

National Assembly for Wales

[Business Committee](#)

March 2016

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Amending Standing Orders: Standing Order 26 – Acts of the Assembly

Purpose

1. In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Assembly, including any proposals for the re-making or revision of Standing Orders.
2. The report recommends amendments to Standing Order 26. The changes agreed by Business Committee are found in Annex A, and the proposals for new Standing Order are at Annex B.

Background

3. Some of the proposed changes to Standing Order 26 would implement recommendations made by the Constitutional and Legislative Affairs Committee (CLAC) in its *Making Laws in Wales* report published on 8 October 2015, others are minor changes with a view to removing inconsistencies and ambiguities that currently exist in the Standing Order.

4. In its response to the CLAC report, Business Committee welcomed the Committee's recommendations, and stated its intention to give further consideration to the effect of a number of them. The Committee considered detailed proposals in February 2016 with a view to deciding whether or not proposals for change should be put before the Assembly. The proposed changes at Annex A would implement some of these recommendations.

5. For other CLAC Report recommendations, the Business Committee response stated that it would recommend in its Legacy Report that these be taken forward in the Fifth Assembly.

6. The programme of Standing Order revisions agreed by the Business Committee in May 2014 also included reviewing Standing Order 26 as a whole after CLAC had reported, with a view to making any changes required for the sake of clarity and consistency at the same time as any substantive changes arising from the CLAC inquiry. These proposed changes are also included in Annex A.

Proposed changes to implement CLAC recommendations

Documentation to accompany a Bill

7. The proposed changes to Standing Order 26.6, and the introduction of new Standing Orders 26.6A and 26.6B would implement recommendations 4, 19(i), 19(ii), 19(iv) and 20 of the CLAC's report.

8. They are sufficiently specific to guide Members in charge about what is actually required, but still provide some flexibility to allow for discretion on format and content.

9. Recommendation 4 suggested that an Explanatory Memorandum should have to:

- (i)* state whether a Bill was published as a draft in full or in part, and if in part, which parts;
- (ii)* include a detailed synopsis of how a Bill introduced has been amended from a draft Bill, and the reasons for any changes adopted;
- (iii)* set out the reasons, if relevant, for not publishing a Bill in draft.

10. The amendments to Standing Order 26.6 would achieve the above.

11. These amendments would also put into effect the suggestions made by the Auditor General for Wales in Recommendation 19(ii) about how Standing Order 26.6 could be improved to provide clearer financial information.

12. The proposed new Standing Order 26.6A would implement the CLAC recommendation 19(i) that the Member in charge signposts where precisely in the Explanatory Memorandum the Standing Order requirements can be found, for example by means of an appropriate index.

13. A proposed new Standing Order 26.6B would implement the CLAC's recommendation 19(iv), that a table of derivations should be provided alongside the Explanatory Memorandum, to explain how the Bill relates to the existing legal framework.

14. A proposed new Standing Order 26.6C would implement the CLAC's recommendation 20, that a Bill should be accompanied by "Keeling Schedules" that show clearly how the Bill amends existing primary legislation. The wording agreed by the Business Committee

does not use the term 'Keeling Schedule' but requires the Member in charge to provide a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill, where the Bill proposes to significantly amend existing primary legislation.

By-passing Stage 1

15. The CLAC's recommendation 26 stated:

We recommend that the Business Committee reviews the adequacy of the procedure that permits the by-passing of Stage 1 scrutiny and the procedure that allows the use of Welsh Government Emergency Bills. In particular it should consider:

(i) a requirement for the Business Committee to publish the reasons for its decision under Standing Order 26.9 to permit a Bill to bypass Stage 1 scrutiny in committee, within 2 working days of making that decision;

(ii) a requirement that, in tabling a motion proposing that a government Bill be treated as a government Emergency Bill under Standing Order 26.95, the Member in charge must lay a statement explaining why it should be treated as such and the costs and other consequences of not doing so.

16. The proposed new Standing Order 26.10A would implement the first part of that recommendation, while the draft new Standing Order 26.95A would implement the second part. The second part reflects the basis upon which an emergency procedure was originally included in the Standing Orders, i.e. that there must be compelling time and/or financial constraints. Under the new Standing Order, the Member in charge would be required to set out these constraints in writing. The

content of the statement would be a matter for the Member in charge, but could be scrutinised by other Members, and could inform their consideration of whether the Bill should be allowed to proceed as an Emergency Bill.

