

# **National Assembly for Wales**

## Standing Orders of the National Assembly for Wales

May 2010



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## INTERPRETATION

In these Standing Orders:

“**the Act**” means the Government of Wales Act 2006;

“**an Assembly**” means the period from an Assembly election to dissolution;

“**Assembly election**” means a general election held under the Act or the 2007 ordinary election held under the Government of Wales Act 1998;

“**Assembly proceedings**” means any proceedings of the Assembly, any committee of the Assembly or a sub-committee of such a committee;

“**Assembly year**” means the period from 1 May in one year to 30 April in the following year;

“**Auditor General**” means the Auditor General for Wales appointed under paragraph 1 of Schedule 8 to the Act;

“**Clerk**” means the Clerk of the Assembly appointed under section 26(1) of the Act;

“**the Commission**” means the Assembly Commission as defined in section 27 of the Act;

“**Counsel General**” means the Counsel General to the government appointed under section 49 of the Act;

“**Deputy**” means the Deputy Presiding Officer elected under section 25(1)(b) of the Act;

“**Deputy Welsh Minister**” means a Member appointed under section 50(1) of the Act;

“**First Minister**” means the Member appointed under section 46(1) of the Act;

“**government**” means Welsh Assembly Government, as defined in section 45(1) of the Act;

“**laid**” means laid in the Table Office in accordance with Standing Order 29;

“**legislative competence order**” means an Order in Council under section 95 of the Act;

“**Member**” means an Assembly Member returned either for an Assembly constituency or for an Assembly electoral region;

“**member of the government**” means the First Minister, a Welsh Minister, the Counsel General or a Deputy Welsh Minister;

“**Ombudsman**” means the Public Services Ombudsman for Wales appointed under the Public Services Ombudsman (Wales) Act 2005;



**“published”** means publication on the Assembly website as a minimum requirement;

**“sitting week”** means a week in which the Assembly sits in plenary;

**“subordinate legislation”** means an Order in Council, order, rule, regulation, scheme, warrant, bye-law and other instrument made or to be made under any Act of the UK Parliament or Assembly Measure, or made or to be made under subordinate legislation;

**“the Supreme Court”** means the Supreme Court of the United Kingdom established under section 23(1) of the Constitutional Reform Act 2005, but until the coming into force of section 23(1) of that Act, references in the Standing Orders to “the Supreme Court” are to be read as references to the Judicial Committee of the Privy Council;

**“Welsh Minister”** means any Member appointed as a Welsh Minister under section 48(1) of the Act;

**“the Welsh Ministers”** is to be construed in accordance with section 45(2) of the Act;

**“working day”** 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.

## **STANDING ORDER 1 – Members**

### **Oath or Affirmation of Allegiance**

- 1.1 When the oath of allegiance is taken, or the corresponding affirmation made, under section 23 of the Act, it must be taken or made before the Clerk, in public or in private.
- 1.2 When a member of the government takes:
  - (i) the official oath, or makes the corresponding affirmation;
  - (ii) the oath of allegiance, or makes the corresponding affirmation,

under section 55 of the Act, he or she must, within one working day, notify the Clerk in writing that he or she has done so.

### **Political Groups**

- 1.3 For the purposes of the Act, a political group is:
  - (i) a group of Members belonging to the same registered political party having at least three Members in the Assembly; or
  - (ii) three or more Members who, not being members of a registered political party included in Standing Order 1.3(i), have notified the Presiding Officer of their wish to be regarded as a political group.
- 1.4 The Presiding Officer must decide any question as to whether any Member belongs to a political group or as to which political group he or she belongs.
- 1.5 The Assembly is from time to time to determine, on a motion proposed by the Commission, the payments to be made to political groups under section 24 of the Act.
- 1.6 The Commission must publish:
  - (i) every determination made under section 24 of the Act; and
  - (ii) for each financial year, information about the sums paid to political groups in that financial year under section 24 of the Act.

## **Salaries, Allowances and Pensions**

- 1.7 The Commission must, from time to time, determine and pay any salary, allowance, pension, gratuity or other payment or amount mentioned in, or in accordance with, sections 20, 21 or 53 of the Act.
- 1.8 The Commission must lay before the Assembly and publish any determination made under Standing Order 1.7 as soon as reasonably practicable after it has been made.
- 1.9 The Commission must publish information for each financial year concerning the amounts as salaries and allowances paid by the Commission to each Member and former Member, and concerning the total amount so paid.
- 1.10 The Assembly must, on a motion proposed by the Commission, elect Trustees to the National Assembly for Wales Members' Pension Scheme in accordance with the Scheme Rules.

## **Resignations and Vacancies**

- 1.11 A Member may resign his or her seat in the Assembly by giving notice in writing to the Presiding Officer.
- 1.12 For the purposes of section 10 of the Act, a vacancy occurs when the Presiding Officer receives a notice of resignation in accordance with Standing Order 1.11, or otherwise when the Presiding Officer declares that the seat has become vacant.

## **Different Roles and Responsibilities of Constituency Members and Regional Members**

- 1.13 The Assembly must make a code or protocol, to be drafted by the Committee on Standards of Conduct, in accordance with section 36(6) of the Act, about the different roles and responsibilities of constituency Members and regional Members. The code or protocol must include provision in line with the following five key principles and the Annex to Standing Order 1:
  - (i) all Members have a duty to be accessible to the people of the areas for which they have been elected to serve and to represent their interests conscientiously;
  - (ii) in approaching the Member of their choice, the wishes of constituents and/or the interests of a constituency or locality are of paramount importance;
  - (iii) all Members have equal status;
  - (iv) Members should not misrepresent the basis on which they are elected nor the area they serve; and

- (v) no Member should deal with a constituency case or constituency issue that is not within his or her constituency or region (as the case may be), unless by prior agreement.

## **STANDING ORDER 1 – Members: Annex**

### **Provision to be included in the code or protocol prepared under Standing Order 1.13 and in accordance with section 36(6) of the Act**

#### **Describing Members**

1. Provision for regional and constituency Members to describe themselves accurately and for requirements regarding the use of Assembly resources, for example, stationery.

#### **Dealing with Constituency/Regional Issues**

2. Provision for Members to be able to take up a matter affecting the constituency or region for which they were elected whilst ensuring that courtesy is shown on matters affecting more than one constituency.

#### **Individual Constituents' Cases**

3. Provision to protect the right of a constituent to approach his or her constituency Member, and/or any of the four regional Members elected in his or her region.

#### **Raising Matters with a Member of the Government**

4. Provision to ensure that any Member is entitled to raise with the relevant member of the government a matter on behalf of a constituent in the area (constituency or region) for which they were elected.

#### **Members Operating in their Areas**

5. Provision reflecting the expectation that Members will work throughout the area (constituency or region) for which they were elected.

#### **School Visits**

6. Provision for notifying Members about official school visits to the Assembly organised by the Commission.

#### **Telephone Enquiries**

7. Provision to guide the way in which telephone enquiries from members of the public to the Assembly's switchboard, seeking to contact a Member, are dealt with.

### **Members' Staff**

8. Provision that Members should ensure that staff working for them, both within the Assembly and locally, including others working on their behalf with constituents, are aware of and act in accordance with Standing Order 1.13 and any code or protocol drawn up as a result of it.

### **Enforcement**

9. Provision for any complaint against a Member in respect of the code or protocol to be referred to the Committee on Standards of Conduct.

## **STANDING ORDER 2 - Presiding Officer and Deputy**

### **Election of Presiding Officer and Deputy**

- 2.1 At its first meeting after an Assembly election, the Assembly must elect from its Members a Presiding Officer and a Deputy.
- 2.2 If the office of the Presiding Officer or that of the Deputy becomes vacant, the Assembly must, as soon as possible, elect a Member to fill the vacancy. The election of a Presiding Officer takes precedence over all other business.
- 2.3 Subject to Standing Order 2.4, the proceedings for the election of a Presiding Officer at the first meeting after an Assembly election are to be chaired by the Presiding Officer who held office immediately before the Assembly election (“the former Presiding Officer”), except that following the 2007 Assembly election the Clerk shall chair the proceedings.
- 2.4 If:
  - (i) at the first meeting after a general election the former Presiding Officer is unwilling or unable to act; or
  - (ii) at any election of a Presiding Officer at any other time the Deputy is unwilling or unable to act, or there is no Deputy in office,

the proceedings for the election of a Presiding Officer are to be chaired by the Clerk.
- 2.5 No Member who chairs proceedings for the election of a Presiding Officer may be nominated for election as Presiding Officer in those proceedings.
- 2.6 At the election of a Presiding Officer or a Deputy, the chair must invite nominations. A nomination is, in the first instance, valid only if seconded by a Member who is not a member of the political group to which the nominating Member belongs.
- 2.7 If it appears that no Member is likely to be nominated and seconded by members of different political groups, the chair must adjourn the proceedings and may, on their resumption, accept nominations which are seconded by members of the same political group as the nominating Member.
- 2.8 If there is only one nomination, the chair must propose that the Member nominated be elected as Presiding Officer (or Deputy as the case may be). If that is opposed, or if there are two or more nominations, the chair must make arrangements for the election to take place by secret ballot.

- 2.9 If two Members have been nominated, the chair must declare elected the Member who has secured the greater number of votes cast in the ballot.
- 2.10 If more than two Members have been nominated and no Member receives more than half of the votes cast in a ballot, the candidate who has received the smallest number of votes is excluded and further secret ballots held until one candidate obtains more than half of the votes cast; and if there is an equality of votes between the two remaining candidates (or the only two candidates) a further secret ballot must take place.
- 2.11 The Member elected as Presiding Officer must immediately take the oath or make an affirmation if he or she has not already done so, and then take the chair.
- 2.12 The Assembly must not elect a Presiding Officer and a Deputy who belong to:
- (i) the same political group;
  - (ii) different political groups both of which have an executive role; or
  - (iii) different political groups neither of which has an executive role.
- 2.13 Standing Order 2.12 may be disapplied by a resolution of the Assembly (provided that, if the motion for the resolution is passed on a vote, it has no effect unless at least two-thirds of those voting support it); and any Member may, without notice, propose a motion for such a resolution immediately before the Assembly proceeds to the election of a Presiding Officer or Deputy.
- 2.14 If in the course of an Assembly, the Presiding Officer and Deputy become members of:
- (i) the same political group;
  - (ii) different political groups both of which have an executive role; or
  - (iii) different political groups neither of which has an executive role,

and neither resigns from office, then any Member may, without notice, propose a motion at the next plenary meeting that the Presiding Officer and Deputy may remain in office. If no such motion is proposed, or the motion is not passed on a vote supported by at least two-thirds of those voting, then both the Presiding Officer and Deputy must resign from office.



## **Functions of Presiding Officer**

- 2.15 The functions of the Presiding Officer are:
- (i) to chair plenary meetings;
  - (ii) to determine questions as to the interpretation or application of Standing Orders; and
  - (iii) such other functions conferred by any enactment, by the Assembly or by these Standing Orders.
- 2.16 The Presiding Officer's determinations as to the interpretation or application of Standing Orders are final.
- 2.17 The Presiding Officer, having consulted the Business Committee, may issue written guidance to Members for the proper conduct of Assembly proceedings. Guidance issued under Standing Order 2.17 only has effect if the Assembly so resolves.
- 2.18 In the absence or at the request of the Presiding Officer, the Deputy must exercise the functions of the Presiding Officer, so far as permitted by the Act.
- 2.19 In carrying out the functions of the Presiding Officer, the Presiding Officer and Deputy must demonstrate impartiality at all times.
- 2.20 The Presiding Officer or Deputy may vote in plenary proceedings only when exercising a casting vote. Where there is an equality of votes a casting vote must be given:
- (i) in the affirmative where further discussion of the matter before the Assembly is possible; and
  - (ii) in the negative where further discussion is not possible or where there is a vote on an amendment.

## **Temporary Chair of Plenary Meetings**

- 2.21 Any Member other than a member of the government may, at the request of the Presiding Officer or Deputy when either is chairing a plenary meeting of the Assembly, temporarily chair for not more than fifteen minutes on any one occasion.
- 2.22 A Member acting as chair must not exercise any of the functions of the Presiding Officer except those contained in Standing Order 8, except that if the Member believes that the conduct of a Member is such as to warrant his or her withdrawal, the Member must suspend the meeting until the Presiding Officer or Deputy has returned.

### **Temporary Presiding Officer**

- 2.23 On each occasion that both the Presiding Officer and the Deputy Presiding Officer are unable to act (other than under Standing Order 2.21), the Clerk must take the chair solely in order to arrange for the election of a Member to act as temporary Presiding Officer and a Member so elected must exercise the functions of the Presiding Officer until either the Presiding Officer or Deputy becomes able to act.

### **Resignation or Removal from Office of Presiding Officer or Deputy**

- 2.24 The Presiding Officer or the Deputy may resign by giving notice in writing to the Clerk.
- 2.25 If the Assembly resolves that the Presiding Officer or Deputy be removed from office, the office of Presiding Officer or Deputy, as the case may be, is immediately vacant.

## **STANDING ORDER 3 - Assembly Commission**

### **Appointment of Members**

- 3.1 As soon as reasonably practicable after an Assembly election, but no later than 10 days after the appointment of members of the Business Committee, the Assembly must consider a motion tabled by the Business Committee proposing the names of the four Members to be appointed as members of the Commission under section 27(2)(b) of the Act.
- 3.2 So far as is reasonably practicable, not more than one of the members of the Commission (other than the Presiding Officer) may belong to any one political group.
- 3.3 If there are four or more political groups in the Assembly, it is for the leader of each of the four largest political groups to inform the Business Committee of the name of a member of his or her political group who is to be included in the motion tabled under Standing Order 3.1.
- 3.4 If there are fewer than four political groups in the Assembly:
  - (i) it is for the leader of each of the political groups to inform the Business Committee of the name of a member of his or her political group; and
  - (ii) it is for the Business Committee to determine the name of any additional Member or Members,who are to be included in the motion tabled under Standing Order 3.1.
- 3.5 For the purposes of Standing Order 3.3, 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 political groups is to be regarded as the larger (or largest, as the case may be).
- 3.6 No amendment may be tabled to a motion under Standing Order 3.1.

### **Resignation or Removal from Office**

- 3.7 A member of the Commission resigns from the Commission by giving notice in writing to the Clerk. The Presiding Officer cannot resign from the Commission.
- 3.8 Any Member may table a motion proposing that a particular Member (other than the Presiding Officer) be removed from the Commission and, if any such motion is agreed to in a plenary meeting, that Member is removed from the Commission with immediate effect.
- 3.9 When a member of the Commission ceases to be a Member (otherwise than by dissolution), or resigns from or is removed from the

Commission, the Assembly must consider a motion tabled by the Business Committee proposing the name of a Member to replace that Member as a member of the Commission.

### **Special or General Instructions to the Commission**

- 3.10 Any Member may table a motion to give special or general directions to the Commission. The Business Committee must report on whether time should be made available to debate such a motion.

## **STANDING ORDER 4 – Welsh Ministers and Deputy Welsh Ministers**

### **Nomination of First Minister**

- 4.1 Subject to section 47(3) of the Act, the Assembly must, within 28 days of an event specified in section 47(2) of the Act, nominate a Member for appointment as First Minister (“the nominee”).
- 4.2 The Presiding Officer must invite nominations. If only one nomination is made, the Presiding Officer must declare that Member to be the nominee. If more than one nomination is made, the Presiding Officer must, by roll call in alphabetical order of the membership, invite each Member present to vote for a candidate (except that neither the Presiding Officer nor the Deputy may vote). If two Members have been nominated, the Presiding Officer must declare the candidate who received the greater number of votes cast to be the nominee. If there is an equality of votes between the two candidates a further vote by roll call must take place.
- 4.3 If more than two Members have been nominated and no Member receives more than half of the votes cast by roll call, the candidate who has received the smallest number of votes must be excluded and further votes by roll call taken until one candidate obtains more than half of the votes cast; and the Presiding Officer must declare that Member to be the nominee. If there is an equality of votes between the two remaining candidates a further vote by roll call must take place.

### **Resignation etc. of First Minister or another Member of the Government**

- 4.4 When the Presiding Officer is notified that the First Minister has tendered his or her resignation to Her Majesty, the Presiding Officer must, if the resignation is accepted, notify the Assembly.
- 4.5 When the Presiding Officer is notified that any other member of the government has resigned, the Presiding Officer must notify the Assembly.
- 4.6 If the Presiding Officer designates a person to exercise the functions of the First Minister under section 46 of the Act, he or she must notify the Assembly.

## **STANDING ORDER 5 - Counsel General to the Welsh Assembly Government**

### **Appointment**

- 5.1 The agreement of the Assembly to the First Minister's recommendation to Her Majesty of a person for appointment as Counsel General must be signified by resolution of the Assembly.
- 5.2 Any motion for such a resolution must be moved by the First Minister. No amendment may be tabled to the motion.

### **Participation in Assembly Proceedings**

- 5.3 Subject to the provisions of the Act, the Counsel General may do anything under these Standing Orders which may be done by a Welsh Minister.
- 5.4 If the Counsel General is not a Member, the Standing Orders apply to the Counsel General as they apply to Members and the Counsel General may participate in Assembly proceedings but may not vote.

