Welsh Parliament

Business Committee

Public Bill and Member Bill process review:

Consultation

January 2025

1. This document has been prepared in Microsoft Word. An explainer document is available in [Microsoft Word format](https://senedd.wales/media/qz5haotp/word-accessibility-options.docx) if you need any help to use the ‘Read aloud’ function, or to change the page background colours, text sizes or text colours.

# Introduction

The [Business Committee](https://senedd.wales/committee/699) is reviewing the Senedd’s processes relating to Public Bills and Member Bills.

This document explains more about what we’re looking at and how you can share your views on as many or as few of the issues as you want by completing an [online form](https://senedd.wales/committees/business-committee/consultation-review-of-the-public-bill-and-member-bill-processes/) or sending an email to SeneddBusiness@senedd.wales. The deadline for responses is **16:00 on Friday 28 March 2025**.

We want to know your views on:

* What is currently working well, and what could be improved?
* Are there any good examples from other parliaments?
* Are there other issues relating to the Public Bill or Member Bill processes that we should be considering?

If you want more information about Public Bills and Member Bills you can visit: <https://senedd.wales/senedd-business/legislation/guide-to-the-legislative-process/>.

# Terms of reference

The terms of reference for the review are:

1. To explore options for improving the operation and effectiveness of the Senedd’s scrutiny of Public Bills introduced in accordance with Standing Order 26, by reviewing experiences in the Sixth Senedd (and previous Seneddau where relevant), including:
* Relevant procedures, practices, conventions, culture and ways of working.
* The experience of legislating in a hybrid environment.
1. To explore options for improving the operation and effectiveness of the Senedd’s Member Bill process, by:
* Reviewing experiences in the Sixth Senedd (and previous Seneddau where relevant), including relevant procedures, practices, conventions, culture and ways of working prior to a Member Bill’s introduction (including but not limited to the way in which Members are selected for the opportunity to propose a Bill, the process for gaining ‘leave to proceed’, and the level of information Members are required to provide at these stages).
* Identifying any potential implications for the Member Bill process arising from the increase in the number of Members of the Senedd.
* Identifying and, where appropriate, raising with relevant decision-makers including the Senedd Commission and the Independent Remuneration Board of the Senedd, issues relating to the resource and support available to Members during the Member Bill process.

This document provides more information about the different parts of the processes that we have identified for consideration.

A list of questions is provided in section 4 of this document.

# How to share your views

## Evidence gathering

We want to make sure that our work is informed by experiences, needs, and views that reflect the diversity of the people and communities affected by these issues.

We encourage anyone with expertise or experience of these issues to share your views, with the full knowledge that your views will be welcomed and valued.

You can share your views on as many or as few of the issues as you want.

There are two different ways to share your views:

* You can complete an [online form](https://senedd.wales/committees/business-committee/consultation-review-of-the-public-bill-and-member-bill-processes/).
* You can email your response to SeneddBusiness@senedd.wales.

The closing date for submissions is **16:00 on Friday 28 March 2025**.

1. We would encourage you to keep your response brief and focused on the key points you would like to draw to the Committee’s attention.

If you choose to email your response, please also provide the following information:

* Your name and contact details as the person, or organisation, submitting the evidence.
* Whether your evidence is submitted as an individual, or on behalf of an organisation.
* If you are submitting evidence as an individual, confirmation that you are over 18 years old.
* If you are under 13 years old, your parent or guardian’s agreement that you can participate (this can be provided via email).
* Confirmation of whether you would prefer that your name is not published alongside your evidence (names of individuals under 18 years old will not be published).
* Confirmation of whether you would like the Committee to treat any or all of your written evidence as confidential, with reasons for the request.
* If you have referred to a third party in your evidence, such as a parent, spouse or relative, confirmation that they have agreed that you can share information that may be used to identify them and that they understand that it will be published.

## Providing written evidence

The Senedd has two official languages, Welsh and English.

In line with the [Senedd’s Official Languages Scheme](https://senedd.wales/commission/senedd-commission-policy/official-languages/), the Committee welcomes contributions in both or either of our official languages, and we ask organisations that are subject to Welsh Language standards or schemes to respond in line with their own obligations. Please inform the Committee when submitting responses if you intend to provide a translation at a later date.

Please see [guidance for those providing evidence for committees](https://senedd.wales/senedd-business/committees/getting-involved-with-committees/).

## Disclosure of information

Please ensure that you have considered the Senedd’s [policy on disclosure of information](https://senedd.wales/help/privacy/senedd-committee-privacy-notice/) before submitting information to the Committee.

# List of questions

You can share your views on as many or as few of the issues as you want.

## Summary of the process (see page 9)

1. How effective or ineffective you think the Senedd’s approach to considering Bills is.
2. What you think about the opportunities available to the public and to people and organisations with relevant expertise or lived experience or who would be affected by the Bill to contribute when the Senedd is considering Bills.

## Timetabling (see page 10)

### Stage 1 consideration of the general principles of a Bill (see page 10)

1. What you think about the way timetables for Stage 1 consideration of the general principles of Bills are set, including the amount of time that is usually made available for committees to report.

### Consideration of amendments to Bills (see page 11)

1. What you think about the way timetables for the amending stages of Bills are set, including the amount of time that is usually made available for Members to table and consider amendments and prepare for proceedings.

## Explanatory Memorandums and Regulatory Impact Assessments (see page 12)

1. What you think about the Explanatory Memorandums and Regulatory Impact Assessments that Members in charge of Bills produce.
2. What you think about how effective or ineffective these documents are at providing adequate, accurate and proportionate information to inform consideration of Bills by the Senedd and people and organisations with an interest in a Bill.