Other proposed changes

17. The proposed changes outlined below were identified as necessary to remove ambiguities and inconsistencies in Standing Order 26:

Stage 2

18. A Bill can only move to Stage 2 if the Assembly has agreed to its general principles, so the current wording of SO26.18 is ambiguous. It is also proposed that the order of SO26.18 and 26.17 are reversed, so that the Standing Orders first define the responsible Committee, and then provide for the limitations on when it can meet to consider amendments.

Sections and schedules deemed agreed

19. The current wording of Standing Orders 26.24 – 26.26, and 26.42 – 26.44 suggests a decision that is **to be** taken by the Committee to deem the relevant section or schedule agreed. In practice the agreement has already been reached, and so the proposed change clarifies this.

Report Stage

20. Standing Order 26.46 sets out those Standing Orders that apply to Report Stage. Currently this includes reference to SO 26.29, which states that Stage 3 starts on first working day after stage 2 is completed. This Standing Order should not be referred to here in the context of Report Stage as it does not make sense, and the proposed

change would therefore remove it from Standing Order 26.46. The new Standing Order 26.45A makes clear when Report Stage starts.

Reconsideration of Bills Passed

21. In the same way as Standing Order 26.46 sets out the procedures for Report Stage, so the proposed new Standing Order 26.54 summarises that the majority of Stage 3 procedures also apply to Reconsideration Stage. The original wording of 26.54 is covered by SO26.31 and so would be redundant. The provisions of Standing Order 26.53B are also covered by the application of Stage 3 procedures, and so it is proposed that this too would be deleted.

22. As currently worded, Standing Order 26.52 does not comprehensively set out the process to be followed in the event of the Supreme Court referring a Bill for a preliminary ruling from the European Court of Justice. The proposed new Standing Orders 26.52A and 26.52B would set out the process required by the Act.

General Provisions in Relation to Amendments to Bills

23. The proposed change to Standing Order 26.59 clarifies that amendments may be tabled five days *or more* before they are considered. The current wording implies that they have to be tabled exactly five days before.

Signifying Crown Consent

24. The proposed change to Standing Order 26.67 would enable Her Majesty's and Duke of Cornwall's Consent to be indicated at any meeting of the Assembly, rather than only during proceedings on the Bill. Since Stage 4 usually no longer follows immediately from Stage 3, such consent may often need to be indicated outside proceedings on a Bill.

Emergency Bills – Revised Explanatory Memorandum

25. The proposed change to Standing Order 26.101 would dis-apply the requirement to lay a revised Explanatory Memorandum in the case of Emergency Bills. Standing Order 26.96 allows for an Emergency Bill to be introduced without an Explanatory Memorandum, and even if one is provided, the shortened timetable for such Bills means that any requirement to lay a revised version at least five days before the next amending stage could not be met.

CLAC Recommendations for which no change to procedure has been agreed

26. The Business Committee also gave consideration to proposed changes to Standing Orders to implement CLAC recommendations 19(iii) and 22. On these issues, detailed below, there are significant differences between the Government position and the recommendations made by CLAC, and the Business Committee has not been able to agree any change to the procedures at this time.

Report Stage (Standing Order 26.45)

27. CLAC's Recommendation 22 was for Report Stage to become an automatic part of the legislative process unless the Assembly votes by a two-thirds majority to by-pass such a stage.

28. Paul Davies, Elin Jones and Aled Roberts all supported implementing the CLAC recommendation in full, but the Minister for Finance and Government Business informed the Business Committee of the Government's opposition to such a change, and it could not therefore be agreed to.

29. Alternative proposals to give effect to the spirit of the CLAC recommendation, such as by requiring a simple majority rather than two-thirds to resolve to bypass Report Stage, or retaining Report Stage as an optional Stage but allowing any Member (not just the Member in Charge) to move, were not acceptable to the Minister either.