### **Removal or Resignation**

- 5.5 The agreement of the Assembly to the First Minister's recommendation to Her Majesty for the removal of a person as Counsel General must be signified by resolution of the Assembly.
- 5.6 Any motion for such a resolution must be moved by the First Minister. No amendment may be tabled to the motion.
- 5.7 When the Presiding Officer is notified that the Counsel General has tendered his or her resignation to Her Majesty, the Presiding Officer must, if the resignation is accepted, notify the Assembly.
- 5.8 The Counsel General ceases to hold office if a Member is nominated for appointment as First Minister under section 47(1) of the Act.

### **Temporary Exercise of Functions**

- 5.9 When the Presiding Officer is notified:
  - (i) that a person has been designated by the First Minister under section 49(6) of the Act to exercise the functions of the Counsel General; or
  - (ii) that such a designation has ceased,he or she must notify the Assembly.

## **STANDING ORDER 6 – Organisation of Business**

### **Periodic Timetable**

- 6.1 From time to time, the Business Committee must table a motion proposing, for periods of not less than six months:
- (i) outline timetables of plenary meetings;
  - (ii) times available for committee meetings;
  - (iii) meetings of political groups;
  - (iv) recesses; and
  - (v) dates for questions for oral answer by the First Minister, Welsh Ministers, the Counsel General and the Commission.
- 6.2 Motions under Standing Order 6.1 must have regard to the family and constituency or electoral region responsibilities of Members and their likely travel arrangements; and should normally seek to avoid timetabling business before 9.00am or after 6.00pm on any working day.

### **Weekly Business**

- 6.3 In each week that the Assembly meets in plenary, the Minister with responsibility for government business must:
- (i) make a statement about the organisation of government business in plenary; and
  - (ii) at the same time, announce the organisation of non-government and Assembly business in plenary,
- for the first week after the week when the statement is made, together with the provisional organisation of business for the two subsequent weeks.
- 6.4 The organisation of government business in plenary must be determined by the government.
- 6.5 The organisation of non-government business in plenary must be determined by the Business Committee, in accordance with Standing Order 11.7(ii).
- 6.6 The organisation of Assembly business in plenary must be determined by the Business Committee, in accordance with Standing Order 11.7(iii).
- 6.7 Every item of business referred to in the statement and announcement must have an allotted time assigned to it.

- 6.8 An item of business referred to in the statement or announcement (other than any item of business when amendments to legislation are to be considered) may be designated (by the government if it is government business or by the Business Committee if it is non-government or Assembly business) as an item of business where any vote necessary to dispose of the business is to be deferred to a specified time later on the same day.
- 6.9 The Presiding Officer may permit questions to be asked of the Minister with responsibility for government business for not longer than 30 minutes after the statement has been made, but no vote may be taken on the statement or announcement.
- 6.10 The statement and announcement constitute the timetable for business in plenary for the first week after the week when the statement and announcement were made.

### **Business Notice**

- 6.11 As soon as possible after each plenary meeting, the Clerk must publish a business notice which must include the notice of plenary and committee agendas, together with information about any of the following which have been tabled or laid before the Assembly since the last business notice:
- (i) oral and written questions;
  - (ii) motions and amendments to motions;
  - (iii) proposed and draft legislative competence orders;
  - (iv) proposed Measures and amendments to proposed Measures;
  - (v) subordinate legislation or draft subordinate legislation; and
  - (vi) any documents laid before the Assembly.



## **STANDING ORDER 7 - Business in Plenary Meetings**

### **Plenary Meetings**

- 7.1 Plenary meetings of the Assembly must take place in public and broadcasting access must be permitted in accordance with such arrangements as the Commission may from time to time agree.
- 7.2 The Assembly must meet in plenary in accordance with Standing Orders 6 and 7.
- 7.3 If no meeting is timetabled for a particular date or time, the Presiding Officer may, at the request of the First Minister, summon the Assembly to consider a matter of urgent public importance.
- 7.4 So far as is reasonably practicable, any documents provided for business taken in plenary meetings must be made publicly available.
- 7.5 Any documents referred to in Standing Order 7.4 must be made available to the Secretary of State for Wales at the same time as they are to Members.

### **Categories and Order of Plenary Business**

- 7.6 The aggregate of time allocated as between government and non-government business in plenary meetings in an Assembly year must, so far as is reasonably practicable, be in the proportion of 3:2.
- 7.7 Plenary meetings are normally to be held on Tuesdays and Wednesdays when the allocation of sitting time must be in accordance with Standing Orders 7.8 and 7.9.
- 7.8 Tuesday plenary meetings must:
  - (i) usually start at 1.30pm;
  - (ii) consider Assembly business under Standing Order 7.10(i) to 7.10(vii) and government business only; and
  - (iii) subject to Standing Order 7.16 or any procedural motion under Standing Order 7.28, finish no later than 6pm.
- 7.9 Wednesday plenary meetings must:
  - (i) usually start at 1.30pm;
  - (ii) usually consider government business from 1.30pm to 2.30pm, and Assembly and non-government business from 2.30pm; and
  - (iii) subject to Standing Order 7.16 or any procedural motion under Standing Order 7.28, finish no later than 6pm.

7.10 For the purposes of Standing Orders 6, 7 and 11, Assembly business includes proceedings on:

- (i) motions under Standing Order 7.42 or 7.43;
- (ii) statements by the Presiding Officer;
- (iii) introduction of new Members;
- (iv) obituary tributes to former Members and others;
- (v) elections, nominations or appointments by the Assembly;
- (vi) personal statements;
- (vii) motions to remake or revise Standing Orders;
- (viii) any urgent debate proposed by a member of the Commission, which relates to the Commission's functions, under Standing Order 7.58;
- (ix) oral questions to the Commission;
- (x) statements by the Commission about any matter coming within the responsibilities of the Commission;
- (xi) any matter under Standing Order 7.61; and
- (xii) debates on reports submitted by the Committee on Standards of Conduct.

7.11 For the purposes of Standing Orders 6, 7 and 11, government business includes proceedings on:

- (i) oral questions (other than oral questions to the Commission);
- (ii) any urgent debate proposed by a member of the government under Standing Order 7.58;
- (iii) statements by a member of the government;
- (iv) any budget motion;
- (v) legislation where the Member in charge of the legislation is a member of the government;
- (vi) any motion under Standing Order 24.4;
- (vii) any matter under Standing Order 7.62;
- (viii) a legislative consent motion under Standing Order 26.4; and

- (ix) any other motion moved by a member of the government (other than a motion relating to Assembly or non-government business).

7.12 For the purposes of Standing Orders 6, 7 and 11, non-government business includes proceedings on:

- (i) any urgent debate proposed by a Member, who is not a member of the government, under Standing Order 7.58;
- (ii) legislation where the Member in charge of the legislation is not a member of the government;
- (iii) any motion under Standing Order 24.2;
- (iv) any matters under Standing Order 7.63;
- (v) Short Debates under Standing Order 7.64; and
- (vi) any other motion moved by a Member who is not a member of the government (other than a motion relating to Assembly or government business).

7.13 The Presiding Officer must determine any question as to whether a matter is Assembly, government or non-government business.

7.14 Business must be called by the Presiding Officer and taken in the order in which it appears in the plenary agenda, subject to Standing Order 7.15.

7.15 The categories of business that may be taken at a plenary meeting without notice include:

- (i) business under Standing Orders 7.10(ii), (iii), (iv), (vi), (vii),(x);
- (ii) business under Standing Orders 7.11(ii), (iii);
- (iii) business under Standing Order 7.12(i);
- (iv) procedural motions under Standing Order 7.25; and
- (v) points of order relating to the conduct of business.

7.16 If an item of business is taken without notice, the Presiding Officer may make any necessary arrangements to adjust the timetable for business on that day (including by extending the length of the sitting).

## **Motions**

7.17 Business in plenary meetings must proceed on the basis of motions proposed, except for:

- (i) statements by the Presiding Officer;
- (ii) introduction of new Members;
- (iii) obituary tributes to former Members and others;
- (iv) oral questions;
- (v) matters the Assembly resolves to consider under Standing Order 7.58;
- (vi) where a Member proposes a topic for a Short Debate under Standing Order 7.64.

7.18 Except where Standing Orders provide otherwise, a motion:

- (i) must be tabled at least five working days before it is to be debated; and
- (ii) may be proposed by any Member.

7.19 Except where Standing Orders provide otherwise, amendments may be proposed to any motion and must be tabled at least three working days before the motion is to be debated; but the Presiding Officer may:

- (i) group related amendments and require them to be proposed as a group;
- (ii) determine the order in which amendments which arise in the same place in the motion are taken; and
- (iii) decline to select an amendment where he or she considers that the proper conduct of business makes it appropriate to do so.

7.20 The Presiding Officer may propose that motions be debated together, but if any Member objects to the proposal, the motions must be debated separately.

7.21 A motion or amendment which refers to any document may not be tabled unless the document is available to all Members.

7.22 If it appears to the Presiding Officer that a motion or amendment has been tabled in breach of the requirements of Standing Order 7.21, the Presiding Officer must not permit it to be debated until the document has been made available to all Members and such further time has elapsed as the Presiding Officer considers appropriate.

## Procedural Motions

- 7.23 Procedural motions take precedence over other business and the provisions of Standing Order 7.18 relating to the notice period for tabling motions do not apply.
- 7.24 The Presiding Officer may permit a Member to speak briefly in favour of any procedural motion, and another Member to speak briefly against, and must then put the motion to the vote.
- 7.25 The following matters may be proposed in procedural motions:
- (i) the postponement of an item of business in accordance with Standing Order 7.26;
  - (ii) the referral of a matter to a committee;
  - (iii) the closure of debate in accordance with Standing Order 7.27;
  - (iv) the extension of the time allotted to an item of business in accordance with Standing Order 7.28;
  - (v) the adjournment of an item of business in accordance with Standing Order 7.29; and
  - (vi) such other matters as the Presiding Officer considers appropriate.
- 7.26 A motion to postpone an item of business may be proposed by:
- (i) the Member in charge of the item of business;
  - (ii) another Member nominated to the Presiding Officer in advance by the Member in charge of the item of business; or
  - (iii) in the case of government business, a member of the government.

If the motion is agreed to, the Presiding Officer must make arrangements for the adjustment of the timetable for business as he or she considers appropriate.

- 7.27 At any time after a motion or an amendment has been proposed, a Member may move that the motion or amendment should be voted on immediately; but the Presiding Officer may put that motion to the vote only if at least ten Members express support and if he or she is satisfied that to do so would not be an abuse of the Assembly's procedures or an infringement of the rights of minorities in the Assembly.

- 7.28 A motion to extend the time allotted to an item of business by a specified period may be proposed by:
- (i) the Member in charge of the item of business;
  - (ii) another Member nominated to the Presiding Officer in advance by the Member in charge of the item of business; or
  - (iii) in the case of government business, a member of the government.

If the motion is agreed to, the whole of the business day is deemed to have been extended by the specified amount of time.

- 7.29 A motion to adjourn an item of business (either to a specified day or to no named day) may be proposed by:
- (i) the Member in charge of the item of business;
  - (ii) another Member nominated to the Presiding Officer in advance by the Member in charge of the item of business; or
  - (iii) in the case of government business, a member of the government.

### **Decisions on Motions and Amendments**

- 7.30 At the end of the time allotted to any item of business, the Presiding Officer must interrupt the business and:
- (i) if the business has been designated under Standing Order 6.8, proceed to the next item of business; or
  - (ii) in any other case, invite the Assembly to vote on any questions necessary to dispose of the business.
- 7.31 If business has been designated at any day's sitting under Standing Order 6.8, at the specified time (or times) the Presiding Officer must interrupt the business and invite the Assembly to vote on any questions necessary to dispose of the business so designated.
- 7.32 If the Presiding Officer interrupts the business at a specified time under Standing Order 7.31, the time taken to vote on the questions necessary at that specified time does not count against the time allotted to the business which has been interrupted.
- 7.33 If proceedings on an item of business conclude before the end of the time allotted to it, the next business (if any) must then be taken.
- 7.34 Members must cast their votes individually and in person (but are not obliged to vote).

- 7.35 Where the Presiding Officer is satisfied that no Member wishes a recorded vote to take place on any motion or amendment, he or she may announce a provisional decision in respect of that motion or amendment. If any Member objects, a recorded vote must be taken in accordance with Standing Order 7.36. If no Member objects, that provisional decision becomes the decision of the Assembly on that motion or amendment.
- 7.36 Subject to Standing Order 7.35, the Presiding Officer must put a motion or an amendment to a vote by electronic means; or failing that, either:
- (i) if the Presiding Officer so decides, by show of hands, provided no more than two Members object to the Presiding Officer's decision; or
  - (ii) by roll call, in alphabetical order, of the Membership.
- 7.37 When at least three Members, before a vote is taken, so request, the bell must be rung. If votes are to be taken immediately after one another, the bell need not be rung more than once. Five minutes after the bell began ringing, the vote or votes must be taken.
- 7.38 A vote is not valid unless at least ten Members participate. If fewer than ten Members participate, that business must be held over (and the Presiding Officer must make arrangements for the adjustment of the timetable for business as he or she considers appropriate) and the Assembly must proceed to the next item of business.
- 7.39 In determining the number of Members participating in a vote, those recording an abstention are to be regarded as participating.
- 7.40 The names of Members voting, including those recording an abstention, must be included in the record of plenary proceedings.
- 7.41 A report of the vote must be made available as soon as possible after the vote has taken place.

#### **Motions of No-Confidence etc.**

- 7.42 If a motion:
- (i) that the Presiding Officer be removed from office; or
  - (ii) that the Deputy be removed from office,
- is tabled by at least six Members, time must be made available as soon as possible for the motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.
- 7.43 If a motion that the Welsh Ministers no longer enjoy the confidence of the Assembly is tabled by at least six Members, time must be made

available as soon as possible for the motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.

### **Personal Statements**

- 7.44 The Presiding Officer may allow a Member to make a personal statement, following notice in writing to him or her.
- 7.45 A personal statement must be brief, factual and must not be subject to debate.

### **Oral Questions**

- 7.46 Members may table oral questions to the First Minister, to each Welsh Minister or to the Counsel General, about any matters relating to his or her responsibilities (except that oral questions may be tabled to the Minister with responsibility for government business only about matters relating to his or her responsibilities other than for government business (if any)).
- 7.47 Members may table oral questions to the Commission about any matter relating to the Commission's responsibilities.
- 7.48 Time must be made available in plenary meetings for:
- (i) the First Minister to answer oral questions once, and for a maximum of 45 minutes, in each week that the Assembly meets in plenary;
  - (ii) each Welsh Minister and the Counsel General to answer oral questions in relation to his or her responsibilities, at least once, and for a maximum of 30 minutes, in every four weeks that the Assembly meets in plenary (except that the Minister with responsibility for government business is only to answer questions under Standing Order 7.48(ii) if he or she has responsibilities for matters other than government business); and
  - (iii) the Commission to answer oral questions at least once, and for a maximum of 30 minutes, in every four weeks that the Assembly meets in plenary.
- 7.49 A Deputy Welsh Minister may at the request of the First Minister, a Welsh Minister or the Counsel General, answer any oral question on any matter on which he or she assists the First Minister, a Welsh Minister or the Counsel General (as the case may be).
- 7.50 Where it is not reasonably practicable for the First Minister, a Welsh Minister or the Counsel General to answer oral questions on a day when he or she would normally do so, another Welsh Minister may, after prior notification to the Presiding Officer, answer those questions.



- 7.51 Questions must be tabled at least five, but not more than ten, working days before they are to be answered.
- 7.52 Questions are accepted at the discretion of the Presiding Officer, who must have regard to any written guidance which the Assembly may adopt.
- 7.53 Each Member may table no more than two oral questions to a particular Welsh Minister or the Counsel General (or, in the case of the questions to the First Minister or the Commission, no more than one question) for answer at any plenary meeting.
- 7.54 The order of oral questions must be determined as follows:
- (i) for questions accepted before a deadline agreed by the Business Committee on the first day on which they may be tabled, by random means;
  - (ii) for questions accepted after the deadline agreed by the Business Committee on the first day on which they may be tabled, by the order in which they are received.
- 7.55 The Presiding Officer must call the Member asking the question to ask a supplementary oral question and may then call other Members to ask related supplementary oral questions.
- 7.56 At the end of the period allocated to oral questions or at such other time as the Presiding Officer may determine, the Presiding Officer may call a Member to ask a question for which notice under Standing Order 7.51 has not been given if:
- (i) the Presiding Officer and the member of the government concerned, or the Commission, as the case may be, have been given prior notice of at least two hours before the question is to be asked; and
  - (ii) the Presiding Officer is satisfied that the question is of urgent public importance.
- 7.57 Where any oral question is not reached, the Member must receive a written answer on the same day. The written answer must be published in the record of plenary proceedings.

### **Urgent Debates**

- 7.58 At any plenary meeting, a Member may move in a speech lasting no longer than three minutes that the Assembly should consider a particular matter, provided that:
- (i) the Member has notified the Presiding Officer of his or her wish to do so, and of the matter, at least one hour before the beginning of the meeting;

- (ii) where the matter does not relate to the functions of the Commission, if a Member other than a member of the government has given the notification, the Presiding Officer has given a member of the government an opportunity to comment in private to him or her on the matter;
- (iii) where the matter relates to the functions of the Commission, if a Member other than a member of the Commission has given the notification, the Presiding Officer has given the Commission an opportunity to comment in private to him or her on the matter; and
- (iv) the Presiding Officer is satisfied that the matter is of urgent public importance and has informed the Member (and, if necessary, the member of the government or the Commission, as appropriate) accordingly.

