. Stage 2 proceedings may only take place if the Financial Resolution has been agreed.

## **13. Drafting and tabling of amendments at Stage 3**

Amendments to the Bill can be tabled by any Member (including the Member in charge and members of the Welsh Government).

## **14. Stage 3 proceedings in plenary**

Members of the Senedd consider and dispose of those amendments to the Bill selected by the Presiding Officer.

## **15. Stage 4 proceedings in Plenary**

A vote on whether the Bill should be passed or rejected.



## Annex 2: Pre-ballot information template

### BILLS NOTICE OF PRE-BALLOT INFORMATION IN ACCORDANCE WITH STANDING ORDER 26.90

#### Section 1 – Member proposing:

NAME	CONSTITUENCY

#### Section 2 – Bills: Pre-ballot information:

A Guide to the legislative process can be found at: <http://www.assembly.wales/en/bus-home/bus-legislation/bus-legislation-guidance/Pages/bus-legislation-guidance.aspx>

Members must provide:

- I. The proposed title of the Bill;
- II. The proposed policy objectives of the Bill

This information should be completed on the template on page 2 of the form.

#### Section 3 - Declaration of a relevant interest:

I have a relevant  interest:

If yes please give details:

#### Section 4 - Signatory:

Signed:	<input type="text"/>	Date:	<input type="text"/>
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For Table Office use

Time received:

Significant alteration:

Initials:

# **[Title of Bill]**

## **Pre-ballot Information**

**[Name of Member of the Senedd]**

### **Policy Objectives of the Bill**

[Policy Objectives]