## Information available on Bill webpages (see page 14)

1. What you think about the information that is provided on Bill webpages during the consideration of a Bill by the Senedd.
2. What you think about the guidance that is available to explain how the Senedd considers Bills.

## Information available during amending stages (see page 15)

1. What you think about the information that is provided on Bill webpages during amending stages.

## Amendments (see page 17)

### Assessing whether they are admissible (see page 17)

1. What you think about the rules, processes and available guidance relating to the admissibility of amendments.

### Debate and disposal (see page 18)

1. What you think about the way that amendments are debated and disposed of.

## Financial Resolutions (see page 20)

1. What you think about the rules and processes relating to Financial Resolutions.

## Additional optional amending stages (see page 22)

1. What you think about the rules relating to the additional optional amending stages and the use made of them by the Senedd.

## Emergency Bills (see page 23)

1. What you think about the rules relating to government Emergency Bills.

## Other issues relating to the Public Bill process (see page 23)

1. What you think about the issues listed in the relevant section of the consultation document, or any other issues relating to the Public Bill process that you have not already covered in your response.

## Effectiveness of Member Bills and the Member Bill process (see page 25)

1. How effective or ineffective you think the Member Bill process is.
2. How you think the effectiveness or ineffectiveness of Member Bills and the Member Bill process should be assessed.

## How Members are selected for the opportunity to propose a Bill (see page 25)

1. What you think about how Members are currently selected for the opportunity to propose a Bill.

## How Members who have been selected in a ballot get agreement to introduce a Bill (see page 26)

1. What you think about the current arrangements for how Members who have won the ballot get agreement to introduce a Bill.

## Information that Members must provide during the process (see page 27)

1. What you think about the requirements for the information that Members have to provide at each stage of the Member Bill process.

## The ‘scope’ of Member Bills (see page 28)

1. What you think about the rules on what Member Bills can and can’t do.
2. What you think about how the Senedd is asked to agree in principle to the financial implications of Member Bills.

## The support and resources available for Member Bills (see page 30)

1. What you think about the availability of support and resources for Member Bills.

## Other issues relating to the Member Bill process (see page 33)

1. What you think about the issues listed in the relevant section of the consultation document, or any other issues relating to the Member Bill process that you have not already covered in your response.

# Information about the Public Bill process

## Summary of the process

One of the Senedd’s main responsibilities is to make laws for Wales. It does this by considering and passing proposed laws. The proposed laws are called Bills.

This consultation covers the most common type of Bills, which is Public Bills (i.e. Bills that change the law as it applies to everyone).

Most Bills are introduced by the Welsh Government, but the rules also allow the Senedd Commission, Senedd committees and individual Members to introduce Bills.

There are rules for the way that the Senedd considers and passes Bills. Some of the rules are in the Government of Wales Act 2006 (<https://www.legislation.gov.uk/ukpga/2006/32/contents>) and others have been agreed by the Senedd in its Standing Orders (<https://senedd.wales/media/ue1dqdmg/so-eng.pdf>). There is also formal and informal guidance for Members, staff and the public, and agreed ways of working and conventions have been established.

The process for considering Bills usually includes four stages:

* **Stage 1**: after a Bill has been introduced, Senedd committees publish reports on the general principles and purpose of the Bill, any powers the Bill would give the Welsh Government, and the financial implications of the Bill. Committees usually do this by gathering views from the public and from people or organisations who would be affected by the Bill. The whole Senedd then debates the Bill and votes to decide whether or not the Bill should move to the next stage.
* **Stages 2 and 3**: during these stages Members can suggest changes to the wording of a Bill. These changes are known as amendments. At Stage 2 a committee debates the amendments and votes on whether the wording of the Bill should be changed. At Stage 3 the amendments are considered by the whole Senedd. There is no formal opportunity during these stages for the public to share their views, although Members may choose to talk to different groups or receive briefings from relevant people or organisations when they are thinking about amendments they might suggest or how they might vote on other Members’ amendments.
* **Stage 4**: the whole Senedd debates the Bill and votes to decide whether or not it should become law.
1. **The Business Committee wants to know:**
	* How effective or ineffective you think the Senedd’s approach to considering Bills is.
	* What you think about the opportunities available to the public and to people and organisations with relevant expertise or lived experience or who would be affected by the Bill to contribute when the Senedd is considering Bills.

## Timetabling: Stage 1 consideration of the general principles of a Bill

When a Bill is introduced, the Business Committee must decide whether to ask a responsible committee to consider and report on its general principles. It is unusual for a Bill not to be sent to a committee.

The Business Committee must also decide how long the committee has to do its work. If the Member in charge of the Bill (usually a Welsh Government Minister) suggests that the committee should have less than ten sitting weeks (i.e. not including weeks when the Senedd is in recess) then they have to explain to the Business Committee why they think this is appropriate. It is more usual for a committee to be given 12 or more sitting weeks.

When the Business Committee takes decisions about the time available for the Senedd to consider the general principles of a Bill at Stage 1 it has to consider different factors. For example, it has to balance making sure that there is enough time for the Senedd’s consideration to be robust, effective and contribute to making good law, with enabling the Welsh Government to get its business through and be able to implement the changes in the law within a reasonable timeframe.

When a Bill is sent to a committee, the committee will usually gather evidence by launching a consultation, inviting relevant people to give oral evidence at formal meetings or arranging engagement activity such as focus groups or surveys. The committee will use the information it gathers to produce a report.