7.59 Where the matter does not relate to the functions of the Commission, if a Member other than a member of the government moves the motion, the Presiding Officer must allow a member of the government to reply in a speech lasting no longer than three minutes. The Presiding Officer must put the motion to the vote immediately after it has been moved or, if a member of the government replies, after that reply. If the Assembly resolves to consider the matter, it must do so at that meeting or (if the Presiding Officer so decides) at the one immediately following and the Presiding Officer must make arrangements for the adjustment of the timetable for business as he or she considers appropriate.

7.60 Where the matter relates to the functions of the Commission, if a Member other than a member of the Commission moves the motion, the Presiding Officer must allow a member of the Commission to reply in a speech lasting no longer than three minutes. The Presiding Officer must put the motion to the vote immediately after it has been moved or, if a member of the Commission replies, after that reply. If the Assembly resolves to consider the matter, it must do so at that meeting or (if the Presiding Officer so decides) at the one immediately following and the Presiding Officer must make arrangements for the adjustment of the timetable for business as he or she considers appropriate.

### **Provisions Relating to Plenary Business**

7.61 Time must be made available in each Assembly year for debates on the following items of Assembly business:

- (i) the UK Government's legislative programme (in accordance with section 33 of the Act);
- (ii) the annual report of the Commission;

- (iii) the annual report of the Committee on Standards of Conduct;
- (iv) the annual report of the Equal Opportunities Commission;
- (v) the annual report of the Commission for Racial Equality;
- (vi) the annual report of the Disability Rights Commission; and
- (vii) the annual report of the Ombudsman.

7.62 Time must be made available in each Assembly year for debates on the following items of government business:

- (i) the policy objectives and legislative programme of the government; and
- (ii) the annual report of the Children's Commissioner for Wales.

7.63 Time must be made available in each Assembly year for the following items of non-government business:

- (i) motions proposed on behalf of political groups who are not political groups with an executive role (and the time allocated to each political group for motions proposed by it must so far as possible be in proportion to the group's representation in the Assembly);
- (ii) debates on reports submitted by any Committee, other than a committee established as a consequence of Standing Orders 22.16(i), 22.18, 23.22 or 23.31(ii), or the Committee on Standards of Conduct;
- (iii) legislation where the Member in charge of the legislation is not a member of the government.

### **Short Debates**

7.64 The Presiding Officer must hold a ballot to determine the name of the Member, other than a member of the government, who may propose a topic for a Short Debate lasting no more than 30 minutes in each week that the Assembly meets in plenary.

7.65 The Member who has succeeded in the ballot must notify the Presiding Officer of the topic not later than five working days before it is to be debated.

7.66 In the debate:

- (i) the Member who succeeded in the ballot may speak;

- (ii) a member of the government (or, if the matter is within the responsibilities of the Commission, a member of the Commission) may respond; and
- (iii) no other Member may speak unless he or she has the permission of the Member who succeeded in the ballot or is permitted to intervene by the Member responding.

## **STANDING ORDER 8 – Order in Plenary Meetings**

### **Rules of Debate**

- 8.1 Members called by the Presiding Officer to speak must address the chair.
- 8.2 Members may speak in English or Welsh and simultaneous interpretation facilities must be provided for speeches made in Welsh.
- 8.3 The Secretary of State for Wales is entitled to participate in plenary meetings but not to vote. The Presiding Officer may call the Secretary of State to speak in any debate in which the Secretary of State is participating.
- 8.4 Speeches must be relevant to the business before the Assembly, and avoid tedious repetition.
- 8.5 The Presiding Officer may announce a time limit on Members' speeches and may direct a Member who has spoken for too long to stop speaking.
- 8.6 A Member, other than the proposer of a motion or an amendment who is exercising a right of reply, may not speak more than once on any matter except, with leave of the Presiding Officer, for the purpose of briefly explaining some material point of his or her original speech.
- 8.7 A Member who is speaking may allow other Members to intervene for the purposes of clarification before resuming a speech.
- 8.8 A Member may not speak after the proposer of a motion has exercised a right of reply.

### **Maintenance of Order**

- 8.9 The Presiding Officer is to maintain order in plenary meetings and must call to order any Member who:
  - (i) is engaging in conduct which would, in the opinion of the Presiding Officer, constitute a criminal offence or contempt of court;
  - (ii) is obstructing the business of the Assembly;
  - (iii) seeks to raise a matter outside the scope of the debate or motion;
  - (iv) is guilty of discourteous or unbecoming conduct;
  - (v) is using disorderly, discriminatory or offensive language or language which detracts from the dignity of the Assembly;

- (vi) refuses to conform to any Standing Order or other requirement for the conduct of Members; or
  - (vii) disregards the authority of the chair.
- 8.10 A Member must comply with any directions given by the Presiding Officer about any conduct for which he or she has been called to order.
- 8.11 A Member may be required by the Presiding Officer to withdraw from Assembly proceedings for the remainder of the day if the Presiding Officer considers the conduct such as to warrant withdrawal.
- 8.12 When the Presiding Officer has required a Member to withdraw from Assembly proceedings and the Member has not done so, a motion to exclude the Member from Assembly proceedings must be proposed by the Presiding Officer and must be voted on immediately.
- 8.13 The exclusion of a Member under Standing Order 8.12 has immediate effect and must be:
  - (i) on the first occasion during any 12 month period, until the end of the working day immediately following the day of exclusion;
  - (ii) on a second occasion during the same 12 month period, for five working days immediately following the day of exclusion; and
  - (iii) on a third or any subsequent occasion during the same 12 month period, for 20 working days immediately following the day of exclusion.
- 8.14 During the period of a Member's exclusion under Standing Orders 8.12 and 8.13, he or she is not entitled to receive any salary from the Assembly and is not permitted to attend any Assembly proceedings.
- 8.15 In case of grave disorder arising in plenary meetings or in any other circumstance where he or she thinks it appropriate to do so, the Presiding Officer may adjourn proceedings without putting any proposition to the vote, or may suspend proceedings for a specified time.

### **Sub judice**

- 8.16 Subject to the right of the Assembly to legislate on any matter or to discuss subordinate legislation, a Member must not raise or pursue in plenary meetings any matter where court proceedings have been initiated or where notice of appeal has been given in the United Kingdom, or where the Children's Commissioner for Wales or the Commissioner for Older People in Wales has decided to conduct an examination of a case, until the time when judgement has been given

or a report has been made by either Commissioner, unless the Presiding Officer is satisfied that:

- (i) the matter is clearly related to a matter of general public importance or a ministerial decision is in question;
- (ii) the matter does not relate to a case which is to be heard, or is being heard, before a criminal court or before a jury or to a case which is to be heard, or is being heard, in family proceedings; and
- (iii) the Member does not, in his or her comments, create a real and substantial risk of prejudice to the proceedings of a court either generally or in respect of a particular case.

### **Relations with the Judiciary**

8.17 Unless the matter is the subject of a substantive motion, Members must not in plenary meetings make criticisms of the conduct of judges of the courts of the United Kingdom in the discharge of their judicial office; and in Standing Order 8.17 “judge” includes persons holding the position of judge, whether full-time or part-time.

8.18 The Assembly must not discuss individual judicial appointments.

## **STANDING ORDER 9 - Written Questions, Written Statements and Statements of Opinion**

### **Written Questions**

- 9.1 Members may table questions for written answer by:
- (i) the First Minister, a Welsh Minister or the Counsel General, on any matter relating to his or her responsibilities; or
  - (ii) the Commission on any matter relating to the Commission's responsibilities.
- 9.2 A Deputy Welsh Minister may, at the request of the First Minister, a Welsh Minister or the Counsel General, answer any written question on any matter on which he or she assists the First Minister, a Welsh Minister or the Counsel General (as the case may be).
- 9.3 A question must be tabled at least five working days before it is to be answered.
- 9.4 Questions are accepted at the discretion of the Presiding Officer, who must have regard to any written guidance which the Assembly may adopt.
- 9.5 The answers to accepted questions must be published in the record of plenary proceedings.

### **Written Statements**

- 9.6 The First Minister, a Welsh Minister or the Counsel General may make a written statement on any matter relating to his or her responsibilities.
- 9.7 The Commission may make a written statement on any matter relating to the Commission's responsibilities.
- 9.8 Any written statement must be published in the record of plenary proceedings.

### **Statements of Opinion**

- 9.9 A Statement of Opinion not exceeding 100 words on a matter affecting Wales may be tabled by any Member other than a member of the government; and any such Statement may be supported, opposed or otherwise subject to comment in writing by any other Member.
- 9.10 If a Statement of Opinion is deemed by the Presiding Officer to be in order it must be published, together with any expression of support or opposition tabled by any other Member.



## **STANDING ORDER 10 – Committees**

### **General**

- 10.1 Standing Order 10 applies to every committee of the Assembly other than where disappplied by another Standing Order.
- 10.2 Any Member may table a motion to give specific or general instructions to any committee.

### **Membership of Committees**

- 10.3 The Assembly must consider a motion tabled by the Business Committee to determine the membership of each committee established by any Standing Order or by a resolution of the Assembly.
- 10.4 No amendments may be tabled to a motion under Standing Order 10.3.
- 10.5 A motion to determine the membership of a committee under Standing Order 10.3 cannot be passed unless:
  - (i) the membership reflects (so far as is reasonably practicable) the balance of the political groups to which Members belong; and
  - (ii) (if the motion for it is passed on a vote), at least two-thirds of the Members voting support it.
- 10.6 If a motion to determine the membership of a committee under Standing Order 10.3 is not passed:
  - (i) the Assembly must consider a motion tabled by the Business Committee to determine the size of the committee; and
  - (ii) places on that committee must be allocated in accordance with the operation of sections 29(3) to (7) of the Act as modified in accordance with Standing Order 10.7.
- 10.7 If in respect of any place to be allocated on a committee in accordance with section 29(3) to (7) of the Act:
  - (i) the number of Members belonging to two or more political groups is the same and exceeds the number belonging to any other political group; or
  - (ii) the number produced by the operation of section 29(6) of the Act is the same for two or more political groups and is greater than that so produced for any other political group,

the Presiding Officer must determine to which political group that place is to be allocated.

- 10.8 If places on any committee are to be allocated to a political group in accordance with Standing Order 10.3 or 10.6, it is for the leader of that political group to determine the names of the Members allocated from his or her group.
- 10.9 Any motion under Standing Order 10.3 or 10.6 must (so far as is reasonably practicable, having regard to the total number of places on committees) ensure that:
- (i) every Member who does not belong to a political group is offered a place on at least one committee; and
  - (ii) the total number of places on committees allocated to Members belonging to each political group is at least as great as the number of Members belonging to the political group.
- 10.10 A vacancy occurs on a committee when a Member:
- (i) resigns from the committee by notifying the Business Committee;
  - (ii) is removed from the committee by a resolution of the Assembly;
  - (ii) ceases to be a Member; or
  - (iv) ceases to be a member of the committee in accordance with Standing Order 10.11.
- 10.11 A Member ceases to be a member of a committee if he or she joins or leaves a political group.
- 10.12 When a vacancy occurs on a committee, the Business Committee:
- (i) must consider the effect of that vacancy on the membership of that committee and of any other committee;
  - (ii) must, having regard to that consideration, table a motion under Standing Order 10.3 proposing the membership of the committee on which the vacancy occurred; and
  - (iii) may, having regard to that consideration, also table one or more motions under Standing Order 10.3 proposing the membership of any other committee.
- 10.13 If the effect of a motion referred to in Standing Order 10.12(ii) is only to fill the vacancy with a Member from the same political group, then Standing Order 10.5(ii) does not apply.

10.14 Any question arising under Standing Orders 10.5 and 10.9 must be determined by the Presiding Officer.

### **Sub-committees**

10.15 Any committee may resolve to establish one or more sub-committees. A resolution to establish a sub-committee must set out its membership, remit and duration.

10.16 No sub-committee may consist only of Members from the political group or groups with an executive role and every sub-committee must contain at least one Member from a political group with an executive role.

10.17 A sub-committee is regulated, as appropriate, by the Standing Orders relating to the committee of which it is a sub-committee.

### **Chairs**

10.18 Each committee must elect a chair. In doing so the committee must have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong.

10.19 Each committee has the power to appoint a temporary chair in the absence of its chair.

10.20 Except where Standing Orders provide otherwise, the chair of a committee must determine its procedures, having regard to any written guidance which may be issued by the Presiding Officer after consulting with the Business Committee and the chairs of committees.

10.21 In relation to the business of a sub-committee, the chair of the sub-committee has the powers of the chair of the committee of which it is a sub-committee.

### **Behaviour in Committees**

10.22 The chair is to maintain order in committee meetings and must call to order any Member who:

- (i) is engaging in conduct which would, in the opinion of the chair, constitute a criminal offence or contempt of court;
- (ii) is obstructing the business of the Assembly;
- (iii) seeks to raise a matter outside the scope of the issue before the committee;
- (iv) is guilty of discourteous or unbecoming conduct;
- (v) is using disorderly, discriminatory or offensive language or language which detracts from the dignity of the Assembly;

- (vi) refuses to conform to any Standing Order or any other requirement for the conduct of Members; or
- (vii) disregards the authority of the chair.

10.23 A Member must comply with any directions given by the chair about any conduct for which he or she has been called to order.

10.24 A Member may be required by the chair to withdraw from the remainder of the meeting if the chair considers their conduct such as to warrant withdrawal. If a Member refuses to withdraw when required to do so, the chair may adjourn the meeting and report the matter to the Presiding Officer; and, with the permission of the Presiding Officer obtained in advance, a Member may propose that the Member be excluded from Assembly proceedings for a period in accordance with Standing Order 8.13.

10.25 In case of grave disorder arising in a committee meeting or in any other circumstance where he or she thinks it appropriate to do so, the chair may adjourn a meeting or may suspend the meeting for a specified time.

### **Sub judice**

10.26 Subject to the right of the Assembly to legislate on any matter or to discuss subordinate legislation, a Member must not raise or pursue in committee meetings any matter where court proceedings have been initiated or where notice of appeal has been given in the United Kingdom, or where the Children’s Commissioner for Wales or the Commissioner for Older People in Wales has decided to conduct an examination of a case, until the time when judgement has been given or a report has been made by either Commissioner, unless the chair is satisfied that:

- (i) the matter is clearly related to a matter of general public importance or a ministerial decision is in question;
- (ii) the matter does not relate to a case which is to be heard, or is being heard, before a criminal court or before a jury or to a case which is to be heard, or is being heard, in family proceedings;
- (iii) the Member does not, in his or her comments, create a real and substantial risk of prejudice to the proceedings of a court either generally or in respect of a particular case.

### **Relations with the Judiciary**

10.27 Unless the matter is the subject of a substantive motion, Members must not, in committee meetings, make criticisms of the conduct of judges of the courts of the United Kingdom in the discharge of their judicial office; and in Standing Order 10.27 “judge” includes persons holding the position of judge, whether full-time or part-time.

10.28 Committees must not discuss individual judicial appointments.

### **Quorum**

10.29 A committee meeting must be declared inquorate if there are fewer than three Members, or less than one-third of the committee's members, whichever is the higher, present.

10.30 A committee meeting must be declared inquorate if, at the beginning of the meeting, the Members present represent only one political group.

10.31 On declaring a meeting inquorate under Standing Order 10.29 or 10.30 the chair, or in the absence of the chair the clerk to the committee, must suspend the meeting until a quorum is present. But if a quorum is not present within 20 minutes, the meeting will stand adjourned.

### **Voting**

10.32 Voting in committees is by a show of hands and, when any member of the committee requests that the vote be recorded, the names of those voting (including those recording an abstention) must be recorded in the minutes of the committee's proceedings.

10.33 Chairs of committees may vote. If there is an equality of votes, the chair must rule as to the disposal of the business in accordance with Standing Order 2.20.

10.34 No vote in any committee is valid if fewer than one-third of its members vote. Members recording an abstention are to be regarded as having voted.

10.35 If a vote is not valid under Standing Order 10.34, the chair must adjourn the item of business of which it formed a part to the next meeting of the committee.

### **Openness of Committees**

10.36 Subject to Standing Orders 10.37 and 11.9, committees must meet in public and broadcasting access for public meetings must be permitted in accordance with such arrangements as the Commission from time to time agrees.

10.37 A committee may resolve to exclude the public from a meeting or any part of a meeting where:

- (i) international relations, national security, the investigation of alleged illegality, the effectiveness of law enforcement or the proper administration of justice requires the proceedings to be held in private;

- (ii) a particular item of business cannot be discussed without disclosing personal information relating to specific identified or identifiable individuals which ought not to be disclosed;
- (iii) discussion in public of a particular item of business would be likely to cause harm to commercial or economic interests;
- (iv) discussion in public of a particular item of business would be likely to cause harm to the health or safety of an individual, the public, or the environment;
- (v) a particular item of business cannot be discussed without reference to material which would be likely to be considered defamatory of any person;
- (vi) the committee is deliberating on the content, conclusions or recommendations of a report it proposes to publish; or is preparing itself to take evidence from any person;
- (vii) a particular item of business cannot be discussed without disclosing either legal advice supplied in confidence, or information supplied in confidence by, or confidential correspondence with, a person or organisation (including a public authority) which was not under any legal obligation to disclose that information and has not consented to its disclosure to the public;
- (viii) a particular item of business cannot be discussed without reference to a document or documents which would be excluded or exempted from disclosure under legislation; or
- (ix) any matter relating to the internal business of the committee, or of the Assembly, is to be discussed.

