This guide relates specifically to Plenary meetings following an Assembly election, prior to the first business statement and announcement being made by the Minister with responsibility for government business.

It covers procedures for:

- tabling questions in the period immediately following the Assembly elections;
- the first Plenary meeting following an Assembly Election;
- the election of the Presiding Officer and Deputy;
- nomination of the First Minister;
- business which can be taken at the first - and subsequent - Plenary meetings;
- business following the appointment of a Minister responsible for government business.
The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

An electronic copy of this report can be found on the National Assembly’s website: www.assembly.wales

For further information on procedures for early business, contact Chamber Secretariat, which is responsible for supporting Plenary business and the Business Committee:

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A. Arrangements for tabling questions following the Assembly elections

01. The Table Office will open for written questions, motions, statements of opinion, registration of interests and laid documents from Monday 9 May 2016.

02. In accordance with Section 46 of the Government of Wales Act 2006 (the Act), the First Minister will hold office until the new First Minister is appointed. All written questions tabled to the Government following the election will be tabled for answer by the First Minister until the Welsh Ministers are appointed. The deadline for answering written questions will be five working days after they have been tabled.

03. For more information please refer to the Table Office’s Principles and Practice for the Tabling and Laying of Assembly Business or contact Table Office: Owain Roberts (0300 200 6388/Owain.Roberts@assembly.wales)

B. Notification of early Plenary meetings

04. In accordance with Standing Order 12.7, the date and time of the first Plenary meeting following an Assembly election will be determined by the incumbent Presiding Officer, in consultation with the political groups. If the incumbent Presiding Officer is unwilling or unable to act, the Clerk will specify the date and time. All subsequent Plenary meetings will be determined by the newly elected Presiding Officer, until the Business Committee is established (and the first business statement and announcement is made in Plenary by the Minister responsible for government business).

05. The Clerk must notify all Members of the time and date at least 24 hours before each meeting (Standing Order 12.9). This will be done directly by e-mail; through the party groups; notices on the intranet and publication of the agenda on the internet.

C. First Plenary meeting following an Assembly election

06. The first Plenary meeting must take place within 7 working days of the election (Monday, 16 May 2016), in accordance with section 3 of the Act. At this first meeting the Assembly must elect its Presiding Officer and Deputy Presiding Officer in accordance with section 25 of the Act.

Election of the Presiding Officer

07. The procedures for the election of the Presiding Officer and Deputy Presiding Officer are set out in Standing Order 6. A Member who has not yet taken the Oath (or made the corresponding affirmation) may still take part in proceedings for the election of the Presiding Officer or Deputy but not in any other Assembly proceedings, in accordance with section 23 of the Government of Wales Act.
The Presiding Officer will be elected first, followed by the election of the Deputy Presiding Officer. The procedures for electing both offices are identical and are outlined below:

1. The Chair invites nominations.

   A nomination must be seconded by a Member from a different political group to the Member nominating.

5. If a nomination is not seconded by a Member from a different political group to the Member nominating, the Chair will adjourn the meeting. When the meeting resumes, the Chair will call again for nominations. If there are still no candidates who have the support of a different political group then the Chair will accept nominations seconded by Members from the same political groups as the nominating Member.

2. If there is only one nomination, the Chair will propose that the Member nominated be elected.

4. If there is more than one nomination, a secret ballot will take place.

6. If two Members have been nominated, the Member who secures the greatest number of votes cast in the ballot is elected.

If more than two Members have been nominated, the Member who secures more than half of the votes cast will be elected.
Result of Presiding Officer election

09. The Chair will announce the result of the election in the Siambr. The Member elected as Presiding Officer will take the oath if they have not already done so, and will immediately take the chair for any remaining items of business on the Plenary agenda, including the election of the Deputy Presiding Officer. The newly elected Presiding Officer may also choose to make an acceptance speech.

Election of the Deputy Presiding Officer

10. The election of the Deputy Presiding Officer will follow immediately after the election of the Presiding Officer. In accordance with Standing Order 6.12, the Assembly cannot elect a Presiding Officer and a Deputy Presiding Officer from:

- the same political group;
- different political groups both of which have an executive role; or
- different political groups neither of which has an executive role.