For non-government Bills the Business Committee is also responsible for setting the date of the Stage 1 debate (i.e. the date on which all Members will debate and vote on whether the Bill should move to the next stage of the process) and the date of the debate on the Financial Resolution if one is needed for the Bill. More information about Financial Resolutions is provided later in this consultation. For government Bills, the Welsh Government is responsible for setting these dates.

Usually, the Stage 1 and Financial Resolution debates both take place on either the Tuesday or Wednesday in the second week after the committee reporting deadline. During the debate, the Member in charge of the Bill will usually respond to some of the recommendations made by the committee. Sometimes a written response to all of the recommendations is available before the debates take place, but often the written response isn’t available until after the debate.

1. **The Business Committee wants to know:**
	* What you think about the way timetables for Stage 1 consideration of the general principles of Bills are set, including the amount of time that is usually made available for committees to report.

## Timetabling: consideration of amendments to Bills

If a Bill is agreed at Stage 1, the Business Committee must decide which committee will be asked to consider amendments during Stage 2 (i.e. the first stage at which amendments are considered). Usually a Bill will be sent back to the committee which considered its general principles. It is up to the relevant committee to decide which meetings to use for considering amendments, but it must finish considering all amendments by a deadline set by the Business Committee.

Consideration of amendments at Stage 3 (and any of the optional additional amending stages that can be used) takes place in Plenary (i.e. a meeting of the whole Senedd). For non-government Bills, the Business Committee sets the dates on which amendments are considered. For government Bills the Welsh Government sets the dates.

Amendments can’t be considered until at least 15 working days after the relevant amending stage has started. Unless there are exceptional circumstances, amendments must be tabled (i.e. formally submitted for consideration) at least five working days before they are considered. The Welsh Government usually tables its amendments at least two working days before the formal deadline.

These rules mean that Members have a minimum of ten working days at the start of each amending stage to table amendments, although usually more than the minimum time is available. During this time, Members will consider whether they want to table any amendments and how they might vote on the amendments tabled by other Members (lists of amendments tabled on each day are published on the Bill’s webpage). To help them, they might choose to seek policy, procedural and legal advice from Senedd officials, speak to relevant people and organisations with an interest in the Bill, and have informal political discussions.

After the deadline for tabling amendments has passed, there is a period of five working days before the amendments are considered in committee or in Plenary. As early as they can (and at least two working days before the meeting), Senedd officials will publish two key documents (more information about these documents is provided later in this consultation):

* **Marshalled List**. This is a list of all of the amendments that will be considered during proceedings, arranged in the order in which they will be disposed of (an explanation of how amendments can be disposed of is provided later in this consultation). All of the amendments on the list will previously have been published on a list of amendments for the relevant date during the tabling period.
* **Groupings List**. This is a list of any thematic groups that the committee chair or the Llywydd (the Senedd’s Presiding Officer) have decided to put the amendments into for the purposes of debate.
1. **The Business Committee wants to know:**
	* What you think about the way timetables for the amending stages of Bills are set, including the amount of time that is usually made available for Members to table and consider amendments and prepare for proceedings.

## Explanatory Memorandums and Regulatory Impact Assessments

When a Member in charge of a Bill (i.e. the Member who is proposing the new law) introduces a Bill they must also publish an Explanatory Memorandum and Regulatory Impact Assessment. This is a document that provides information about the Bill. It is published on the Bill’s webpage.

You can find examples on the webpages for the Bills the Senedd is currently considering: [www.senedd.wales/legislation](http://www.senedd.wales/legislation).

The Member in charge can include any information that they want, but as a minimum they must include the information listed in Standing Orders 26.6 to 26.6C (<https://senedd.wales/media/ue1dqdmg/so-eng.pdf>). Two bits of information are required by law:

* A statement from the Member in charge that the Senedd has the power to pass the Bill.
* Information about any impact the Bill will have on the justice system in England and Wales.

The other requirements have been agreed by the Senedd. They include:

* Information about the policy objectives of the Bill, any alternative ways to achieve the objectives were considered, and why the approach in the Bill was chosen.
* Information about any consultation that has been done (including on any draft of the Bill), the consultation outcomes, and whether anything in the Bill has changed as a result.
* An objective summary of what each bit of the Bill is meant to do.
* Best estimates of the financial implications of the Bill, and when and on whom any costs or savings would fall. Additional information is required if the Bill would charge expenditure directly on the Welsh Consolidated Fund (the money allocated to the Welsh Government and certain other public bodies by the UK Parliament).
* Information about any environmental or social impacts that can’t be quantified financially.
* Information about any powers to make subordinate legislation the Bill would give and to whom (more information about subordinate legislation is available on the Senedd’s website: <https://senedd.wales/senedd-business/legislation/subordinate-legislation/>.
* Information about how the Bill relates to other relevant legislation.
* Information about where in the document each of the above requirements is met.

If amendments are made to a Bill while it is being considered by the Senedd, the Member in charge must update the Explanatory Memorandum and Regulatory Impact Assessment.

1. **The Business Committee wants to know:**
	* What you think about the Explanatory Memorandums and Regulatory Impact Assessments that Members in charge of Bills produce.
	* What you think about how effective or ineffective these documents are at providing adequate, accurate and proportionate information to inform consideration of Bills by the Senedd and people and organisations with an interest in a Bill.

## Information available on Bill webpages

Every Bill that the Senedd is considering has its own page on the Senedd’s website. You can see examples of Bill webpages on the Senedd’s website: [www.senedd.wales/legislation](http://www.senedd.wales/legislation).