10.38 A motion proposed under Standing Order 10.37 must identify the grounds which the Member proposing it believes should give rise to the exclusion of the public.

10.39 So far as is appropriate in the circumstances and reasonably practicable, notice of motions and documents relating to business to be taken at any committee must be made available to all members of that committee in English and Welsh at least two working days before the meeting to which they relate.

10.40 Members of committees and other persons addressing committees, may speak in English or in Welsh and simultaneous interpretation facilities must be available for proceedings in Welsh. Persons other than Members may address committees in other languages by prior agreement with the chair.

## **Meetings**

10.41 A committee chair may, after consulting the Presiding Officer, call a meeting of the committee in a week which is not a sitting week.

## **Substitutions at Meetings**

10.42 A committee member who has given advance notice to the chair may be represented at a meeting, or a part of a meeting, by another Member from the same political group who has been identified in advance. The nominated representative may participate in the meeting of the committee in all respects as if he or she were a member of it. No Member may represent more than one committee member at a meeting.

## **Attendance at Meetings**

10.43 Members who are not members of a committee may, with the permission of the chair, participate in a committee meeting but may not vote.

10.44 Committees may invite any person to attend meetings for the purpose of giving evidence, or providing advice and may invite any such person or body to submit evidence and produce documents.

10.45 Any committee may, subject to sections 38 and 40 of the Act, exercise the powers in section 37 of the Act, to require persons to attend their proceedings or to produce documents.

10.46 Chairs may require a person who has been required to attend a committee to take an oath (or make an affirmation), to be administered by the clerk to the committee.

## **Meetings with Other Committees**

10.47 Committees may meet concurrently with other committees of the Assembly.

10.48 Committees may meet concurrently with any committee of either House of Parliament or any joint committee of both Houses.

## **Committee Advisers**

10.49 Committees may appoint advisers in accordance with guidelines issued by the Commission for the purposes of providing expert advice.

## **Committee Reports**

10.50 Any committee may report to the Assembly on matters within its remit.

### **Duration of Committees**

- 10.51 Subject to Standing Order 12.3, committees established by Standing Orders 11 to 19 must be established for the duration of an Assembly.
- 10.52 The Assembly must, on a motion tabled by the Business Committee, determine the duration of any other committee.



## **STANDING ORDER 11 - Business Committee**

- 11.1 There is to be a Business Committee.
- 11.2 Standing Orders 10.3 to 10.5 do not apply to the Committee.
- 11.3 As soon as possible after an Assembly election, the Minister with responsibility for government business must table a motion to appoint as members of the Committee, the Presiding Officer, one Member nominated by each leader of the political groups represented in the Assembly and (if any three or more Members who are not members of a political group decide to form a grouping for the purposes of Standing Order 11) a Member nominated by each grouping of Members. No amendments may be tabled to a motion under Standing Order 11.3.
- 11.4 A motion under Standing Order 11.3 cannot be passed (if the motion for it is passed on a vote) unless at least two-thirds of the Members voting support it.
- 11.5 If a motion under Standing Order 11.3 is passed:
  - (i) the Committee must be chaired by the Presiding Officer (who may vote only in the exercise of a casting vote);
  - (ii) each other member of the Committee carries one vote for each member of the political group (or grouping, as the case may be) which he or she represents (including himself or herself and the Presiding Officer and Deputy if they are members of his or her political group or grouping);
  - (iii) where the number of Members who are not members of a political group is such that it is (for that reason only) not possible for them to form a political group or grouping, each such Member is entitled to attend proceedings of the Committee and may vote;
  - (iv) a member of the Committee representing a political group with an executive role may, subject to Standing Order 11.5(v), use the votes he or she carries under Standing Order 11.5(ii) in determining the organisation of non-government business in plenary under Standing Order 11.7(ii); and
  - (v) the number of votes that a member of the Committee, referred to in Standing Order 11.5(iv), carries shall be reduced by the number equivalent to the number of Members who are members of the government and who are members of the political group to which that member belongs; and
  - (vi) Standing Orders 10.18, 10.19 and 10.32 to 10.35 do not apply to the Committee.

11.6 If a motion under Standing Order 11.3 is proposed but not passed, then Standing Orders 10.6 to 10.9 apply to the Committee with the substitution of the words “under Standing Order 11.3 to appoint the members of the Business Committee” in 10.6 for the words “to determine the membership of a committee under Standing Order 10.3”, and of the words “Minister with responsibility for government business” for “Business Committee”.

11.7 The functions of the Committee are:

- (i) to comment on proposals for the organisation of government business (which must be determined under Standing Order 6.4) and non-government business in plenary;
- (ii) to determine the organisation of non-government business in plenary, subject to Standing Order 11.5(iv);
- (iii) to determine the organisation of Assembly business in plenary;
- (iv) to make recommendations on the general practice and procedure of the Assembly in the conduct of its business (including any proposals for the re-making or revision of Standing Orders, or any part thereof);
- (v) the functions assigned to the Committee in Standing Orders.

11.8 The Committee must meet at least once every two sitting weeks.

11.9 The Committee may meet in private to discuss matters arising under 11.7(i) to (iii) and 11.7(v).

## **STANDING ORDER 12 - Scrutiny Committees**

- 12.1 There must be scrutiny committees with power within their remit to examine the expenditure, administration and policy of the government and associated public bodies.
- 12.2 The Business Committee must, as soon as possible after every Assembly election, determine the titles and remits of the scrutiny committees.
- 12.3 If it appears necessary to the Business Committee during the course of an Assembly to alter the number, title or remit of one or more scrutiny committee (including by providing that any existing scrutiny committee should cease to exist), the Business Committee may table a motion proposing that the alteration take place. No amendment may be tabled to the motion. If the motion is agreed, the resolution will constitute a resolution to establish a committee for the purposes of Standing Order 10.3.
- 12.4 In making determinations under Standing Order 12.2, or in tabling any motion under Standing Order 12.3, the Business Committee must ensure that every area of responsibility of the government and associated public bodies is subject to the scrutiny of a scrutiny committee.

## **STANDING ORDER 13 - Audit Committee**

### **Responsibilities**

13.1 There is to be an Audit Committee to:

- (i) exercise the functions set out in paragraph 12 of Schedule 8 to the Act relating to the main estimate of income and expenses submitted by the Auditor General for each financial year;
- (ii) consider any supplementary budget motions tabled under section 126 of the Act that seek to amend amounts previously authorised by a budget resolution or supplementary budget resolution in respect of the Auditor General;
- (iii) advise the Assembly in the exercise of its functions under paragraph 14 of Schedule 8 to the Act relating to the appointment of the auditor of the accounts of the Auditor General;
- (iv) present views to the Auditor General from time to time on the Auditor General's exercise of his or her powers to undertake economy, efficiency and effectiveness examinations;
- (v) consider and report to the Assembly on any use of resources in excess of that authorised or deemed to be authorised that is recorded in the audited accounts of Welsh Ministers, the Commission, the Auditor General or the Ombudsman, recommending whether the Assembly should authorise the excesses retrospectively by supplementary budget resolution; and
- (vi) submit an annual report to the Assembly on the work of the Committee.

13.2 The Committee may:

- (i) consider and report to the Assembly in accordance with section 143(1) of the Act on documents laid before the Assembly by the Auditor General or that officer's auditor; and
- (ii) take evidence and report to the House of Commons Public Accounts Committee if requested by that Committee to do so.

13.3 In the performance of its responsibilities under Standing Order 13.2(i) the Committee must not question the merits of the policy objectives of the government, or those of any other body or person which is the subject of the Committee's report.

## **Membership**

- 13.4 Standing Order 10.3 applies to the Committee, except that it must consist of 10 Members and no person specified in section 30(3) of the Act may be proposed as a member of the Committee.
- 13.5 Standing Order 10.18 applies to the Committee, except that it must not be chaired by a Member who is a member of a political group with an executive role.
- 13.6 Standing Order 10.42 applies to the Committee, except that no person specified in section 30(3) of the Act may be nominated as a representative.
- 13.7 No member of the Committee may participate in its consideration of any matter if he or she was at the relevant time a member of the government.
- 13.8 No member of the Committee may participate in its consideration of any matter which was within the responsibility of the House Committee (as constituted between 18 December 2002 and 2 May 2007), or is within the responsibility of the Commission, if he or she was at the relevant time a member of the House Committee or the Commission.

## **Auditor General**

- 13.9 The Auditor General may attend private meetings of the Committee, with the permission of or at the request of the chair.
- 13.10 The Committee is to determine its programme of work in consultation with the Auditor General.

## **STANDING ORDER 14 - Finance Committee**

14.1 There is to be a Finance Committee to consider and report on:

- (i) any report or other document laid before the Assembly by Welsh Ministers or the Commission containing proposals for the use of resources, including budget motions and supplementary budget motions prepared under sections 125 and 126 of the Act;
- (ii) the estimates of income and expenses prepared by the Ombudsman under paragraph 15 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2005; and
- (iii) the use of resources and payments out of the Welsh Consolidated Fund reported to the Assembly by Welsh Ministers under section 128 of the Act.

14.2 The Committee may also consider and, where it sees fit, report on:

- (i) financial information in explanatory memoranda accompanying proposed Assembly Measures;
- (ii) the timetable for the consideration of budget proposals and budget motions and on the handling of financial business; and
- (iii) any other matter relating to or affecting the expenditure of the government or other expenditure out of the Welsh Consolidated Fund.

14.3 A reference to the use of resources is a reference to their expenditure, consumption or reduction in value and includes expenditure payable out of the Welsh Consolidated Fund and any other expenditure met out of taxes, charges and other sources of revenue.

## **STANDING ORDER 15 – Constitutional Affairs Committee**

15.1 There is to be a Constitutional Affairs Committee.

15.2 Subject to Standing Order 15.7, the Committee must consider all statutory instruments or draft statutory instruments required by any enactment to be laid before the Assembly and report on whether the Assembly should pay special attention to the instrument or draft on any of the following grounds:

- (i) that there appears to be doubt as to whether it is intra vires;
- (ii) that it appears to make unusual or unexpected use of the powers conferred by the enactment under which it is made or to be made;
- (iii) that the enactment which gives the power to make it contains specific provisions excluding it from challenge in the courts;
- (iv) that it appears to have retrospective effect where the authorising enactment does not give express authority for this;
- (v) that for any particular reason its form or meaning needs further explanation;
- (vi) that its drafting appears to be defective or it fails to fulfil statutory requirements;
- (vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts;
- (viii) that it uses gender specific language;
- (ix) that it is not made or to be made in both English and Welsh;
- (x) that there appears to have been unjustifiable delay in publishing it or laying it before the Assembly; or
- (xi) that there appears to have been unjustifiable delay in sending notification under section 4(1) of the Statutory Instruments Act 1946 (as modified).

15.3 Subject to Standing Order 15.7, the Committee may consider and report on whether the Assembly should pay special attention to any statutory instrument or draft statutory instrument required by any enactment to be laid before the Assembly on any of the following grounds:

- (i) that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment;
- (ii) that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly;
- (iii) that it is inappropriate in view of the changed circumstances since the enactment under which it is made or is to be made was itself passed or made;
- (iv) that it inappropriately implements European Union legislation; or
- (v) that it imperfectly achieves its policy objectives.

15.4 The Committee must make any report under Standing Order 15.2 or 15.3 in respect of any statutory instrument or draft statutory instrument no later than 20 days after the instrument or draft has been laid.

15.5 In calculating for the purposes of Standing Order 15.4 any period of days, no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than 4 days.

15.6 Subject to 15.7, the Committee may also consider and report on:

- (i) any other subordinate legislation laid before the Assembly;
- (ii) the appropriateness of provisions in proposed Assembly Measures and in Bills for Acts of the United Kingdom Parliament that grant powers to make subordinate legislation to the Welsh Ministers, the First Minister or the Counsel General;
- (iii) consequences for legislation subject to the consideration of the Assembly of draft orders under Part 1 of the Legislative and Regulatory Reform Act 2006;
- (iv) the exercise of commencement powers by the Welsh Ministers; or
- (v) any legislative matter of a general nature within or relating to the competence of the Assembly or Welsh Ministers.

15.7 The Committee may not consider:

- (i) any draft legislative competence order; or



- (ii) any statutory instrument or draft statutory instrument that is required to be laid before Parliament.

## **STANDING ORDER 16 – Committee on Standards of Conduct**

### **Title and Terms of Reference**

16.1 There is to be a Committee on Standards of Conduct, which must:

- (i) investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards that a Member has not complied with:
  - (a) Standing Order 31;
  - (b) any Assembly resolution relating to the financial or other interests of Members;
  - (c) Standing Order 32;
  - (d) any Assembly resolution relating to Members' standards of conduct;
  - (e) any code or protocol made under Standing Order 1.13 and in accordance with section 36(6) of the Act; or
  - (f) Standing Order 31A
- (ii) consider any matters of principle relating to the conduct of Members generally;
- (iii) supervise the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests and the Record of Membership of Societies and the form and content of the Register and the Record;
- (iv) present an annual report to the Assembly on the complaints made under Standing Order 16.1(i), and the action taken in consequence, and on its conclusions in respect of ethical standards in the conduct of the Assembly's business; and
- (v) establish and lay before the Assembly procedures for the investigation of complaints under Standing Order 16.1(i).

### **Membership**

16.2 The Presiding Officer must not be a member of the Committee, but is entitled to submit papers to it for the purpose of drawing to its attention such considerations as he or she considers appropriate.

16.3 Subject to Standing Order 16.4, Standing Order 10.42 shall not apply to the Committee on Standards of Conduct.

- 16.4 Where a member of the Committee is subject to a complaint under Standing Order 16.1(i), he or she may take no part in any consideration of the complaint by the Committee. In such circumstances and in relation solely to the consideration of the complaint concerned, another Member from the same political group, who has been nominated in advance by the leader of that group, may replace that member. The nominated Member may participate in the meetings of the Committee to consider the complaint as if he or she were a member of it. No Member may replace more than one Committee member at a meeting.

### **Meetings**

- 16.5 The Committee must meet as soon as possible after a complaint has been referred to it by the Commissioner for Standards; and at other times as convened by the chair.
- 16.6 The Committee may meet in public or in private, but when deliberating upon a complaint, the Committee must meet in private unless it resolves otherwise.
- 16.7 Any Member who is the subject of an investigation by the Committee must be permitted to make oral or written representations to it and may be accompanied at oral hearings by another person (who may participate in the proceedings with the permission of the chair, but may not vote).

### **Reports**

- 16.8 If the Committee has investigated a complaint referred to it by the Commissioner for Standards, it must report to the Assembly as soon as possible after completion of the investigation.
- 16.9 A report under Standing Order 16.8 may include a recommendation to censure a Member for failing to comply with any of the matters encompassed within Standing Order 16.1(i).
- 16.10 If a motion to consider a report under Standing Order 16.8 is tabled by a member of the Committee, time must be made available as soon as possible for the motion to be debated. No amendment may be tabled to such a motion.

## **STANDING ORDER 17 - Equality of Opportunity Committee**

- 17.1 There is to be a Committee on Equality of Opportunity to consider and report on the relevant duties contained in the Act placed on the Assembly, the First Minister, Welsh Ministers or the Commission.

## **STANDING ORDER 18 - Committee on European and External Affairs**

- 18.1 There is to be a Committee on European and External Affairs to consider and report on any matters relevant to the exercise by the First Minister, Welsh Ministers, the Counsel General or the Assembly of any of their functions relating to the European Union or external affairs.
- 18.2 Members of the European Parliament representing Wales and the Assembly's representatives on the Committee of the Regions may attend and, with the permission of the chair, speak at the Committee's meetings, but they may not vote.

## **STANDING ORDER 19 - Committee for the Scrutiny of the First Minister**

19.1 There is to be a Committee for the Scrutiny of the First Minister which must take evidence from the First Minister on any matter relevant to the exercise by the Welsh Ministers and the Counsel General of any of their functions (other than in relation to the organisation of Government business in plenary).

### **Meetings**

19.2 For the purposes of taking evidence from the First Minister the Committee is not normally to meet more than twice in an Assembly year.

### **Chair**

19.3 Standing Order 10.18 applies to the Committee, except that it must not be chaired by a Member who is a member of a political group with an executive role.

### **Procedure in the Committee**

19.4 The provisions of Standing Orders 10.15, 10.44 and 10.49 do not apply to the Committee.

## **STANDING ORDER 20 - Regional Committees**

- 20.1 If a majority of constituency and regional Members representing an electoral region give notice in the Table Office that they wish a Regional Committee to be established for the electoral region, the Business Committee must table a motion to establish a committee for the purposes of Standing Order 10.3 comprising the Members representing that region and the constituencies within it.
- 20.2 A motion tabled under Standing Order 20.1 cannot be passed unless (if the motion is passed on a vote) at least two-thirds of the Members voting support it.

## **STANDING ORDER 21 - Other Committees**

- 21.1 The Assembly may establish any committee, other than those established under the Standing Orders, on a motion tabled by any Member.
- 21.2 A motion to establish such a committee must propose the remit of the committee.



## **STANDING ORDER 22 - Legislative Competence Orders**

- 22.1 Standing Order 22 applies only to Orders in Council within the meaning of section 95 of the Act.
- 22.2 A “proposed Order” is a proposal for an Order in Council that is to be subject to pre-legislative scrutiny under Standing Orders 22.13 to 22.21.
- 22.3 A “draft Order” is a draft Order in Council that is to be subject to approval by the Assembly under Standing Order 22.34.