11. Nevertheless, any Member may propose a motion to disapply this rule, prior to the election of the Deputy (Standing Order 6.13). The motion may be proposed without notice, but must be supported by at least two-thirds of Members voting.

12. If the elected Presiding Officer and Deputy happen to subsequently fall within one of the categories listed in paragraph 10 during the course of the Assembly (and neither resign from office) any Member can propose a motion at the next Plenary meeting that the Presiding Officer and Deputy should remain in office. Again, this motion must be agreed by at least two-thirds of Members voting (Standing Order 6.14). If no such motion is proposed, or such a motion is not agreed, then both the Presiding Officer and Deputy must resign from office.

Secret ballot arrangements

13. If a secret ballot is required, the Chair will adjourn the meeting (for a time to be determined by the Chair). The arrangements for a secret ballot will be as follows:

- The secret ballot will be held in Briefing Room 13 in the Senedd. Ushers will be on hand to direct Members.
- Ballot forms will be printed once the candidates are known. A different colour will be used for each round of voting (if necessary).
- Members will be issued with their ballot papers on entering the room. Their names will be checked on a list by Chamber Secretariat officials.
- Voting will take place in a voting booth. Ballot papers will be placed within a ballot box.
- Voting will last until all Members have voted or for 30 minutes (whichever is shorter).
- The Clerk of the Assembly will be responsible for supervising the voting and counting of votes.
14. If there is only one nomination, Members will be asked to vote for or against the Member nominated. In the case of multiple nominations, Members will be asked to select their preferred candidate. In both instances Members may also abstain.

15. If two Members have been nominated and the secret ballot results in a tie, further secret ballots will take place until one candidate has received more than half of the votes cast.

16. If more than two Members have been nominated and no Member receives more than half of the votes cast in a ballot, the candidate with the lowest number of votes will be eliminated. Further secret ballots will take place until one candidate has received more than half of the votes cast.

D. Nomination of the First Minister

17. The Assembly is required to nominate a First Minister within 28 days of an Assembly election (by end of 1 June 2016). The procedure for nominating the First Minister is set out in Standing Order 8.

18. Nominations for the appointment of First Minister can take place during the first Plenary meeting after an election or at any subsequent Plenary meeting, subject to the Assembly resolving to do so in accordance with Standing Order 12.11. The Assembly will be invited by the Presiding Officer to agree that nominations take place. If any Member objects, an electronic vote will be called. Nomination proceedings will only take place if a majority of Members voting agree.

19. The process for nominating the First Minister is outlined below:

The Presiding Officer invites nominations.

- If there is only one nomination, Members will be asked to vote for their preferred nominee, by roll call.
  - If two Members have been nominated, the Member who secures the greatest number of votes cast will be declared the nominee.
  - If more than two Members have been nominated, the Member who secures more than half of the votes cast will be declared the nominee.
Roll Call

20. If a roll call is required, the Presiding Officer will ask each Member present (in alphabetical order) to state the name of their preferred candidate. Members will also be given the option to abstain. The Presiding Officer and Deputy Presiding Officer are not permitted to vote.

21. If two Members have been nominated and the roll call results in a tie (or if there are two remaining candidates after others are eliminated), further votes by roll call will take place. The Presiding Officer may adjourn the meeting at any time if he or she thinks it appropriate to do so.

22. If more than two Members have been nominated and no Member receives more than half of the votes cast, the candidate with the lowest number of votes will be eliminated. Further votes by roll call will take place until one candidate has received more than half of the votes cast.

Nomination result

23. The Presiding Officer will immediately recommend to Her Majesty that the Member nominated by the Assembly be appointed as First Minister. This will be done by sending an e-mail to the Palace on the Presiding Officer’s behalf.