The pages are kept updated as Bills pass through the legislative process, and include information such as:

* The Bill and Explanatory Memorandum and Regulatory Impact Assessment.
* Objective and impartial Senedd Research publications (such as Bill summaries, bilingual glossaries and blog posts).
* Details of the stage the Bill is at, and the scrutiny timetable.
* The work that Senedd committees are doing on the Bill, including how people can share their views, the evidence that committees have gathered, and any reports or recommendations they have made.
* Relevant correspondence, debates and written or oral statements about the Bill.
* Information about amendments that have been tabled and how they will be considered (this information is covered in more detail in the next section of this consultation).
* Guidance about how the Senedd considers Bills. This includes information about the different stages in the legislative process, how amendments are tabled, and the different types of Bills: <https://senedd.wales/senedd-business/legislation/guide-to-the-legislative-process/>
1. **The Business Committee wants to know:**
	* What you think about the information that is provided on Bill webpages during the consideration of a Bill by the Senedd.
	* What you think about the guidance that is available to explain how the Senedd considers Bills.

## Information available during amending stages

General guidance about amendments and amending stages is available on the Senedd’s website: <https://senedd.wales/senedd-business/legislation/guide-to-the-legislative-process/>

When a Bill is in an amending stage, specific information is added to its webpage.

### Meeting dates and tabling deadlines

Links to information about the meetings at which amendments are considered, including agendas, minutes, transcripts, and live and archived broadcasts are added to the webpage as they become available.

The deadline for tabling amendments is five working days before the date of the first meeting at which amendments will be considered.

### Order of consideration

This is the order in which the sections and schedules of a Bill will be considered. The default order is the order they appear in the Bill. But, the committee or Senedd can decide to change the order if they think it will help proceedings to run smoothly. For example, they might want to bring together bits of the Bill that relate to similar issues, or delay more contentious bits of the Bill to later meetings to allow more time for informal political discussions.

### Notices of amendments/daily lists

These are lists of the amendments tabled on a particular day during the tabling period. Each amendment is given a unique number based on the order in which they were tabled. The lists include the full text of the amendment (including the page, line and section number where the change is to be made) and the name of the tabling Member. If any Member has decided to add their name in support of an amendment, this will be shown on the list.

If a Member has tabled brief text to explain the purpose and effect of their amendment this is also included.

The Welsh Government does not usually table explanatory text. Instead, the relevant Minister usually writes to all Members of the Senedd to provide information about the purpose and effect of those amendments. These letters are usually published on the Bill page.

### Marshalled List

This is a list of all of the amendments that will be considered during proceedings, arranged in the order in which they will be disposed of (an explanation of how amendments can be disposed of is provided later in this consultation).

Just like the Notice of Amendments, the Marshalled List includes the numbers allocated to the amendments when they were tabled, the full text of each amendment, the name of the tabling Member, any explanatory text that has been formally tabled, and the names of any Members who have added their name in support of an amendment.

The order of the amendments on the Marshalled List is based on:

* The order of consideration (i.e. an amendment affecting section 1 will usually be taken before an amendment to section 2 unless the committee or the Senedd has decided to consider the sections in a different order).
* A series of parliamentary principles (e.g. if two or more amendments affect the same place in the text of a Bill, any amendments to replace existing sections are taken first, then amendments which just leave out sections, then amendments to change existing text. If that doesn’t resolve matters, amendments tabled by the Member in charge of the Bill are taken first, then other amendments in the order in which they were tabled).

This means that unlike the Notices of Amendments (where the amendment numbers run in numerical order) the amendment numbers on the Marshalled List often do not run in numerical order.

### Groupings List

This is a list of any thematic groups that the committee chair or the Llywydd have decided to put the amendments into for the purposes of debate. The Groupings List shows the numbers of the amendments that will be debated in each group. It does not include the full text of each amendment.

1. **The Business Committee wants to know:**
	* What you think about the information that is provided on Bill webpages during amending stages.

## Amendments: assessing whether they are admissible

Amendments may only be tabled if they are admissible i.e. if they are allowed under the Senedd’s rules. Guidance about amendments is provided on the Senedd’s website (<https://senedd.wales/senedd-business/legislation/guide-to-the-legislative-process/>), and Senedd officials can also provide specific advice to Members.

There are four formal tests that an amendment must pass to be admissible. The purpose of the tests is to help make proceedings run smoothly, to make better law by preventing amendments that cover completely separate or new policy issues that haven’t been considered during Stage 1, and to ensure that decisions taken by the Senedd at each stage are respected.

These tests are set out in Standing Order 26.61 (<https://senedd.wales/media/ue1dqdmg/so-eng.pdf>). An amendment will fail the tests if:

* It is not written in the right way (for example if it does not clearly identify the place in the text of the Bill where the change is to be made). Members can get advice on this from Senedd officials, so it is very unusual for an amendment to be ruled out on this basis.
* It is not relevant to the Bill or the provisions of the Bill. This is sometimes described as an amendment being in or out of ‘scope’.
* It is inconsistent with the general principles of the Bill agreed by the Senedd at Stage 1.
* It is inconsistent with decisions already taken by the Senedd at the same amending stage. It would be unusual for this rule to stop an amendment from being tabled unless amendments are being considered over several meetings. But, it can mean that amendments can become inadmissible or ‘fall’ during a meeting.

Like in other parliaments, amendments are also inadmissible if they are identical to an amendment that has already been tabled.

In general:

* For most Bills it is possible to identify areas or issues that are likely to be more or less likely to be admissible on the basis of relevance or consistency with general principles. But, in some cases decisions can be finely-balanced and can only be taken once the exact text of a specific amendment is available.
* Each amendment is assessed individually for admissibility i.e. no account is taken of the cumulative effect of two or more amendments.
* Routine decisions on admissibility are taken by Senedd officials on the Llywydd’s behalf. Decisions which are finely-balanced or contentious may be escalated to the Llywydd.
1. **The Business Committee wants to know:**
	* What you think about the rules, processes and available guidance relating to the admissibility of amendments.