### **Proposed Orders**

#### **Member in Charge of a Proposed Order**

- 22.4 A proposed Order laid by a member of the government is referred to as a “government proposed Order”.
- 22.5 The “Member in charge” of a government proposed Order is:
- (i) the member of the government who laid the proposed Order; or
  - (ii) a member of the government who is authorised by the First Minister.
- 22.6 A proposed Order laid by a committee is referred to as a “committee proposed Order”.
- 22.7 The “Member in charge” of a committee proposed Order is:
- (i) the member of the committee authorised by the committee which laid the proposed Order; or
  - (ii) if that committee no longer exists and another committee is, for the purposes of Standing Order 22, specified by the Business Committee, a member of that other committee authorised by that other committee.
- 22.8 A proposed Order laid by a Member, which is not a government proposed Order or a committee proposed Order, is referred to as a “Member proposed Order”.
- 22.9 The “Member in charge” of a Member proposed Order is:
- (i) the Member who laid the proposed Order;
  - (ii) another Member authorised by that Member; or

(iii) if no such authorisation is made, any Member authorised by the Assembly.

22.10 A member of the government cannot be the Member in charge of a committee proposed Order or a Member proposed Order.

22.11 A Member who ceases to be a member of the government can no longer continue to be the Member in charge of a government proposed Order.

22.12 An authorisation under Standing Order 22.7 no longer has effect if the Member so authorised ceases to be a member of the committee.

### **Form and Laying of Proposed Orders**

22.13 Subject to Standing Orders 22.42 to 22.54, a proposed Order may be laid on any working day in a sitting week.

22.14 At the same time as a Member lays a proposed Order under Standing Order 22.13, he or she must lay an Explanatory Memorandum.

22.15 A proposed Order must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.

### **Detailed Consideration of a Proposed Order**

22.16 The Business Committee must either:

- (i) refer the proposed Order for detailed consideration to a committee to be established in accordance with Standing Order 21; or
- (ii) by motion in plenary propose that there should be no detailed consideration of the proposed Order.

22.17 If a motion under Standing Order 22.16(ii) is agreed, the Member in charge of the proposed Order may introduce a draft Order, which relates to the proposed Order, under Standing Order 22.31.

22.18 If a motion under Standing Order 22.16(ii) is proposed but not agreed, the Business Committee must refer the proposed Order for detailed consideration to a committee to be established in accordance with Standing Order 21.

22.19 A committee set up as a consequence of Standing Order 22.16(i) or 22.18 must consider and report on the proposed Order.

22.20 The Business Committee must establish a timetable for the committee's consideration of a proposed Order and may make subsequent changes to that timetable as it considers appropriate but must give reasons for such changes.

22.21 In preparing its report on the proposed Order, the committee must, so far as is reasonably practicable, take into account:

- (i) any recommendation on the proposed Order that has been made by any other committee of the Assembly; and
- (ii) any recommendation on the proposed Order that has been made by any committee of the House of Commons or the House of Lords or any Joint Committee of both Houses of Parliament.

### **Draft Orders**

#### **Member in Charge of a Draft Order**

22.22 A draft Order introduced by a member of the government is referred to as a “government draft Order”.

22.23 The “Member in charge” of a government draft Order is:

- (i) the member of the government in charge of the proposed Order to which the draft Order relates; or
- (ii) a member of the government who is authorised by the First Minister.

22.24 A draft Order introduced by a committee is referred to as a “committee draft Order.”

22.25 The “Member in charge” of a committee draft Order is:

- (i) the member of the committee authorised by the committee which laid the proposed Order to which the draft Order relates; or
- (ii) if that committee no longer exists and another committee is, for the purposes of Standing Order 22, specified by the Business Committee, a member of that other committee authorised by that other committee.

22.26 A draft Order introduced by a Member, which is not a government draft Order or a committee draft Order, is referred to as a “Member draft Order”.

22.27 The “Member in charge” of a Member draft Order is:

- (i) the Member who laid the proposed Order to which the draft Order relates;
- (ii) the Member in charge of the proposed Order to which the draft Order relates;

- (iii) another Member authorised by the Member referred to in Standing Order 22.27(i) or 22.27(ii); or
- (iv) if no such authorisation is made, any Member authorised by the Assembly.

22.28 A member of the government cannot be the Member in charge of a committee draft Order or a Member draft Order.

22.29 A Member who ceases to be a member of the government can no longer continue to be the Member in charge of a government draft Order.

22.30 An authorisation under Standing Order 22.25 no longer has effect if the Member so authorised ceases to be a member of the committee.

### **Introduction of a Draft Order**

22.31 A draft Order may be introduced by being laid on a working day in a sitting week, provided that:

- (i) the draft Order is introduced in accordance with Standing Order 22.17;
- (ii) a committee has reported on a proposed Order to which the draft Order relates in accordance with Standing Order 22.19; or
- (iii) a committee has not so reported within the timetable set by the Business Committee in accordance with Standing Order 22.20.

### **Explanatory Memorandum to Accompany a Draft Order**

22.32 At the same time as the Member in charge introduces a draft Order, he or she must lay an Explanatory Memorandum.

22.33 The Explanatory Memorandum must include:

- (i) an explanation of how account has been taken of any recommendation made by any of the committees referred to in Standing Order 22.21; and
- (ii) the reasons for any significant differences between the draft Order and the proposed Order to which it relates.

### **Final Consideration**

22.34 Not later than 40 working days after a draft Order has been introduced, the Assembly must consider a motion proposed by the Member in charge that the draft Order be approved.

22.35 No amendment to a motion under Standing Order 22.34 may be tabled if:

- (i) it would not be clear from a resolution of the Assembly approving the motion as amended by such an amendment that the Assembly has approved the draft Order; or
- (ii) it seeks to amend the draft Order.

22.36A draft Order cannot be amended.

### **Publication of Notice of Refusal**

22.37 The Presiding Officer must, as soon as reasonably practicable, publish any notice laid in accordance with section 95(8) of the Act.

### **Withdrawal of a Proposed or Draft Order**

22.38 A proposed or draft Order may be withdrawn at any time by the Member in charge, except in the case of a committee proposed or draft Order, when the Member in charge must first obtain the consent of the committee before withdrawing the Order.

### **Fall of a Proposed or Draft Order**

22.39 A proposed or draft Order falls at dissolution.

22.40 A proposed Order falls if the draft Order to which it relates is approved or falls.

22.41 A draft Order falls if it is not approved by the Assembly.

### **Committee Proposed and Draft Orders**

22.42 Standing Orders 22.43 to 22.45 apply only to committee proposed and draft Orders.

22.43 Any committee other than a committee set up as a consequence of Standing Order 22.16(i), 22.18, 23.22 or 23.31(ii) may:

- (i) lay a committee proposed Order relating to its remit; or
- (ii) subject to Standing Order 22.31, introduce a draft Order relating to its remit.

22.44 A committee may only have one committee proposed Order or committee draft Order in progress at any one time.

22.45 For the purposes of Standing Order 22.44 a committee proposed Order or committee draft Order is in progress from the time it has been laid or introduced, as the case may be, until it falls, is withdrawn or, in the case of a draft Order, is approved.

## **Member Proposed and Draft Orders**

- 22.46 Standing Orders 22.47 to 22.54 apply only to Member proposed and draft Orders.
- 22.47 The Presiding Officer must from time to time hold a ballot to determine the name of a Member, other than a member of the government, who may seek leave to lay a Member proposed Order under Standing Order 22.50.
- 22.48 The Presiding Officer must include in the ballot the names of all those Members who have applied to be included and who have provided an outline proposed Order and an Explanatory Memorandum.
- 22.49 No Member who has previously won the ballot in that Assembly may so apply.
- 22.50 A Member who is successful in a ballot must, within 25 working days of the date of the ballot, table a motion that the Assembly agrees that the Member may lay a proposed Order, to give effect to the outline proposed Order to which it relates, and an Explanatory Memorandum.
- 22.51 A motion under Standing Order 22.50 is not amendable.
- 22.52 Time must be made available for a motion tabled under Standing Order 22.50 to be debated within 35 working days of the date of the ballot (not counting working days in a week when there is no plenary meeting of the Assembly).
- 22.53 Unless a motion under Standing Order 22.50 is agreed to, no further proceedings are to be taken on the proposed Order.
- 22.54 If a motion under Standing Order 22.50 is disagreed to, then no Member may enter any ballot held under Standing Order 22.47 for a period of six months after the motion has been disagreed to if, in the opinion of the Presiding Officer, the proposed Order which he or she is intending to lay seeks to confer the same, or substantially the same, legislative competence as the proposed Order referred to in the motion which has been disagreed to.

## **STANDING ORDER 23 - Assembly Measures**

### **General**

- 23.1 A proposed Measure introduced by a member of the government is referred to as a “government proposed Measure”.
- 23.2 The Member in charge of a government proposed Measure is:
- (i) the member of the government who introduced the proposed Measure; or
  - (ii) a member of the government who is authorised by the First Minister.
- 23.3 A proposed Measure introduced by a committee is referred to as a “committee proposed Measure”.
- 23.4 The Member in charge of a committee proposed Measure is:
- (i) the member of the committee authorised by the committee which made the proposal for the proposed Measure; or
  - (ii) if that committee no longer exists and another committee is, for the purposes of Standing Order 23, specified by the Business Committee, a member of that other committee authorised by that other committee.
- 23.5 A proposed Measure introduced by the Commission is referred to as a “Commission proposed Measure”.
- 23.6 The Member in charge of a Commission proposed Measure is the member of the Commission authorised by the Commission.
- 23.7 A proposed Measure which is not a government proposed Measure, a committee proposed Measure or a Commission proposed Measure is referred to as a “Member proposed Measure”.
- 23.8 The Member in charge of a Member proposed Measure is:
- (i) the Member who introduced the proposed Measure;
  - (ii) another Member authorised by that Member; or
  - (iii) if no such authorisation is made, any Member authorised by the Assembly.
- 23.9 A member of the government cannot be the Member in charge of a committee proposed Measure, a Commission proposed Measure or a Member proposed Measure.

- 23.10 A Member who ceases to be a member of the government can no longer continue to be the Member in charge of a government proposed Measure.
- 23.11 An authorisation under Standing Order 23.4 no longer has effect if the Member so authorised ceases to be a member of the committee.
- 23.12 An authorisation under Standing Order 23.6 no longer has effect if the Member so authorised ceases to be a member of the Commission.

### **Form and Introduction of Proposed Measures**

- 23.13 Subject to Standing Orders 23.90 to 23.106, a proposed Measure may be introduced on a working day in a sitting week.
- 23.14 A proposed Measure must be introduced by being laid.
- 23.15 A proposed Measure must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.
- 23.16 A proposed Measure must on its introduction be accompanied by a statement in English and Welsh by the Presiding Officer which must:
- (i) indicate whether or not the provisions of the proposed Measure would be, in his or her opinion, within the legislative competence of the Assembly; and
  - (ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Assembly and the reasons for that opinion.
- 23.17 A proposed Measure must be introduced in both English and Welsh except in the following cases:
- (i) when, in respect of a government proposed Measure, the Member in charge states in writing that, for specified reasons, it would not be appropriate in the circumstances or reasonably practicable for the proposed Measure to be introduced in both languages; or
  - (ii) when not doing so is in accordance with determinations issued by the Presiding Officer under Standing Order 23.15.



## Documentation to Accompany a Proposed Measure

23.18 At the same time as a Member introduces a proposed Measure, he or she must also lay an Explanatory Memorandum which must:

- (i) state that in his or her view the provisions of the proposed Measure would be within the legislative competence of the Assembly;
- (ii) set out the policy objectives of the proposed Measure;
- (iii) set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the proposed Measure was adopted;
- (iv) set out the consultation, if any, which was undertaken on:
  - (a) the policy objectives of the proposed Measure and the ways of meeting them; and
  - (b) the detail of the proposed Measure,together with a summary of the outcome of that consultation;
- (v) summarise objectively what each of the provisions of the proposed Measure is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the proposed Measure;
- (vi) set out the best estimates of:
  - (a) any administrative, compliance and other costs to which the provisions of the proposed Measure would give rise;
  - (b) the timescales over which such costs would be expected to arise; and
  - (c) where the costs would fall;
- (vii) where the proposed Measure contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:
  - (a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;
  - (b) why it is considered appropriate to delegate the power; and

- (c) the Assembly procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure); and
- (viii) where the proposed Measure contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.

### **Timetable for Consideration of a Proposed Measure**

- 23.19 The Business Committee must establish and publish a timetable for the consideration of a proposed Measure, except for any stage taken in plenary (which must be arranged under the provisions of Standing Orders 6.4 or 11.7(ii), as the case may be).
- 23.20 The Business Committee may make such subsequent changes to a timetable established under Standing Order 23.19 as it considers appropriate but must give reasons for such changes.

### **Stage 1: Consideration of General Principles**

- 23.21 Once a proposed Measure has been introduced, the Business Committee must decide whether or not to refer consideration of the general principles to a committee.
- 23.22 If the Business Committee decides to refer consideration of the general principles to a committee, such a committee must be established in accordance with Standing Order 21.
- 23.23 The committee established as a consequence of Standing Order 23.22 must consider and report on the general principles of the proposed Measure.
- 23.24 Not earlier than five working days after either:
- (i) a committee has reported on the general principles of the Measure; or
  - (ii) the deadline by which a committee is required to report has been reached,

the Member in charge of the proposed Measure may propose that the Assembly agree to the general principles of the proposed Measure.

- 23.25 If the Business Committee decides not to refer consideration of the general principles to a committee, the Member in charge may propose that the Assembly agree to the general principles of the proposed Measure.

23.26 If the Assembly agrees to the general principles of the proposed Measure under Standing Orders 23.24, 23.25, 23.95 or 23.114, the proposed Measure proceeds to Stage 2.

23.27 If the Assembly does not agree to the general principles of the proposed Measure under Standing Orders 23.24, 23.25, 23.95 or 23.114, the proposed Measure falls.

23.28 Stage 1 is completed when the general principles of the proposed Measure have been agreed to or the Measure falls under Stage 1.

### **Stage 2: Detailed Consideration by Committee**

23.29 Stage 2 starts on the first working day after Stage 1 is completed.

23.30 At least 15 working days must elapse between the start of Stage 2 and the date of the first meeting of the committee that considers Stage 2 proceedings.

23.31 If the Assembly has agreed to the proposed Measure's general principles, the Business Committee must:

- (i) refer the proposed Measure back to the committee established as a consequence of Standing Order 23.22 for Stage 2 proceedings;
- (ii) refer the proposed Measure to a new committee for Stage 2 proceedings, established in accordance with Standing Order 21; or
- (iii) by motion in plenary propose that Stage 2 proceedings be considered by a Committee of the Whole Assembly, to be chaired by the Presiding Officer. The Presiding Officer or Deputy may vote in such proceedings only when exercising a casting vote in accordance with Standing Order 2.20.

23.32 A proposed Measure may be amended in Stage 2 proceedings.

23.33 Amendments to be considered at Stage 2 proceedings may be tabled by any Member from the first day on which Stage 2 starts.

23.34 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the proposed Measure, unless the committee considering Stage 2 proceedings has decided otherwise.

23.35 Only a Member who is a member of a committee considering Stage 2 proceedings may participate in those proceedings for the purpose of:

- (i) moving or seeking agreement to withdraw an amendment;  
or
- (ii) voting.

- 23.36 An amendment tabled by a Member who is not a member of a committee considering Stage 2 proceedings, may be moved by a member of the committee.
- 23.37 Where any amendment is tabled to a section or schedule of the proposed Measure, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the committee for the purpose of Stage 2 proceedings.
- 23.38 If no amendment is tabled to a section or schedule of the proposed Measure, then that section or schedule is to be deemed agreed by the committee for the purpose of Stage 2 proceedings.
- 23.39 Stage 2 is completed when the last amendment has been disposed of or the last section or schedule has been deemed to be agreed, whichever is the later.
- 23.40 If a proposed Measure is amended at Stage 2 proceedings so as to insert a section or schedule, or substantially alter any existing provision, the committee considering Stage 2 proceedings may request that the Member in charge prepare a revised Explanatory Memorandum.
- 23.41 Any revised Explanatory Memorandum requested under Standing Order 23.40 must be laid at least five working days before the date of the first meeting of the Assembly that considers Stage 3 proceedings.

### **Stage 3: Detailed Consideration by the Assembly**

- 23.42 Stage 3 starts on the first working day after Stage 2 is completed.
- 23.43 At least 15 working days must elapse between the start of Stage 3 and the date of the first meeting of the Assembly that considers Stage 3 proceedings.
- 23.44 Stage 3 proceedings of a proposed Measure must be considered by the Assembly in plenary.
- 23.45 A proposed Measure may be amended in Stage 3 proceedings.
- 23.46 Amendments to be considered at Stage 3 proceedings may be tabled by any Member from the first day on which Stage 3 starts.
- 23.47 The Presiding Officer may select those amendments which are to be taken at Stage 3 proceedings.

