

National Assembly for Wales

[Business Committee](#)

September 2017

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Amending Standing Orders: Standing Order 26 – Committee Bills

Purpose

1. In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Assembly, including any proposals for the re-making or revision of Standing Orders.

2. The report recommends amendments to Standing Order 26 relating to Committee Bills. The changes agreed by Business Committee are found in Annex A, and the proposals for new Standing Orders are at Annex B.

Background

3. In a recent letter to Business Committee, the Finance Committee proposed that the Public Service Ombudsman Wales (PSOW) Bill, which it intends to introduce in autumn 2017, should be subject to Stage 1 scrutiny by another Assembly committee, as would be the case for non-committee

Bills. Business Committee agreed in principle on 11 July that the PSOW Bill should, given its subject matter and the circumstances of its development, be referred to a subject committee at Stage 1 and back to the same committee at Stage 2.

4. However, such a referral is not possible under the current Standing Orders. Standing Order 26.82 states that Standing Orders 26.9 to 26.12 do not apply to Committee Bills. This means that a Committee Bill cannot be referred to a responsible committee to consider and report on its general principles. Stage 1 proceedings thus consist solely of a Plenary debate, which proceeds without a Committee having reported on the general principles.

Proposed Changes

5. The Standing Orders which relate specifically to Committee Bills have never been used in their current form.

6. The rationale for ruling out committee consideration of such bills at Stage 1 is that a committee introducing a Bill relating to its remit is likely to:

- have completed at least one public policy inquiry and/or consultation on the need for legislation; and
- be better placed than any other committee (to which a Committee Bill would otherwise be referred) to make a judgement on the general principles, so a Stage 1 inquiry may add little value.

7. In its recent letter to Business Committee, the Finance Committee suggested that in the interest of best practice and transparency, the PSOW Bill should be referred to a subject committee at Stage 1 and back to the same committee at Stage 2.

8. One option for enabling this to happen would have been to suspend Standing Order 26.82 (subject to agreement by a two-thirds majority in Plenary). But the Business Committee considered that a better approach would be to change Standing Orders so that it had the discretion in relation to every Committee Bill to determine whether or not a referral to a committee for Stage 1 is appropriate.

9. This discretion would be given to Business Committee by removing Standing Order 28.82 which specifically dis-apply Stage 1 scrutiny of a committee Bill. Business Committee would then have the option of referring (or not referring) a Committee Bill to a responsible committee for scrutiny at Stage 1. Other changes consequential on the removal of Standing Order 26.82 would be the deletion of Standing Orders 26.80 and 26.83, and the removal of references to Standing Order 26.83 from Standing Orders 26.13 and 16.14.

10. Business Managers agreed in July 2017 that these proposed changes should be put to the Assembly before the introduction of the PSOW Bill, which is expected in October.

Action

11. The Business Committee formally agreed the changes to Standing Orders on 19 September 2017 and the Assembly is invited to approve the proposals at Annex B.

Annex A

STANDING ORDER 26 – Acts of the Assembly		
Stage 1 – Consideration of the General Principles		
26.13	If the Assembly agrees to the general principles of the Bill under Standing Orders 26.11, 26.12, 26.83 or 26.102, the Bill proceeds to Stage 2.	Amend Standing Order Change consequential on the deletion of Standing Order 26.83
26.14	If the Assembly does not agree to the general principles of the Bill under Standing Orders 26.11, 26.12, 26.83 or 26.102, the Bill falls.	Amend Standing Order Change consequential on the deletion of Standing Order 26.83
Committee Bills		
26.80	Standing Orders 26.81 to 26.83 apply only to committee Bills.	Delete Standing Order Change consequential on the deletion of Standing Order 26.82, and other Standing Orders that depended on it. This Standing Order is no longer required

28.81	Any committee may introduce a committee Bill relating to the committee's remit.	Retain Standing Order
26.82	Standing Orders 26.9 to 26.12 do not apply to committee Bills.	Delete Standing Order Deleting this Standing Order will allow the Business Committee to decide on a case by case basis whether a committee bill should be referred for Stage 1 scrutiny by another Committee. The same procedures will therefore apply to committee bills as to other bills.
26.83	At Stage 1, the Member in charge of a committee Bill may table a motion proposing that the Assembly agree to the general principles of the Bill.	Delete Standing Order Following the deletion of Standing Order 26.82, this Standing Order is no longer required as Committee bills will be subject to the same Stage 1 procedures as other bills.

Annex B

STANDING ORDER 26 – Acts of the Assembly

Stage 1 – Consideration of the General Principles

26.13 If the Assembly agrees to the general principles of the Bill under Standing Orders 26.11, 26.12, or 26.102, the Bill proceeds to Stage 2.

26.14 If the Assembly does not agree to the general principles of the Bill under Standing Orders 26.11, 26.12, or 26.102, the Bill falls.

Committee Bills

26.80 *[Standing Order removed by resolution in Plenary on XX XXXX XXXX]*

28.81 Any committee may introduce a committee Bill relating to the committee's remit.

26.82 *[Standing Order removed by resolution in Plenary on XX XXXX XXXX]*

26.83 *[Standing Order removed by resolution in Plenary on XX XXXX XXXX]*