24. The nominee for the appointment of First Minister may wish to make a speech immediately after his or her nomination.

E. Other business which can be taken at Plenary meetings prior to the establishment of the Business Committee

25. Normal organisation of business procedures resume once the Business Committee is established and the First Business Statement and Announcement agreed. Until then the date and time of Plenary meetings will be determined by the newly elected Presiding Officer, in consultation with the political groups (see paragraph 4 above).

26. In accordance with Standing Order 12.10, and until the first business statement and announcement is made, the type of business that can be taken at these early Plenary meetings is restricted to any business as the Assembly may by resolution agree, or business which may be taken without notice, under Standing Order 12.16, with the agreement of the Presiding Officer.

27. The usual periods of notice for tabling motions (at least 5 working days before it is debated) and amendments (at least 3 working days before the motion is debated) do not apply to any motions taken at these plenary meetings (Standing Order 12.20 and 12.22).
F. Subsequent early business

Appointment of Members to the Business Committee

28. Once the First Minister appoints a Minister responsible for government business, that Minister must, as soon as possible, table a motion to appoint Members to the Business Committee in accordance with Standing Order 11.3. For more information please refer to the Guide to Business Committee.

29. The motion must appoint the Presiding Officer and one Member nominated by each political group represented in the Assembly. Three or more Members, who are not members of a political group, can form a grouping for the purpose of nominating one of its Members to be appointed to the Business Committee.

30. The motion must be supported by at least two-thirds of Members voting. If the proposed motion is not passed, the Minister with responsibility for government business must table a motion to determine the size of the Business Committee and the political group from which the chair will be appointed.

31. Places on the committee must be allocated to political groups to reflect their overall representation in the Assembly, in accordance with sections 29(3) to (7) of the Act. Each political group determines the Member/s allocated from their group.

32. Normal organisation of business procedures will resume once the membership of the Business Committee is agreed by the Assembly and the First Business Statement and Announcement is made by the Minister responsible for government business. For more information please refer to the Guide to Plenary.

Appointment of Assembly Commissioners

33. In accordance with Standing Order 7.1, a motion to appoint Assembly Commissioners must be considered no later than 10 days after the appointment of members of the Business Committee.

34. The motion must propose the names of the four Members to be appointed as members of the Commission. As far as is reasonably practicable, each Member appointed (other than the Presiding Officer) should belong to a different political group.

35. If there are four or more political groups, the four largest groups must inform the Business Committee of the Member of its group to be appointed as a member of the Commission. If there are fewer than four political groups, the Business Committee will determine the name of any additional Member/s. If there are two or more political groups with the same number of members, the Presiding Officer, having regard to the level of electoral support of each of the political groups in question, must determine which of those groups is to be regarded as the larger (or largest).

Appointment of a Counsel General

36. In accordance with Standing Order 9.1, the Assembly must be invited to agree the First Minister’s recommendation to Her Majesty of a person for appointment as Counsel
General. The person recommended for appointment as Counsel General does not have to be an Assembly Member. The First Minister must table and move the motion in Plenary; amendments are not permitted to this motion.

37. The Assembly will be invited by the Presiding Officer or Deputy to agree the motion. If any Member objects, an electronic vote will be called. In accordance with section 49 of the Act, no recommendation for the appointment of a person as the Counsel General may be made by the First Minister without the agreement of the Assembly (i.e. a majority of those Members voting).

Committee structure

38. As soon as possible after the Assembly election, the Business Committee must table a motion or motions proposing the titles and remits of committees, in accordance with Standing Order 16.2. In doing so, the Business Committee must ensure that:

(i) every area of responsibility of the government and associated public bodies is subject to the scrutiny of a committee or committees;

(ii) all matters relating to the legislative competence of the Assembly and functions of the Welsh Ministers and of the Counsel General are subject to the scrutiny of a committee or committees; and

(iii) where reasonably practicable, there is a broad balance between the delivery of responsibilities to:

   a) examine the expenditure, administration and policy of the government and associated public bodies; and

   b) examine legislation.

39. Once the committee structure is agreed, the Assembly must also consider a motion tabled by the Business Committee to agree the membership and chair of each committee, in accordance with Standing Order 17.3.