## Amendments: debate and disposal

During amending stages the text of the Bill is considered in detail. When all of the text of the Bill has been agreed, the amending stage ends. The text is agreed:

* **If no amendment has been tabled to that bit of the text**: when the relevant section or schedule is reached during proceedings.
* **If one or more amendment has been tabled to that bit of the text**: when the amendment or amendments have been disposed of.

Like in other parliaments, there are two parts to the consideration of amendments: debate and disposal.

### Debating amendments

Amendments are usually grouped into themes for the purposes of debate. Once an amendment has been debated, it can’t be debated again during that stage. This helps to avoid repetition or duplication, and ensures that related issues are discussed together.

There are rules that would allow the Senedd to agree time limits for debates during Plenary amending stages. Similar rules are routinely used in other parliaments, but have never been used in the Senedd.

### Disposing of amendments

At Stage 2, all amendments that have been tabled must be disposed of. During Plenary amending stages, the Llywydd has powers to select which amendments will be disposed of. It is unusual at the Senedd for amendments not to be selected, partly because the Senedd uses electronic voting which allows amendments to be disposed of quite quickly.

Amendments are disposed of when they are reached in the Marshalled List. There are five ways that an amendment can be disposed of:

* It can **‘fall’**. This happens when an amendment becomes inadmissible during proceedings because it would be inconsistent with a decision taken on another amendment. No decision can be taken on the amendment, and the text of the Bill stays as it was.
* It can be **‘not moved’**. This means that no member of the Stage 2 committee or Member of the Senedd during a Plenary amending stage formally asks the Senedd to consider the amendment, and the text of the Bill stays as it was.
* After an amendment has been moved (i.e. a Member has formally asked the Senedd to consider it) the amendment can be **withdrawn** as long as no other member of the Stage 2 committee or no other Senedd Member during a Plenary amending stage objects. The text of the Bill stays as it was.
* Once an amendment has been moved, the chair or the Llywydd will ask the committee or the Senedd if the amendment should be agreed. If no one objects, the amendment is **agreed ‘on the nod’** and the text of the Bill is changed.
* If any Member objects to an amendment being agreed ‘on the nod’ a **vote will be held** on the amendment. If more Members vote for the amendment than vote against it, the amendment will be agreed and the text of the Bill will be changed.

The rules for disposing of amendments balance the rights of individual Members (i.e. any Member can move any amendment, object to an amendment being withdrawn, or force a vote by objecting to an amendment being agreed), with ensuring that changes can only be made if there is a majority in support of the change (i.e. if a vote is held and there is a tie, the casting vote is used against the amendment and the text of the Bill stays as it was).

By default, every amendment is disposed of individually. But, the rules allow for the committee or the Senedd to agree that amendments may be grouped together to be disposed of ‘en bloc’. If any Member objects to this, the amendments must be disposed of individually. Established practice is that en bloc disposal is only proposed when three or more eligible amendments appear consecutively on the Marshalled List. To be eligible the amendments must be substantially identical in effect (e.g. all change the name of an organisation to the same alternative name). Amendments that each do different things to achieve one single overarching policy aim are not eligible.

1. **The Business Committee wants to know:**
	* What you think about the way that amendments are debated and disposed of.

## Financial Resolutions

A Financial Resolution is an in principle authorisation by the Senedd for the Welsh Government to spend money on a new service or for a new purpose (or increase spending on an existing service or purpose) as a consequence of a Bill.

It does not replace the annual budget process for allocating funding in specific financial years. Its purpose is to recognise that a Bill will result in funding needing to be met from the Welsh Consolidated Fund (the money allocated to the Welsh Government and certain other public bodies by the UK Parliament).

A Bill (or amendment) only needs a Financial Resolution if it meets the tests set out in Standing Orders 26.69 to 26.71 (<https://senedd.wales/media/ue1dqdmg/so-eng.pdf>). These are whether the Bill (or amendment to a Bill for which a Financial Resolution is not already in place) would:

* For an existing purpose or a new purpose, charge significant expenditure on, or give rise to expenditure payable from, the Welsh Consolidated Fund (or significantly increase such expenditure).
* Either directly or by giving a power to the Welsh Ministers or others, impose or increase a charge (or otherwise require a payment to be made), for the benefit of the Welsh Consolidated Fund.

There is no definition of ‘significant’.

If the Llywydd decides that a Bill (or amendment) needs a Financial Resolution, then the Bill can’t be considered beyond Stage 1 until one has been agreed. The Llywydd usually takes her decision when the Bill is introduced. But, if the decision is finely-balanced she may wait to review the evidence gathered by the Stage 1 committees.

If a Financial Resolution is needed, but one is not agreed within six months of the end of Stage 1, the Bill will fall and no further consideration can be given to it.

If more Members vote for the Financial Resolution than vote against it, the Financial Resolution will be agreed. If there is a tie, the casting vote is used in favour of the Financial Resolution because, while there is no majority in favour of the Financial Resolution, without the Financial Resolution there can be no further discussion of the Bill.

1. **The Business Committee wants to know:**
	* What you think about the rules and processes relating to Financial Resolutions.

## Additional optional amending stages

The rules provide for the Senedd to hold additional amending stages for specific Bills if it considers it appropriate to do so. These stages are not used often.