- 23.48 The Presiding Officer may in exceptional circumstances accept an amendment at Stage 3 proceedings of which less notice has been given than is required under Standing Order 23.70. Such an amendment is referred to as a “late amendment”.
- 23.49 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the proposed Measure, unless the Assembly has decided otherwise on a motion of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 6.4 or 11.7(ii) as the case may be).
- 23.50 The Assembly may, on a motion of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 6.4 or 11.7(ii) as the case may be), agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).
- 23.51 If a motion under Standing Order 23.50 is agreed to, debates on those groups of amendments shall be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer:
- (i) as a consequence of the non-moving of an amendment leading to a change in the order in which groups are debated; or
  - (ii) to prevent any debate on a group of amendments that has already begun when a time-limit is reached from being unreasonably curtailed.
- 23.52 When all amendments selected at Stage 3 proceedings have been disposed of, the Member in charge, or any member of the government, may without notice move that the Assembly consider further amendments at further Stage 3 proceedings. Such a motion may not be debated or amended.
- 23.53 If a motion under Standing Order 23.52 is agreed to, the Member in charge of the proposed Measure, or any member of the government, may table amendments to the proposed Measure to be moved at the further Stage 3 proceedings.
- 23.54 Amendments under Standing Order 23.53 are only admissible if, in addition to the criteria in Standing Order 23.72, they are for the purpose of clarifying a provision of a proposed Measure (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given at the earlier Stage 3 proceedings.
- 23.55 Where any amendment is tabled to a section or schedule of the proposed Measure, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the Assembly for the purpose of Stage 3 proceedings.

23.56 If no amendment is tabled to a section or schedule of the proposed Measure, then that section or schedule is to be deemed agreed by the Assembly for the purpose of Stage 3 proceedings.

23.57 Stage 3 is completed when the last amendment has been disposed of or the last section or schedule has been deemed to be agreed, whichever is the later.

#### **Stage 4: Final Stage**

23.58 Subject to Standing Order 23.61, immediately after the completion of Stage 3 proceedings, any Member may without notice move that the proposed Measure be passed.

23.59 If no motion is moved under Standing Order 23.58, or if a motion is moved under that Standing Order but no decision is taken upon it, the government or the Business Committee must determine (under Standing Orders 6.4 or 11.7(ii) as the case may be) when the motion that the proposed Measure be passed is to be considered in plenary.

23.60 A motion that a proposed Measure be passed may not be amended.

23.61 No motion that a proposed Measure be passed may be moved unless the text of the proposed Measure is available in both English and Welsh.

23.62 No motion under Standing Order 7.25(ii) may be moved in any Stage 4 proceedings.

#### **Reconsideration of Proposed Measures Passed**

23.63 Any Member may, after the proposed Measure is passed, by motion propose that the Assembly reconsider the proposed Measure, or any provision of it, if:

- (i) a question has been referred to the Supreme Court under section 99 of the Act;
- (ii) a reference for a preliminary ruling (within the meaning of section 101 of the Act) has been made by the Supreme Court in connection with that reference; and
- (iii) neither of those references has been decided or otherwise disposed of.

23.64 Any Member may by motion propose that the Assembly reconsider the proposed Measure if:

- (i) the Supreme Court decides that the proposed Measure or any provision of it would not be within the legislative competence of the Assembly; or

- (ii) an order is made in relation to the proposed Measure under section 101 of the Act.

23.65 Proceedings at Reconsideration Stage must be considered by the Assembly in plenary.

23.66 A proposed Measure may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 23.72, and in the opinion of the Presiding Officer, the amendments are solely for the purpose of resolving the issue which is the subject of:

- (i) the reference for a preliminary ruling;
- (ii) the decision of the Supreme Court; or
- (iii) the Order under section 101 of the Act.

23.67 Any Member may propose that the Assembly approves a proposed Measure amended on reconsideration. Such a motion may not be amended.

#### **General Provisions in Relation to Amendments to Proposed Measures**

23.68 Standing Orders 23.69 to 23.77 apply to amendments in Stage 2 proceedings, Stage 3 proceedings or on Reconsideration.

23.69 The Presiding Officer must determine the proper form of amendments to a proposed Measure.

23.70 No amendment, other than a late amendment, may be considered unless it has been tabled five working days before it is considered.

23.71 Any Member may add his or her name to an amendment (other than a late amendment) by notifying the Table Office at any time until the end of the working day before the amendment is due to be considered.

23.72 An amendment is not admissible if:

- (i) it is not in its proper form in accordance with Standing Order 23.69;
- (ii) it is not relevant to the proposed Measure or the provisions of the proposed Measure which it would amend;
- (iii) it is inconsistent with the general principles of the proposed Measure as agreed by the Assembly; or
- (iv) it is inconsistent with a decision already taken at the Stage at which the amendment is proposed.

- 23.73 An amendment may be tabled to an amendment and, if selected, must be disposed of before the amendment which it would amend and Standing Orders 23.68 to 23.77 must apply accordingly.
- 23.74 Subject to Standing Order 23.35, an amendment (other than a late amendment) may be withdrawn by the Member who tabled it at any time before the day on which it is considered but only with the unanimous agreement of any Members who have added their names to the amendment. If such agreement is not obtained, the amendment becomes an amendment in the name of the Member who first added his or her name to the amendment and who does not agree to the amendment being withdrawn.
- 23.75 The chair of a committee considering Stage 2 proceedings or the Presiding Officer, as the case may be, may group amendments for the purposes of debate as he or she sees fit. An amendment debated as part of a group may not be debated again when it comes to be disposed of.
- 23.76 If a Member who tabled an amendment does not move the amendment when that amendment comes to be debated, the amendment may be moved:
- (i) in a committee considering Stage 2 proceedings, by a member of that committee; or
  - (ii) in Stage 3 proceedings or on Reconsideration, by any other Member.
- 23.77 An amendment which has been moved may be withdrawn by the Member who moved it, but only:
- (i) in a committee considering Stage 2 proceedings, by leave of that committee; or
  - (ii) in Stage 3 proceedings or on Reconsideration, by leave of the Assembly.

### **Her Majesty's and Duke of Cornwall's Consent**

- 23.78 If a proposed Measure contains any provision, or is amended so as to include any provision, that would, if contained in a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Assembly must not debate the question whether the proposed Measure be passed unless such consent to such a provision has been signified by a member of the government during proceedings on the proposed Measure at a meeting of the Assembly.



## Financial Resolutions

23.79 The Presiding Officer must decide in every case whether a financial resolution is required for a proposed Measure under Standing Orders 23.80 to 23.85.

23.80 If a proposed Measure contains a provision:

- (i) which charges expenditure on the Welsh Consolidated Fund; or
- (ii) the likely effect of which would be to:
  - (a) increase significantly expenditure charged on that Fund;
  - (b) give rise to significant expenditure payable out of that Fund for a new service or purpose; or
  - (c) increase significantly expenditure payable out of that Fund for an existing service or purpose,

no proceedings may be taken on the proposed Measure at any Stage after Stage 1 unless the Assembly has by financial resolution agreed to the expenditure or the increase in expenditure being charged on or, as the case may be, payable out of that Fund.

23.81 If:

- (i) a proposed Measure contains any provision which imposes or increases (or confers a power to impose or increase) any charge, or otherwise requires (or confers a power to require) any payment to be made; and
- (ii) the person to whom the charge or payment is payable is required, by or under section 120(1) of the Act, to pay sums received into the Welsh Consolidated Fund (or would be so required but for any provision made under section 120(2)),

no proceedings may be taken on the proposed Measure at any Stage after Stage 1 unless the Assembly has by financial resolution agreed to the charge, increase or payment.

23.82 Standing Order 23.81:

- (i) applies only where the charge, increase in charge or payment is significant; and
- (ii) does not apply where the charge, increase in charge or payment is:

- (a) in respect of the provision of goods and is reasonable in relation to the goods provided; or
- (b) wholly or largely directed to the recovery of the cost of providing any service for which the charge is imposed or the payment requires to be made.

23.83 Where the effect of an amendment (or amendments) to a proposed Measure, if agreed to, would be that the proposed Measure would require a financial resolution which it would not otherwise require, no proceedings may be taken on the amendment (or amendments) unless the Assembly has agreed to a motion for such a financial resolution.

23.84 Only a member of the government may move a motion for a financial resolution. Such a motion cannot be amended.

23.85 Unless:

- (i) notice of a motion for any financial resolution required in relation to a proposed Measure by Standing Order 23.80 or 23.81 is tabled within 6 months of the completion of Stage 1; and
- (ii) the motion is agreed to,

the proposed Measure falls.

### **Notification of Approved Measures**

23.86 The Clerk must notify the Assembly of the date of the approval of an Assembly Measure by Her Majesty in Council.

### **Fall, Rejection or Withdrawal of Proposed Measures**

23.87 If a proposed Measure falls or is rejected by the Assembly, no further proceedings may be taken on that proposed Measure and a proposed Measure which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the proposed Measure fell or was rejected.

23.88 A proposed Measure falls if it has not been passed or approved before the end of the Assembly in which it was introduced but a proposed Measure in the same or similar terms may be introduced in any subsequent Assembly.

23.89 A proposed Measure may be withdrawn at any time by the Member in charge but must not be withdrawn after completion of Stage 1 except with the agreement of the Assembly.

### **Committee Proposed Measures**

- 23.90 Standing Orders 23.91 to 23.95 apply only to committee proposed Measures.
- 23.91 Any committee other than a committee set up as a consequence of Standing Orders 23.22, 23.31(ii), 22.16(i) or 22.18 may introduce a committee proposed Measure relating to the committee's remit.
- 23.92 A committee may only have one committee proposed Measure in progress at any one time.
- 23.93 For the purposes of Standing Order 23.92, a committee proposed Measure introduced is in progress until it is agreed, falls or is withdrawn.
- 23.94 Standing Orders 23.21 to 23.25 do not apply to committee proposed Measures.
- 23.95 At Stage 1, the Member in charge of a committee proposed Measure may table a motion proposing that the Assembly agree to the general principles of the proposed Measure.

### **Commission Proposed Measures**

- 23.96 The Commission may introduce a proposed Measure relating to the Commission's functions.

### **Member Proposed Measures**

- 23.97 Standing Orders 23.98 to 23.106 apply only to Member proposed Measures.
- 23.98 Where a Member was the Member in charge of a Member proposed Order which became an Order in Council made by Her Majesty under section 95 of the Act, that Member may introduce one Member proposed Measure relating to that Order within six months of the Order being made. This does not affect a Member's right to enter a ballot held under Standing Order 23.99.
- 23.99 The Presiding Officer must from time to time hold a ballot to determine the name of a Member, other than a member of the government, who may seek leave to introduce a Member proposed Measure.
- 23.100 The Presiding Officer must include in the ballot the names of all those Members who have applied to be included and who have tabled the pre-ballot information required by Standing Order 23.102.
- 23.101 No Member who has previously won the ballot in that Assembly may so apply.

23.102 The required pre-ballot information is:

- (i) the proposed title of the proposed Measure; and
- (ii) an Explanatory Memorandum which must contain:
  - (a) the policy objectives of the proposed Measure; and
  - (b) details of any support received for the proposed Measure, including details of any consultation carried out.

23.103 A Member who is successful in a ballot may within 10 working days of the date of the ballot table a motion seeking the Assembly's leave to introduce a Member proposed Measure to give effect to the pre-ballot information tabled under Standing Order 23.102.

23.104 Time must be made available for a motion tabled under Standing Order 23.103 to be debated within 20 working days of the date of the ballot (not counting working days in a week when there is no plenary meeting of the Assembly).

23.105 If a motion under Standing Order 23.103 is agreed to, then the Member who has received leave to introduce a proposed Measure may, within six months of the motion being agreed, introduce a Member proposed Measure to give effect to the pre-ballot information tabled under Standing Order 23.102.

23.106 If a motion under Standing Order 23.103 is disagreed to, then no Member may enter any ballot held under Standing Order 23.99 for a period of six months after the motion has been disagreed to if the policy objectives of the proposed Measure which he or she seeks leave to introduce are substantially the same as those of the proposed Measure referred to in the motion which has been disagreed to.

### **Government Proposed Emergency Measures**

23.107 If it appears to a member of the government that an Emergency Measure is required, he or she may by motion propose that a government proposed Measure, to be introduced in the Assembly, be treated as a government proposed Emergency Measure.

23.108 A motion under Standing Order 23.107 may also propose that a government proposed Emergency Measure may be introduced without the Explanatory Memorandum required by Standing Order 23.18.

23.109 A government proposed Emergency Measure must, on its introduction, be accompanied by a statement from the Member in charge that, in his or her view, the provisions of the proposed Measure would be within the legislative competence of the Assembly.

23.110 If the Assembly agrees to a motion under Standing Order 23.107:

- (i) the provisions of Standing Orders 23.111 to 23.116 must apply to such a proposed Measure; and
- (ii) the Member in charge must propose the timetable for consideration of Stages 1 to 4 (or any Reconsideration Stage) of the government proposed Emergency Measure.

23.111 A motion under Standing Order 23.110(ii) may propose that all stages be taken on a single working day in a sitting week.

23.112 The Member in charge may make such subsequent changes to a timetable established under Standing Order 23.110(ii) as he or she considers appropriate, but must give reasons for such changes.

23.113 Standing Orders 23.19 to 23.25, 23.29 to 23.31, 23.41 to 23.43, 23.61 and 23.70 do not apply in relation to government proposed Emergency Measures.

23.114 At Stage 1, the Member in charge must table a motion proposing that the Assembly agree to the general principles of the government proposed Emergency Measure.

23.115 Stage 2 must be considered by a Committee of the Whole Assembly, to be chaired by the Presiding Officer. The Presiding Officer or Deputy may vote in such proceedings only when exercising a casting vote in accordance with Standing Order 2.20.

23.116 When a Member intends to table an amendment to a government proposed Emergency Measure, he or she must give such notice of that amendment as the Presiding Officer may determine for that Stage.

## **STANDING ORDER 24 – Subordinate Legislation (Other than Subordinate Legislation Subject to Special Assembly Procedure)**

### **Explanatory Memoranda**

24.1 Any statutory instrument or draft statutory instrument laid before the Assembly and which is not subject to a parliamentary procedure must be accompanied by an Explanatory Memorandum, which must include any Regulatory Impact Assessment prepared in relation to the instrument.

### **Motion for Annulment (Negative Resolution Procedure)**

24.2 In the case of any statutory instrument which:

- (i) is subject to annulment in pursuance of a resolution of the Assembly; or
- (ii) is laid in draft but cannot be made if the draft is disapproved,

any Member may, not later than 40 days after the instrument is laid, table a motion under Standing Order 24.2 that the instrument be annulled or, as the case may be, that the draft be disapproved.

24.3 A motion under Standing Order 24.2 is not amendable.

### **Motion for Approval (Affirmative Resolution Procedure)**

24.4 In the case of any statutory instrument or draft statutory instrument laid before the Assembly which, unless the Assembly by resolution approves it, cannot:

- (i) be made;
- (ii) come into force; or
- (iii) remain in force beyond the period specified in the enactment conferring the power to make the instrument,

any member of the government may table a motion under Standing Order 24.4 that the instrument or draft instrument be approved.

24.5 A motion under Standing Order 24.4 is not amendable.

24.6 No motion under Standing Order 24.4 may be considered in plenary until either:

- (i) the Constitutional Affairs Committee or any other committee, which has given the notice mentioned in Standing Order 24.7, has reported on the instrument or draft; or

- (ii) 20 days have elapsed since the instrument or draft instrument was laid,

whichever is the earlier.

24.7 If any committee, other than the Constitutional Affairs Committee, intends to report on an instrument or draft instrument to which Standing Order 24.4 applies, it must give notice to the government of its intention to do so no later than seven days after the instrument or draft has been laid.

24.8 If any committee considers any instrument or draft instrument to which Standing Order 24.4 applies, the member of the government who laid it (or another member of the government nominated by the First Minister to have responsibility for it) may attend the committee and participate in its proceedings relating to the instrument or draft but may not vote.

#### **No Amendment of Instruments**

24.9 A statutory instrument or draft statutory instrument, to which Standing Orders 24.2 or 24.4 apply, cannot be amended.

#### **Withdrawal of Instruments**

24.10 A statutory instrument or draft statutory instrument laid before the Assembly may be withdrawn at any time by the member of the government with responsibility for that instrument.

#### **Calculation of Days**

24.11 In calculating for the purposes of Standing Order 24 any period of days, no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than four days.

#### **Other Motions in Respect of Instruments or Draft Instruments**

24.12 Standing Orders 24.1 to 24.8 are without prejudice to the right of any Member to table any other motion in respect of an instrument or draft instrument.

#### **Application to Other Subordinate Legislation**

24.13 Standing Orders 24.1 to 24.12 also apply with such modifications as are necessary, to any other subordinate legislation in the form of a report, guidance, code of practice or other document that is required by any enactment to be:

- (i) laid before the Assembly; and
- (ii) subject to any form of Assembly procedure having the same or equivalent effect to those mentioned in Standing Orders 24.2 or 24.4.