### Report Stage

After Stage 3 has been completed, the Member in charge of the Bill may ask the Senedd to consider amendments at Report Stage. If the Senedd agrees to do so, then Report Stage begins the next working day.

All of the same rules apply to Report Stage as applied at Stage 3 (e.g. all Members may table amendments, and the usual admissibility rules apply to amendments).

The Senedd has considered more than 70 Bills since 2011. Three of these Bills have been considered at Report Stage:

* One Member Bill in 2013 and one government Bill in 2014, each of which had been heavily amended during Stage 2 and Stage 3.
* One government Bill in 2023, which the Welsh Government indicated would otherwise be defective as a result of the agreement of an opposition amendment during Stage 3.

### Further Stage 3 (and/or Further Report Stage)

After all selected amendments have been disposed of at Stage 3 (or Report Stage) but before the Llywydd has announced that the stage has been completed, the Member in charge of a Bill or a member of the Welsh Government may ask the Senedd to consider amendments at Further Stage 3 (or Further Report Stage). If the Senedd agrees to do so, Further Stage 3 will take place.

Most of the same rules apply to Further Stage 3 (and Further Report Stage), but only the Member in charge of the Bill or members of the Welsh Government may table amendments. Amendments are only admissible if they meet the usual rules and are also solely for the purpose of clarifying a provision of the Bill or giving effect to commitments made during the earlier Stage 3 proceedings.

The Senedd has never considered a Bill at Further Stage 3 or Further Report Stage.

1. **The Business Committee wants to know:**
	* What you think about the rules relating to the additional optional amending stages and the use made of them by the Senedd.

## Emergency Bills

The rules provide for the Welsh Government to be able to ask the Senedd to agree to treat a government Bill as an Emergency Bill. If the Senedd agrees to this, different rules apply to the way that the Senedd considers that Bill. For example:

* The Senedd can agree that the Member in charge does not have to provide an Explanatory Memorandum and Regulatory Impact Assessment.
* The Bill can’t be sent to a committee for consideration during Stage 1, and must be sent to a Committee of the Whole Senedd for consideration of amendments at Stage 2.
* The Senedd can agree a much shorter timetable than usual. This can include a Bill passing through all of its stages in a single day.
* The usual deadlines for tabling amendments do not apply. Instead, the Llywydd must set the deadlines. Depending on the Bill timetable, the deadlines could be measured in minutes or hours rather than days.

The Senedd has agreed to treat three Bills as Emergency Bills. The most recent example was the Welsh Elections (Coronavirus) Bill in 2021, which made contingency provision regarding the conduct of the 2021 Senedd election during the COVID-19 pandemic.

1. **The Business Committee wants to know:**
	* What you think about the rules relating to government Emergency Bills.

## Other issues relating to the Public Bill process

We would also welcome any other views you have about the process for considering Bills, including any issues relating to or arising from:

* The Welsh Government’s approach to legislating and/or engaging with the Senedd’s consideration of Bills.
* The Senedd’s decision to continue to allow Members and others to participate virtually or in person in formal committee and Plenary business.
* The increase in the number of Members of the Senedd from 60 to 96 in 2026.
* The increase in the frequency of Senedd elections from every five years to every four years.
* The use of technology or democratic innovations.
* The Senedd’s official languages (Welsh and English).
* The impact on people or groups with different characteristics or from different backgrounds (including different socioeconomic backgrounds and the protected characteristics of age, disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation specified in the Equality Act 2010).
1. **The Business Committee wants to know:**
	* What you think about the issues listed above, or any other issues relating to the Public Bill process that you have not already covered in your response.

# Information about the Member Bill process

## Effectiveness of Member Bills and the Member Bill process

Like most parliaments, the Senedd’s rules include potential for individual backbench Members (i.e. Members who are not in the Welsh Government) to introduce their own Bills.

Unless the government supports a Member’s Bill, it may be fairly unlikely to become law. Since the Senedd gained full primary law-making powers in 2011 only two Member Bills (13 per cent) have become law out of the 16 proposals that have been selected in ballots.

It is important to understand that the processes work differently in different parliaments (more detail about this is provided in the relevant sections of this consultation) and different parliaments have different numbers of Members. But, for context, during the same period, 16 out of 52 proposals in the Northern Ireland Assembly (31 per cent) and 13 out of 89 proposals in the Scottish Parliament (15 per cent) became law.

Even if a Member does not succeed in changing the law, the process gives them an opportunity to engage with people with experience and expertise in an issue, develop alternative policy and legal proposals, highlight issues that they think are important, and seek commitments or actions from the government. For example, even if the government does not support a Member’s Bill, it might choose to develop its own Bill, change its policies or provide additional funding for the relevant issue.

1. **The Business Committee wants to know:**
	* How effective or ineffective you think the Member Bill process is.
	* How you think the effectiveness or ineffectiveness of Member Bills and the Member Bill process should be assessed.

## How Members are selected for the opportunity to propose a Bill

Members of the Senedd can only introduce a Bill if they are selected in a Member Bill ballot. The Llywydd decides how often to hold ballots, and how many Members will be selected in each ballot. Any Member who is not a member of the Welsh Government can enter the ballot. All Members who enter the ballot have an equal random chance of being selected. Before a Member who has been selected can introduce a Bill, they need to get agreement from the Senedd to ‘proceed’. The next section of this consultation explains this in more detail.

Separately, Members who have ideas about laws they would like to make can ask the Business Committee to let them lead a Member’s Legislative Proposal debate in Plenary. This gives the Senedd the chance to debate the Member’s idea, but it does not give the Member permission to introduce a Bill.