## **STANDING ORDER 25 - Special Assembly Procedure**

- 25.1 Standing Order 25 applies to the exercise by the Welsh Ministers, the First Minister or the Counsel General of any power to make or confirm subordinate legislation which is, by virtue of any enactment, subject to special Assembly procedure.
- 25.2 A petition presented in accordance with Standing Orders 25.1 to 25.25 is not to be regarded as a petition falling within Standing Order 28 and, for the purposes of Standing Orders 25.1 and 25.25, the “petitioner” or the “counter-petitioner” is the person who presents the petition or counter-petition respectively.
- 25.3 Any subordinate legislation subject to special Assembly procedure cannot be made or confirmed unless it has been laid before the Assembly and has complied with Standing Orders 25.4 to 25.25.
- 25.4 No subordinate legislation to which Standing Orders 25.1 to 25.25 apply can be laid before the Assembly until the requirements (if any) of the enabling enactment with respect to:
- (i) the publication or service of notices;
  - (ii) the consideration of objections; and
  - (iii) the holding of inquiries or other proceedings preliminary to the making or confirmation of the subordinate legislation,
- have been complied with and the member of the government with responsibility for the subordinate legislation has certified that they have been complied with.
- 25.5 Subject to Standing Order 25.4, the member of the government with responsibility for the subordinate legislation may lay a draft of it before the Assembly and must give public notice of the entitlement of any person to present a petition to the Assembly against its making or confirmation.
- 25.6 The notice must be published at least once in at least one newspaper circulating in the area to which the draft subordinate legislation relates. The notice must state:
- (i) the general effect of the draft subordinate legislation and where it may be inspected both at the Assembly and in a place in the area to which it relates;
  - (ii) that petitions can be presented to the Presiding Officer against the draft subordinate legislation within the period of 20 working days beginning with the day on which the notice is first published in a newspaper;



- (iii) that a petition may either request particular amendments to be made to the draft subordinate legislation before it is made (specifying the amendments requested), or request that it should not be made; and
- (iv) that the petitioner must have regard to any written guidance issued by the Presiding Officer on this matter.

- 25.7 The Presiding Officer is to be responsible for receiving petitions.
- 25.8 If no petition is received within the period specified in Standing Order 25.6(ii) the Presiding Officer must, as soon as possible, report accordingly to the Assembly.
- 25.9 If the Presiding Officer reports in accordance with Standing Order 25.8, the member of the government with responsibility for the subordinate legislation may make or confirm it.
- 25.10 The Presiding Officer must consider any petition received and inform the Assembly of its content and the number of signatures as soon as possible after the expiry of the period specified in the public notice.
- 25.11 A petitioner has such a substantial ground of objection if his or her property or interests would be affected by the subordinate legislation. A petitioner which is an amenity society or similar body has such a substantial ground of objection if an interest which it represents would be affected by the subordinate legislation.
- 25.12 If the Presiding Officer considers that any petition received does not disclose a substantial ground of objection to the subordinate legislation (or part of it), the Presiding Officer must notify the petitioner accordingly and permit him or her to make representations to the Presiding Officer.
- 25.13 If, following consideration of any such representations, the Presiding Officer concludes that a petition:
- (i) discloses a substantial ground of objection to the subordinate legislation (or part of it); or
  - (ii) does not disclose such a substantial ground of objection,
- the Presiding Officer must, as soon as possible, report that fact to the Assembly and inform the petitioner accordingly.
- 25.14 In a case falling within Standing Order 25.13(i), the Presiding Officer's report must state that the petition must be considered by the Assembly.
- 25.15 In a case falling within Standing Order 25.13(ii), the member of the government with responsibility for the subordinate legislation may make or confirm it.

- 25.16 In a case falling within Standing Order 25.13(i) and where the petition requests amendments to be made to the subordinate legislation, the Presiding Officer may decide that the amendments requested would, in the Presiding Officer's opinion, affect the interests of other persons.
- 25.17 If the Presiding Officer decides under Standing Order 25.16 that the petition does request any such amendment, the Presiding Officer must:
- (i) include in his or her report to the Assembly under Standing Order 25.13 his or her decision under Standing Order 25.16;
  - (ii) inform the petitioner of his or her decision under Standing Order 25.16; and
  - (iii) invite counter-petitions.
- 25.18 Where counter-petitions are invited in accordance with Standing Order 25.17(iii), the provisions of Standing Orders 25.6 to 25.15 apply to such counter-petitions as they apply to petitions.
- 25.19 Where the Presiding Officer reports to the Assembly that a petition must be considered by the Assembly, the Business Committee must refer such a petition (and any counter-petition) to a committee to be established in accordance with Standing Order 21 to consider the petition (and counter-petition) and to report in accordance with Standing Order 25.21.
- 25.19A Standing Orders 10.11 (Member ceasing to be a member of a committee on joining or leaving a political group), 10.42 (substitution at committee meetings) and 10.43 (participation in a committee meeting by Members who are not members of the committee) do not apply to a committee established under Standing Order 25.19.
- 25.20 The petitioner, any counter-petitioner, the member of the government with responsibility for the subordinate legislation and any applicant for the subordinate legislation, are entitled to be heard before the committee either in person or may be represented.
- 25.21 The committee must report to the Assembly with a recommendation that the subordinate legislation should:
- (i) not be made or confirmed;
  - (ii) be made or confirmed without amendment; or
  - (iii) be made or confirmed with such amendments as the committee considers expedient to give effect either in whole or in part to any petition (or counter-petition) and with such consequential amendments, if any, as they consider appropriate.

- 25.22 Where the committee reports that the subordinate legislation should not be made or confirmed, no further proceedings may be taken on it, but this does not prevent a member of the government laying further draft subordinate legislation before the Assembly.
- 25.23 Where the committee reports that subordinate legislation should be made or confirmed without amendment, the member of the government with responsibility for the subordinate legislation may make or confirm it.
- 25.24 Where the committee reports that the subordinate legislation should be made or confirmed with amendments, it may be made or confirmed with such amendments.
- 25.25 If the member of the government with responsibility for the subordinate legislation considers it inexpedient that it should be made or confirmed as proposed to be amended, it must either be withdrawn (without prejudice to the laying before the Assembly of further draft subordinate legislation) or the member of the government with responsibility for it may table a motion that the Assembly should agree that it be made or confirmed without the amendments recommended by the committee.

## **STANDING ORDER 26 - Consent in Relation to UK Parliament Bills**

### **UK Parliament Bills Making Provision Requiring the Assembly's Consent**

26.1 In Standing Order 26, "relevant Bill" means a Bill under consideration in the UK Parliament which makes provision ("relevant provision") in relation to Wales:

- (i) for any purpose within the legislative competence of the Assembly (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions relating to matters that are not within the legislative competence of the Assembly); or
- (ii) which has a negative impact on the legislative competence of the Assembly.

### **Legislative Consent Memorandum**

26.2 A member of the government must lay a memorandum ("a legislative consent memorandum") in relation to:

- (i) any UK Government Bill that is a relevant Bill on its introduction to the first House, normally no later than 2 weeks after introduction;
- (ii) any UK Private Member's Bill that was a relevant Bill on introduction and remains a relevant Bill after the first amending stage in the House in which it was introduced, normally no later than 2 weeks after it completes that stage;
- (iii) any Bill introduced into the UK Parliament that, by virtue of amendments:
  - (a) agreed to; or
  - (b) tabled by a Minister of the Crown or published with the name of a Minister of the Crown in support,

in either House, makes (or would make) relevant provision for the first time or beyond the limits of any consent previously given by the Assembly, normally no later than two weeks after the amendments are tabled or agreed to.

26.3 A legislative consent memorandum must:

- (i) summarise the policy objectives of the Bill;
- (ii) specify the extent to which the Bill makes (or would make) relevant provision;

- (iii) explain whether it is considered appropriate for that provision to be made and for it to be made by means of the Bill.

### **Legislative Consent Motion**

- 26.4 When a legislative consent memorandum is laid, the government must at the same time table a motion (“a legislative consent motion”), which must seek the Assembly’s agreement to the inclusion of a relevant provision in a relevant Bill.
- 26.5 The Assembly must consider a legislative consent motion which has been tabled.

## **STANDING ORDER 27 - Finance Procedures**

### **Welsh Assembly Government**

- 27.1 Not later than 7 October in each financial year, a Welsh Minister must lay before the Assembly a draft budget setting out the amounts of resources and cash which the government proposes to use for the following financial year and provisional amounts for the subsequent two years or for such other period as the Minister considers appropriate.
- 27.2 No motion may be moved in plenary in respect of the draft budget for the government until the Finance Committee has made its report on the draft budget under Standing Order 27.4.
- 27.3 Committees other than the Finance Committee may consider and make recommendations to the Finance Committee on the draft budget for the government no later than two weeks after it has been laid before the Assembly.
- 27.4 The Finance Committee must consider and report to the Assembly on the draft budget no later than four weeks after it has been laid before the Assembly. The Finance Committee's report must append any recommendations which the Finance Committee has received from other committees.
- 27.5 The Finance Committee's report may recommend changes to the amounts proposed in the draft budget provided that the net effect of those changes would not increase or decrease the aggregate amounts of resources or cash proposed in the draft budget for the government.
- 27.6 No later than two weeks after the Finance Committee has made the report required under Standing Order 27.4, the Assembly must consider a motion tabled by a Welsh Minister that the Assembly takes note of the draft budget for the government. Any amendment to such a motion may only be tabled provided that the net effect of any changes would not increase or decrease the aggregate amounts of resources or cash proposed in the draft budget for the government.

### **The Commission**

- 27.7 Not later than 24 September in each financial year, a member of the Commission must lay before the Assembly a draft budget for the Commission setting out the amounts of resources and cash which the Commission proposes to use for the following financial year and provisional amounts for the subsequent two years or for such other period as the Commission has agreed with the Welsh Ministers.
- 27.8 The Finance Committee must consider and report to the Assembly on the draft budget for the Commission no later than three weeks after it has been laid before the Assembly. The Finance Committee's report may recommend variations in the amounts proposed in the draft budget provided that the net effect of those variations would not

increase the aggregate amounts of resources or cash proposed in the draft budget for the Commission.

- 27.9 No later than 30 October, a member of the Commission must lay before the Assembly a budget for the Commission, together with a motion that the budget be agreed and incorporated in the annual budget motion under Standing Order 27.17(ii). No amendment to the motion may be tabled and the motion must be debated within seven days of it being tabled.
- 27.10 If the final budget for the Commission is not agreed, then a member of the Commission must lay before the Assembly a revised budget for the Commission, together with a motion that it be agreed and incorporated in the annual budget motion under Standing Order 27.17(ii). No amendment to the motion may be tabled and the motion must be debated within seven days of it being tabled.
- 27.11 Further motions under Standing Order 27.10 may be tabled until such time as agreement has been reached but no such motion may be considered by the Assembly after 20 November.
- 27.12 If the budget for the Commission has not been agreed by 20 November, then the budget for the Commission to be incorporated in the annual budget motion under Standing Order 27.17(ii) is to comprise, for each service or purpose for which resources or cash were authorised to be used by the Commission in the previous financial year, 95% of the amount so authorised.

### **Auditor General**

- 27.13 The Auditor General must submit the estimate of income and expenses required under paragraph 12 of Schedule 8 to the Act to the Audit Committee as soon as practicable but in any event no later than 1 November in each financial year.
- 27.14 The Audit Committee must consider and lay before the Assembly, no later than 22 November, the estimate, with any modifications which the Committee, having consulted and taken into account any representations made by the Auditor General, considers appropriate.

### **Ombudsman**

- 27.15 The Ombudsman must submit the estimate of income and expenses required under paragraph 15 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2005 to the Finance Committee as soon as practicable but in any event no later than 1 November in each financial year.
- 27.16 The Finance Committee must consider and lay before the Assembly, no later than 22 November, the estimate, with any modifications which the Committee, having consulted and taken into account any representations made by the Ombudsman, considers appropriate.

## **Annual Budget Motions**

27.17 An annual budget motion as required under section 125 of the Act must be tabled by a Welsh Minister on or before 3 December. An annual budget motion must incorporate:

- (i) the final budget for the government;
- (ii) the final budget for the Commission as agreed by the Assembly under Standing Order 27.9 or 27.10, or as determined under Standing Order 27.12;
- (iii) the estimate for the Auditor General, as laid before the Assembly under Standing Order 27.14; and
- (iv) the estimate for the Ombudsman as laid before the Assembly under Standing Order 27.16.

27.18 An annual budget motion may also incorporate any motion for a resolution to be made for the relevant financial year under section 120(2)(a) of the Act.

27.19 The information produced in support of an annual budget motion must include as a minimum:

- (i) the written statement required under section 125(3) of the Act;
- (ii) the resources agreed by the Treasury for the Welsh block budget for the financial year covered by the motion;
- (iii) a reconciliation between the resources allocated to the Welsh block budget by the Treasury and the resources to be authorised for use in the motion;
- (iv) a reconciliation between the estimated amounts to be paid into the Welsh Consolidated Fund by the Secretary of State and the amounts to be authorised for payment out of the Fund in the motion; and
- (v) a reconciliation between the resources to be authorised under section 125(1)(a) and (b) of the Act and the amounts to be authorised for payment out of the Welsh Consolidated Fund under section 125(1)(c).

27.20 An annual budget motion may only be moved by a Welsh Minister. No amendment to an annual budget motion may be tabled.

## **Supplementary Budget Motions**

27.21 A Welsh Minister may table a supplementary budget motion under section 126 at any time after the annual budget resolution has been passed.



- 27.22 The information provided in support of a supplementary budget motion must include any variations to that provided in accordance with Standing Order 27.19.
- 27.23 A supplementary budget motion tabled under Standing Order 27.21 may not be moved until either:
- (i) the Finance Committee has reported on the motion; or
  - (ii) if the Finance Committee has not reported on the motion, three weeks have elapsed after it has been tabled.
- 27.24 The Finance Committee's report may recommend changes to the amounts proposed in the supplementary budget motion provided that the net effect of those variations would not increase or decrease the aggregate amounts of resources or cash proposed in the supplementary budget motion.
- 27.25 If the supplementary budget motion proposes a variation to the budget for the Auditor General, the Audit Committee may report on the proposed variation within three weeks of the supplementary budget motion being tabled. The report may propose any modifications to the proposed variation which the Audit Committee, having consulted and taken into account any representations made by the Auditor General, considers appropriate.
- 27.26 If the supplementary budget motion proposes a variation to the budget for the Ombudsman, the Finance Committee may lay before the Assembly a report on the proposed variation within three weeks of the supplementary budget motion being tabled. The report may propose any modifications to the proposed variation which the Finance Committee, having consulted and taken into account any representations made by the Ombudsman, considers appropriate.
- 27.27 A supplementary budget motion may only be moved by a Welsh Minister. Any amendment to such a motion may only be tabled to vary the supplementary budget motion. No amendment may be tabled or moved except by a Welsh Minister.

### **Excess Use of Resources**

- 27.28 Standing Order 27.29 applies if the audited accounts of the Commission, the Auditor General or the Ombudsman for any financial year record an excess of resources used to the amounts authorised or deemed under the Act to be authorised by Assembly budget resolutions.
- 27.29 A Welsh Minister must, if requested to do so by the Commission, the Auditor General or the Ombudsman, table a supplementary budget motion seeking retrospective authorisation for excesses recorded in that person's audited accounts.

27.30 A supplementary budget motion tabled under Standing Order 27.29 may not be moved until either:

- (i) the Audit Committee has reported on the motion; or
- (ii) if the Audit Committee has not reported on the motion, 6 months have elapsed after it has been tabled.

27.31 Standing Orders 27.21 to 27.26 do not apply to motions tabled under Standing Order 27.29.

**STANDING ORDER 27[A] – Finance Procedures – Temporary Amendments to Standing Order 27**

27A.1 Standing Order 27A relates to the [budget for the] financial year 2010/2011.

27A.2 In Standing Order 27.3, after “two weeks” insert “, or three weeks if the Finance Committee so resolves,”

27A.3 In Standing Order 27.4, for “four weeks” substitute “five weeks”.

**Temporary Effect of Standing Order 27A**

27A. Standing Order 27A is a temporary Standing Order and will cease to have effect once an annual budget motion has been tabled in accordance with Standing Order 27.17.

## **STANDING ORDER 28 - Public Petitions**

- 28.1 The Assembly must consider, in accordance with the provisions of Standing Orders 28.2 to 28.12, any admissible petition.
- 28.2 A petition must clearly indicate:
- (i) the name of the petitioner, who may be an individual person (other than a Member), a body corporate or an unincorporated association of persons;
  - (ii) an address of the petitioner to which all communications concerning the petition should be sent; and
  - (iii) the names and addresses of any person supporting the petition.
- 28.3 The Presiding Officer must determine the proper form of petitions and must publish his or her determinations.

### **Admissibility of Petitions**

- 28.4 A petition is not admissible if it:
- (i) contains fewer than 10 signatures;
  - (ii) fails to comply with Standing Order 28.2 or is otherwise not in proper form;
  - (iii) contains language which is offensive;
  - (iv) requests the Assembly to do anything which the Assembly clearly has no power to do; or
  - (v) is the same as, or in substantially similar terms to, a petition which was:
    - (a) presented by or on behalf of the same person, body corporate or unincorporated association during the same Assembly; and
    - (b) closed less than a year earlier.
- 28.5 Standing Order 28.4(i) does not apply if the petitioner is a body corporate or an unincorporated association of persons.
- 28.6 The Presiding Officer must consider and decide in a case of dispute whether a petition is admissible and must notify the petitioner, as soon as is reasonably practicable, of his or her decision and the reasons for it.
- 28.7 The Presiding Officer must publish a register of decisions made under Standing Order 28.6.

### **Action on a Petition**

28.8 If a petition is admissible, the Presiding Officer must refer that petition to the relevant Assembly committee (“the committee”).

28.9 The committee may:

- (i) refer the petition to the government, any other committee of the Assembly or any other person or body for them to take such action as they consider appropriate;
- (ii) report to the Assembly; or
- (iii) take any other action which the committee considers appropriate.