The process works differently in other parliaments:

* **UK House of Commons**: At the start of each parliamentary session, 20 MPs are chosen from a ballot. They can introduce their Bill without needing any further agreement from other MPs. Any MP can also ask the Speaker’s permission to introduce a ‘ten-minute-rule’ Bill or a Presentation Bill. Any of the three types of Bill can become law, but the limited time available for Member Bills to be considered is allocated to ballot Bills first.
* **Scottish Parliament**: Any MSP may suggest up to two ideas for a Bill at any time. They can only introduce their Bill formally for consideration if they get enough cross-party support from other MSPs.
* **Northern Ireland Assembly**: Any MLA can introduce a Private Member’s Bill at any time as long as the Speaker agrees that the Bill would be within the Assembly’s legal powers.
1. **The Business Committee wants to know:**
	* What you think about how Members are currently selected for the opportunity to propose a Bill.

## How Members who have been selected in a ballot get agreement to introduce a Bill

When a Member of the Senedd is selected in a ballot, they have 25 working days to get the Senedd’s agreement to introduce their proposed Bill. If more Members vote in favour of the proposed Bill than against, the Member gets ‘leave to proceed’.

If there is a tied vote, the casting vote is used in favour of the Member being allowed to introduce the Bill. This is because, while there is no majority in favour of the proposed Bill, without leave to proceed the Bill can’t be introduced and the Senedd would have no further opportunity to discuss the matter. But, it can mean that Bills can be introduced that do not have the support of the majority of Members.

If a Member gets leave to proceed they have 13 months to develop and introduce their Bill. Usually during that time the Member will consult the public and stakeholders, and work with Senedd officials and others to develop their Bill. The Member can introduce their Bill at any time during the 13 months—they do not have to get any further agreement from the Senedd. They do not have to introduce their Bill if they do not want to.

A different approach is taken in the Scottish Parliament. Under the rules in Scotland, any MSP can develop and consult on proposals for a Bill without needing agreement from the Parliament. But, the MSP can only formally introduce their Bill if they get enough cross-party MSPs to sign up to support their Bill. The only time limit that applies is that MSPs must usually introduce their Bill before June in the final year before an election is due to be held.

1. **The Business Committee wants to know:**
	* What you think about the current arrangements for how Members who have won the ballot get agreement to introduce a Bill.

## Information that Members must provide during the process

The rules provide that Members who want to propose or introduce Bills have to provide certain information at different points in the process:

* When they enter the ballot, the Member must provide the proposed title of their Bill and the policy objectives it would achieve.
* When they ask the Senedd for leave to proceed, the Member must provide the proposed title and policy objectives, and information about any support for the Bill, any consultation they have done and any expected costs or savings.
* When they introduce their Bill, the Member must comply with all of the rules about Explanatory Memorandums and Regulatory Impact Assessments that apply to any other Bill.

The rules say that the title and policy objectives of the Bill at each stage shouldn’t change that much from the proposal that the Member entered the ballot with.

Different rules apply in different parliaments, partly because the overall processes are different:

* **UK House of Commons**: MPs don’t have to provide any information about their Bill when they enter the ballot. When MPs introduce Bills, they only need to provide the Bill’s short and long titles—the actual text of the Bill might not be published until just before the Bill is debated for the first time. MPs don’t have to provide information about the costs, although if the government supports a Bill it will usually provide some explanatory notes.
* **Scottish Parliament**: when MSPs publish their first proposals for Bills, they must usually consult for at least 12 weeks. They have to publish a summary of the consultation responses. If they introduce a Bill, they have to comply with the same rules for explanatory documents as any other Bill.
1. **The Business Committee wants to know:**
	* What you think about the requirements for the information that Members have to provide at each stage of the Member Bill process.

## The ‘scope’ of Member Bills

### What Member Bills can and can’t do

The Bill that a Member introduces must give effect to the proposal that they put into the ballot and got the Senedd’s agreement to introduce i.e. the Member can’t introduce a Bill to do something completely different or on a different topic.

Otherwise, most of the rules about what a Bill can or can’t do are the same for Member Bills as for any Bill. The main difference is that Member Bills are not allowed to amend or introduce taxes.

### Financial implications of Member Bills

When they are deciding on the scope of their proposal, Members may also want to consider the rules about Financial Resolutions (i.e. the mechanism by which the Senedd is asked to agree in principle to money being spent as a result of a Bill).

A Bill (or amendment) only needs a Financial Resolution if it meets the tests set out in Standing Orders 26.69 to 26.71 (<https://senedd.wales/media/ue1dqdmg/so-eng.pdf>). These are whether the Bill (or amendment to a Bill for which a Financial Resolution is not already in place) would:

* For an existing purpose or a new purpose, charge significant expenditure on, or give rise to expenditure payable from, the Welsh Consolidated Fund (or significantly increase such expenditure).
* Either directly or by giving a power to the Welsh Ministers or others, impose or increase a charge (or otherwise require a payment to be made), for the benefit of the Welsh Consolidated Fund.

If the Llywydd decides that a Bill (or amendment) needs a Financial Resolution, then the Bill can’t be considered beyond Stage 1 until one has been agreed.

If a Financial Resolution is needed, but one is not agreed within six months of the end of Stage 1, the Bill will fall and no further consideration can be given to it.

Only a member of the Welsh Government can move a motion for a Financial Resolution (i.e. formally ask the Senedd to take a decision on it). This means that if a Member Bill needs a Financial Resolution the Member must get agreement from the Welsh Government to move a Financial Resolution or their Bill will fall. The Welsh Government does not have to move a Financial Resolution or provide any reasons for whether it does or does not do so.