28.10 The committee must notify the petitioner of any action taken under Standing Order 28.9.

### **Closing Petitions**

28.11 The committee may close a petition at any time.

28.12 When the committee closes a petition, it must notify the petitioner that the petition is closed and of the reasons for closing it.

## **STANDING ORDER 29 - Laying and Tabling Procedures**

- 29.1 The following documents or categories of document may be laid before the Assembly:
- (i) a document specified in any enactment as one which must or may be laid before the Assembly or a document which falls within the terms of section 86 of, or paragraphs 36 or 37 of Schedule 11 to, the Act;
  - (ii) legislation or proposed or draft legislation required to be laid under Standing Orders 22, 23, 24 or 25;
  - (iii) any report made by an Assembly committee and which that committee has agreed should be submitted to the Assembly, other than any report to which (iv) or (v) below applies;
  - (iv) any report specified in Standing Orders 7.61 and 7.62 other than any to which paragraph (v) below applies;
  - (v) any other document specified elsewhere in Standing Orders which is required to be laid in accordance with the specific requirements in a Standing Order; and
  - (vi) any other document, or category of document, that the Assembly, by resolution in plenary, requires should be laid.
- 29.2 A member of the government may lay other appropriate documents.
- 29.3 Where any document is laid, or any motion, amendment, question or other business is tabled under Standing Order 29 or any other Standing Order, it must be laid or tabled in compliance with written guidance issued by the Presiding Officer.
- 29.4 Any document laid or business tabled by the Presiding Officer, the Commission, the government, any committee or the Clerk, must be laid or tabled in both English and Welsh, so far as is appropriate in the circumstances and reasonably practicable.
- 29.5 The receipt, by the Table Office, of any document or business on a working day during its agreed office hours (including receipt by electronic means) constitutes (as the case may be) the laying of the document or the tabling of the business.

## **STANDING ORDER 30 - Reports of Proceedings**

### **Minutes of Proceedings**

- 30.1 As soon as reasonably practicable after each plenary meeting, the minutes of the proceedings must be published in English and Welsh.
- 30.2 As soon as reasonably practicable after each public committee or sub-committee meeting, the minutes of the proceedings must be published in English and Welsh.

### **Verbatim Record of Plenary Meetings**

- 30.3 As soon as reasonably practicable after each plenary meeting, an edited verbatim record of proceedings must be published in English and Welsh.

### **Verbatim Record of Committee and Sub-committee Meetings**

- 30.4 As soon as reasonably practicable after each public committee or sub-committee meeting, an edited verbatim record of proceedings must be published in the language spoken in the committee, which must include an edited record of any simultaneous translation.

## **STANDING ORDER 31 – Financial and Other Interests of Members**

### **Registration of Financial and Other Interests**

- 31.1 The Presiding Officer must maintain and publish a Register of Interests of Members and copies must be available for inspection by Members and by the public.
- 31.2 The interests set out in the Annex to Standing Order 31 must be registered in the Register of Interests by completion of a form prescribed by the Presiding Officer.
- 31.3 Within eight weeks of a Member taking the oath of allegiance or making the corresponding affirmation, he or she must complete the form prescribed by the Presiding Officer, setting out all the particulars of the interests required to be registered by Standing Order 31; and must sign the form and deliver it to the Table Office.
- 31.4 Within four weeks of any change occurring, a Member must notify the Presiding Officer of the change in his or her registered interests by completing the form prescribed by the Presiding Officer and must sign the form and deliver it to the Table Office.
- 31.5 A Member may deliver the form referred to in Standing Orders 31.3 or 31.4 by taking it to the Table Office or arranging for another person to do so or by post but the form is not to be regarded as having been delivered until it is received by the Table Office.

### **Declaration of Interests before Taking Part in Any Assembly Proceedings**

- 31.6 In the circumstances specified in Standing Order 31, before taking part in any Assembly proceedings, a Member must make an oral declaration of any financial interest which he or she has, or may be expecting to have, or which, to the Member's knowledge, the Member's partner or any dependent child of the Member has, or may be expecting to have in any matter arising in those proceedings.
- 31.7 An oral declaration under Standing Order 31.6 must be made in relation to any interest which is specified in paragraph 5 of the Annex to Standing Order 31 if a particular decision in those proceedings might result in a direct financial advantage to the Member, or, to the Member's knowledge, the Member's partner or any dependent child of the Member, greater than that which might accrue to persons affected by the decision generally.

### **Lobbying for Reward or Consideration**

- 31.8 A Member must not advocate or initiate any cause or matter on behalf on any body or individual in any Assembly proceedings, or urge any other Member to advocate or initiate any cause or matter in any such proceedings, in return for any payment or benefit in kind, direct or indirect, which the Member, or to the Member's knowledge his or her



partner or any dependent child of the Member, has received or expects to receive.

### **Prohibition of Voting**

31.9 Where a Member is required under Standing Order 31.6 to declare an interest in a matter before taking part in any Assembly proceedings, that Member must not vote on any proposal relating to that matter in those proceedings. Standing Order 31.9 does not apply in relation to the exercise of a casting vote under Standing Order 2.20.

### **Exclusion of Members and Withdrawal of Rights and Privileges**

31.10 After consideration of any report put before it by the Committee on Standards of Conduct relating to a Member's compliance with Standing Order 31, the Assembly may, on a motion proposed by the chair of the Committee, resolve to exclude that Member from any Assembly proceedings for a period specified in the motion.

31.11 During the period of a Member's exclusion, he or she is not entitled to receive any salary from the Assembly and is not permitted to attend any Assembly proceedings.

### **Agreements for the Provision of Services**

31.12 Any Member who has, or who proposes to enter into, an agreement involving the provision of services in the Member's capacity as a Member must ensure that the agreement:

- (i) is not in breach of Standing Order 31.8;
- (ii) is in writing;
- (iii) indicates the nature of the services to be provided; and
- (iv) specifies the payment or benefit to be received.

31.13 As soon as may be after entering into such an agreement, and in any event within four weeks of that date, the Member must provide the Presiding Officer with a copy of the agreement, and the copy must be open to inspection by other Members and by the public.

## **STANDING ORDER 31 – Financial and Other Interests of Members: Annex**

**The interests which are to be registered in the Register of Interests of Members and which for the purposes of Standing Order 31.6 are to be declared before taking part in any Assembly proceedings.**

### **General**

1. Members should, in listing their registrable interests, have regard to any relevant resolutions, codes of practice or guidance notes which the Assembly may have adopted on this matter.
2. Any remunerated activity in the areas of public relations, and political advice and consultancy relating to the functions of the Assembly must be included in that part of the register relating to remunerated employment, office or profession. Such activity includes any action connected with any Assembly proceedings, sponsoring of functions in the Assembly buildings, and making representations to the government, or any member of that government or of its staff.
3. The majority of the interests specified in the categories below include a reference to interests independently possessed by or given to the partner or any dependent child of the Member, and these must also be registered if such interests are known to the Member.
4. For the purposes of the registration and declaration of interests under Standing Order 31 specified in this Annex:
  - (i) a Member's partner means a spouse, civil partner or one of a couple whether of the same sex or of the opposite sex who although not married to each other are living together and treat each other as spouses; and
  - (ii) a dependent child is any person who, at the time of registration is under the age of sixteen or is under the age of nineteen and receiving full time education by attendance at a recognised educational establishment and is:
    - (a) a child of the Member;
    - (b) a step-child of the Member by marriage or by civil partnership;
    - (c) a child legally adopted by the Member;
    - (d) a child whom the Member intends legally to adopt; or
    - (e) a child who, for at least the previous six calendar months, has been financially supported by the Member.

## The Registrable Interests

5. The registrable interests are:

- (i) remunerated directorships held by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, in public and private companies including directorships which are individually unremunerated but where remuneration is paid through another company in the same group;
- (ii) employment, office, trade, profession or vocation (apart from membership of the Assembly) for which the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member over the age of sixteen, is remunerated, or in which the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member over the age of sixteen, has any pecuniary interest;
- (iii) the names of clients when the interests referred to in paragraphs (i) and (ii) above include services by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member over the age of sixteen, which arise out of, or are related in any manner to, his or her membership of the Assembly;
- (iv) gifts, hospitality, material benefits or advantage above a value specified in any resolution of the Assembly received by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, from any company, organisation or person which arise out of, or are related in any manner to, membership of the Assembly;
- (v) any remuneration or other material benefit which a Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, receives from any public or private company or other body which has tendered for, is tendering for, or has, a contract with the Assembly;
- (vi) financial sponsorship (a) as a candidate for election to the Assembly, where to the knowledge of the Member the sponsorship in any case exceeds 25 per cent of the candidate's election expenses, or (b) as a Member of the Assembly by any person or organisation. In registering such an interest, a Member must state whether any such sponsorship includes any payment to the Member or any material benefit or advantage;
- (vii) subject to any resolution of the Assembly, overseas visits made by the Member or, to the Member's knowledge, the

Member's partner or any dependent child of the Member, which arise out of, or are related in any manner to, membership of the Assembly where the cost of any such visit has not been wholly borne by the Member or from funds provided by the Assembly or by Parliament or by any organisation of which the Assembly is a member;

- (viii) any land and property of the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, which has a substantial value as specified in any resolution of the Assembly or from which a substantial income is derived other than any home used for the personal residential purposes of the Member, the Member's partner or any dependent child of the Member;
- (ix) the names of companies or other bodies in which the Member has, either alone or with or on behalf of the Member's partner or any dependent child of the Member, a beneficial interest, or in which, to the Member's knowledge, the Member's partner or a dependent child of the Member has a beneficial interest, in shareholdings of a market value greater than one per cent of the issued share capital, or less than one per cent but more than an amount specified in any resolution of the Assembly;
- (x) paid or unpaid membership or chairmanship by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, of any body funded in whole or in part out of funds provided by the Assembly.

**STANDING ORDER 31A – Recording of the Employment of Family Members with the support of Commission funds.**

**[Note: a requirement for notification under this Standing Order is in addition to any requirement to register the employment of a Member's partner or dependent child under Standing Order 31. Where Standing Order 31 requires a Member to register the employment of a spouse or dependant child under that Standing Order, the Member must do that in addition to any notification required under this Standing Order.]**

31A.1 A Member who at any time, with the support of Commission funds, employs, either directly or indirectly, a person whom that Member knows to be a family member of that Member or of another Member must, no later than the date specified in Standing Order 31A.4, make a notification under this Standing Order.

31A.2 In this Standing Order:

(i) "family member" means:

- (a) a partner of a Member;
- (b) a child or grand-child of a Member;
- (c) a parent or grand-parent of a Member;
- (d) a brother or sister of a Member;
- (e) a nephew or niece of a Member; or
- (f) an uncle or aunt of a Member.

(ii) "partner" means a spouse, civil partner or one of a couple whether of the same sex or of the opposite sex who although not married to each other are living together and treat each other as spouses.

(iii) the expressions "child", "grand-child", "parent", "grand-parent" "brother", "sister", "uncle" and "aunt" apply equally to half-, step-, foster- and adoptive relationships and also apply to persons having the relationship in question to the partner of the Member;

(iv) "Commission funds" means amounts paid by the Commission by way of allowances under Standing Order 1.7.

31A.3 The notification required by this Standing Order must include the following information:

- (i) the Member's name;
- (ii) if the employee is a family member of another Member or Members, the name of that other Member or of those other Members;
- (iii) the full name of the employee;
- (iv) the relationship of the employee to the Member (or, where appropriate, to the Member or Members referred to in (ii));
- (v) the capacity in which the employee is employed, including any job title;

- (vi) the date on which the employment commenced;
- (vii) if the employment has ceased, the date on which it ceased; and
- (viii) the hours which the employee is contracted to work each week.

31A.4 Notification must be made:

- a) within eight weeks of the date on which the Member takes the oath or affirmation of allegiance, or
- b) within four weeks of:
  - i) the first occasion on which the family member receives a payment with the support of Commission funds,
  - ii) the date on which the employee becomes a family member of that Member or of another Member, or
  - iii) the date when the Member first becomes aware of the fact that the employee is a family member of that Member or of another Member,

whichever is the later.

31A.5 If:

- (a) notification has been given under this Standing Order; and
- (b) there has been any change to the information which was included in that notification;

the Member must, within four weeks of the date on which that change took place, make notification of that change.

31A.6 Notification under SO 31A.1 or under SO 31A.5 must be given by completing and signing the form prescribed by the Presiding Officer for the purpose and delivering it to the Table Office.

31A.7 The Presiding Officer must maintain a record of the notifications made by Members under this Standing Order and must publish the record and make a copy available for inspection in person by Members and by the public.

31A.8 Members are under a continuing duty to ensure, by inspecting the record of notifications from time to time, that it correctly contains the particulars notified by them under Standing Orders 31A.1 or 31A.5.

## **STANDING ORDER 32 – Recording of Membership of Societies**

- 32.1 A notification must be made by any Member of any membership, or position of general control or management, of a private society or a private club which has entry requirements for membership.
- 32.2 For the purposes of Standing Order 32.1, "entry requirements for membership" does not include:
- (i) the requirement to pay a subscription; or
  - (ii) the agreement to and signing of terms and conditions of membership of the society or club (other than any term and condition relating to selection for membership).
- 32.3 The Presiding Officer must maintain and publish a record of the notifications by Members of the matters set out in Standing Order 32.1 and copies must be available for inspection by Members and by the public.
- 32.4 Notifications must be made by completion of a form prescribed by the Presiding Officer.
- 32.5 Within eight weeks of a Member taking the oath of allegiance or making the corresponding affirmation, he or she must complete the form prescribed by the Presiding Officer, and must sign the form and deliver it to the Table Office.
- 32.6 Within four weeks of membership or change to membership occurring, a Member must notify the Presiding Officer by completion of the prescribed form; and must sign the form and deliver it to the Table Office.
- 32.7 The form referred to in Standing Orders 32.5 or 32.6 is not to be regarded as having been delivered until it is received by the Table Office.
- 32.8 Members are under a continuing duty to ensure, by inspecting the record of notifications from time to time, that it correctly contains the particulars notified by them under Standing Orders 32.5 or 32.6.

### **STANDING ORDER 33 – Commissioner for Standards**

- 33.1 The Assembly must appoint a person who is not a Member, a member of the staff of the Assembly, or a member of the staff of the government to act as the Commissioner for Standards. The duties of the Commissioner shall be:
- (i) to investigate factual matters arising out of any complaint against a Member;
  - (ii) to advise the Committee on Standards of Conduct on any matters of general principle relating to the standards of conduct of Members;
  - (iii) to advise the Committee on Standards of Conduct on any matters of general principle relating to the Registration of Members' Interests and the Recording of Membership of Societies; and
  - (iv) otherwise to render such assistance on matters relating to the standards of conduct of Members as the Assembly may from time to time decide.
- 33.2 Where the Commissioner for Standards is unable, for whatever reason, to investigate a complaint, the chair of the Committee on Standards of Conduct (or if he or she is unable to act, another member of the Committee acting on his or her behalf) must table a motion proposing the temporary appointment of a person who is not a Member, a member of the staff of the Assembly, or a member of the staff of the government, to investigate the complaint.
- 33.3 Time must be made available as soon as possible for such a motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.
- 33.4 No amendment may be tabled to a motion under Standing Order 33.2.



## **STANDING ORDER 34 - Conduct of the Public**

- 34.1 The Presiding Officer may make rules specifying the conditions with which members of the public attending or participating in Assembly proceedings must comply.
- 34.2 The Presiding Officer may require any member of the public to be excluded from Assembly proceedings if he or she is acting in a disruptive or disorderly manner, or is otherwise interfering in the Assembly's proper conduct of its business.
- 34.3 The chair of a committee has equivalent powers to the Presiding Officer under Standing Order 34.2 where the member of the public is attending or participating in any proceedings of that committee.

## **STANDING ORDER 35 – Remaking, Revision and Suspension of Standing Orders**

### **Re-making and Revision**

- 35.1 The Business Committee must, within a reasonable time, consider and report on any proposal made to it by at least six Members to remake the Standing Orders or revise Standing Orders (and any such revision may be of any Standing Order or part of a Standing Order).
- 35.2 A motion to remake the Standing Orders or revise Standing Orders must be tabled and proposed in plenary by the Business Committee.
- 35.3 If a resolution to remake the Standing Orders or revise Standing Orders is passed on a vote, it has no effect unless at least two-thirds of the Members voting support the motion.
- 35.4 A resolution to remake the Standing Orders or revise Standing Orders has immediate effect unless the resolution provides otherwise.
- 35.5 A resolution to revise Standing Orders may provide that any Standing Order, or any revision thereto, may be temporary (and its duration specified).

### **Suspension**

- 35.6 Any Standing Order or part thereof may be suspended for a specific purpose or purposes and in respect of a particular day on a motion tabled by any Member.
- 35.7 If a motion to suspend a Standing Order or part thereof is passed on a vote, it has no effect unless at least two-thirds of the Members voting support the motion.
- 35.8 A motion under Standing Order 35.6 must be tabled not less than one working day before it is to be considered by the Assembly, but the Presiding Officer may permit such a motion to be proposed without notice if he or she is satisfied that to do so would not be an abuse of the Assembly's procedures or an infringement of the rights of minorities in the Assembly.
- 35.9 Members must be notified forthwith as soon as a motion under Standing Order 35.6 is tabled.