This means that the Welsh Government can cause a Member Bill which needs a Financial Resolution to fall without explaining why, even if the Senedd has agreed the Bill’s general principles.

### Other parliaments

The rules about the scope of Bills and how parliaments are asked to agree Financial Resolutions (or equivalent) work differently in other parliaments:

* **UK House of Commons**: the main aim of a Member Bill can’t be to create a new tax or increase government spending, but it may be allowed if it is a secondary effect. Bills that would have financial implications may require a Money Resolution from the UK Government. In 2013 and 2015 the UK Government said its policy was to bring forward Money Resolutions for all Member Bills even if the government did not support the Bill. In 2018 it said that it would bring them forward on a case by case basis.
* **Northern Ireland Assembly**: Member Bills can cover any issue within the Assembly’s legal powers.
* **Oireachtas (Irish Parliament)**: Member Bills may not constitute charges/taxes on people (unless such charges are incidental) or constitute public spending (other than incidental expenditure). Members may not access procedural or drafting support to develop their Bill if their proposal is considered to be too broad in scope. There is an agreement with the Irish Government that if a Bill needs a Money Message, the government has six weeks to provide either a Money Message or reasons why it won’t be providing one.
1. **The Business Committee wants to know:**
	* What you think about the rules on what Member Bills can and can’t do.
	* What you think about how the Senedd is asked to agree in principle to the financial implications of Member Bills.

## The support and resources available for Member Bills

Developing and introducing a Bill takes a significant amount of time and work. There are different ways in which a Member can access support and resources to help them with this.

### Members’ and political groups’ support staff

The rules put in place by the Independent Remuneration Board of the Senedd say that Members (and groups of Members) can claim the costs of employing staff to help them with their work (e.g. by providing support or advice on matters such as administration, communication, policy research or project management). Members can use these staff to help them to develop proposals for a Bill.

### Office and Constituent Liaison Fund

The rules put in place by the Independent Remuneration Board of the Senedd say that a Member can claim costs relating to external expertise to advice or assist for a fixed period to deliver a piece of policy, research or communication work. This can include policy development, exploring issues of significance to constituents, or scrutiny of policy, legislation or finance. This could include developing proposals for a Member Bill.

### External stakeholder resources

Members can choose to work with external groups or organisations to develop their proposals. For example, a Member might work with a campaign group to develop a Bill to give effect to the group’s policy objectives. This could include the group or organisation providing support or advice on matters such as administration, communication, policy research or project management.

### Senedd resources

Members who want to enter the ballot can seek procedural and legal advice from Senedd officials.

Members who are selected in the ballot and get the Senedd’s agreement to introduce a Bill can access a small team of Senedd officials to provide procedural, legal and drafting, policy, research communication and engagement, translation and project management support and advice. Members may also be able to access financial resources where resource or expertise is not available internally or a case can otherwise be made. This support continues to be available for as long as the Member’s proposal or Bill is progressing.

The support is separate to the support provided to the Senedd and its committees when they are considering the Member Bill as it passes through the legislative process.

Decisions about the availability of staff and financial resources are matters for the Senedd Commission, and may be affected by the number of Members who are chosen in ballots and/or get agreement from the Senedd to introduce a Bill.

### Welsh Government resources

If the Welsh Government supports a Member’s proposal for a Bill, it may provide support or advice on matters such as administration, communication, policy research, project management or legislative drafting.

Members who are proposing Bills are also likely to need to engage with the Welsh Government on a political level, especially if their Bill needs a Financial Resolution.

### Other parliaments

The provision of parliamentary financial and staff support is different in different parliaments:

* **UK House of Commons**: MPs can access procedural advice and some limited support in drafting the Bill itself from parliamentary officials. If the UK Government supports the Bill, drafting support may also be available from the UK Government’s Office of Parliamentary Counsel.
* **Scottish Parliament**: MSPs can access support from the Scottish Parliament’s Non-Government Bills Unit to help them with policy development, summarising consultation responses, drafting the Bill itself, preparing briefings, and procedural matters. The support is available before and after a Bill is introduced.
* **Northern Ireland Assembly**: after an election the Speaker invites MLAs to indicate if they want to access parliamentary support and resources to develop a Member Bill. The Speaker assesses how much demand there is, and decides the level of support that will be available from the Members’ Bills Development Unit. Support is only provided for Bills that are within the Assembly’s legal powers, that address single, focused policy objectives, and that do not use an unreasonable proportion of the overall budget. Support is also not provided if another Member is developing a Bill on the same issue, or for proposals that the Northern Ireland Executive or UK Government have said they will take forward within 12-18 months. This support is only available before the Bill is introduced. After a Bill has been introduced no further support is provided.
* **Oireachtas (Irish Parliament)**: Members who want to introduce Bills can access support from parliamentary researchers and legal advisers only if their proposals meet certain criteria (e.g. the Bill is focused on a single issue and no other Member is working on similar proposals). This support is available before and after a Bill is introduced.
1. **The Business Committee wants to know:**
	* What you think about the availability of support and resources for Member Bills.

## Other issues relating to the Member Bill process

We would also welcome any other views you have about the process for Member Bills, including any issues relating to or arising from:

* The increase in the number of Members of the Senedd from 60 to 96 in 2026.
* The increase in the frequency of Senedd elections from every five years to every four years.
* The Senedd’s official languages (Welsh and English).
* The impact on people or groups with different characteristics or from different backgrounds (including different socioeconomic backgrounds and the protected characteristics of age, disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation specified in the Equality Act 2010).
1. **The Business Committee wants to know:**
	* What you think about the issues listed above, or any other issues relating to the Member Bill process that you have not already covered in your response.