Scrutiny of compliance with Convention rights (Standing Order 26.6)

30. CLAC Recommendation 19(iii) seeks the inclusion in SO26.6 of a requirement for the Member in charge of a Bill to explain how they have taken account of Convention rights in preparing the Bill. This recommendation was prompted by criticism from the Supreme Court of the Assembly's scrutiny of the Recovery of Medical Costs for Asbestos Diseases (Wales) Bill. Requiring this information at the inception of a Bill's scrutiny was intended to send a clear message to the Supreme Court and to the people of Wales about the importance the Assembly places upon Convention rights, and to ensure that information is available in a timely fashion for scrutiny.

31. While Paul Davies, Elin Jones and Aled Roberts all supported implementing the CLAC recommendation in full, the Minister for Finance and Government Business informed the Business Committee that the Government wanted more time to consider the implications of the recommendation, and would be ready to consider such a change early in the Fifth Assembly.

32. As a result, the Business Committee could not agree to implement this CLAC recommendation, but agreed that the matter should be brought to the attention of the Business Committee of the Fifth Assembly to consider at the earliest opportunity.

Other Issues deferred to the successor Business Committee

33. In addition to agreeing to defer the matter above for consideration by its successor, the Business Committee's Legacy Report has separately recommended that a number of other issues relating to the legislative process raised by the CLAC report are prioritised for consideration by its successor. These are:

- a review of the need for a minimum period for the scrutiny of Bills at Stage 1;
- a review of the process for Member Bills, taking account of the evidence the CLAC Committee received from Assembly Members and their suggestions for improving the process;
- further work to inform consideration of changes to require that all amendments tabled to a Bill are accompanied by text that explains their purpose and effect.

34. In considering the proposed changes to Standing Order 26, a number of other issues were also raised which went beyond the scope of the original proposals. The Business Committee agreed that these matters should also be prioritised for consideration by the 5th Assembly:

- Procedure for Introduction of Bills and Timetabling of Bills (Standing Orders 26.4 and 26.9);
- Admissibility of amendments with Identical Legal Effect (Standing Order 26.61);
- Fall, Rejection or Withdrawal of Bills (Standing Order 26.77).

Action

35. The Business Committee formally agreed the changes to Standing Orders on 8 March 2016 and the Assembly is invited to approve the proposals at Annex B.

Annex A

STANDING ORDER 26 – Acts of the Assembly

STANDING ORDER 26 – Acts of the Assembly		
	Form and Introduction of Bills	Retain Sub-heading
26.1	Subject to Standing Orders 26.80 to 26.94, a Bill may be introduced on a working day in a sitting week.	Retain Standing Order
26.2	A Bill must be introduced by being laid.	Retain Standing Order
26.3	A Bill must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.	Retain Standing Order
26.4	A Bill 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 Bill would be, in his or her opinion, within the legislative competence of	Retain Standing Order

	<p>the Assembly; and</p> <p>(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.</p>	
26.5	<p>A Bill must be introduced in both English and Welsh except in the following cases:</p> <p>(i) when, in respect of a government Bill, the Member in charge states in writing that, for specified reasons, it would not be appropriate in the circumstances or reasonably practicable for the Bill to be introduced in both languages; or</p> <p>(ii) when not doing so is in accordance with determinations issued by the Presiding Officer under Standing Order 26.3.</p>	Retain Standing Order
	Documentation to Accompany a Bill	Retain Sub-heading
26.6	At the same time as the Member in charge introduces a Bill, he	Amend Standing Order: To implement CLA

<p>or she must also lay an Explanatory Memorandum which must:</p> <ul style="list-style-type: none"> (i) state that in his or her view the provisions of the Bill would be within the legislative competence of the Assembly; (ii) set out the policy objectives of the Bill; (iii) set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted; (iv) set out the consultation, if any, which was undertaken on: <ul style="list-style-type: none"> (a) the policy objectives of the Bill and the ways of meeting them; and (b) the detail of the Bill; <u>and</u> <p>together with a summary of the outcome of that consultation;</p> <ul style="list-style-type: none"> (c) <u>a draft Bill, either in full or in part (and if in part, which parts);</u> 	<p>Report recommendations 4 and 19(ii):</p> <p><i>Recommendation 4: to require EMs to: (i) state whether a Bill was published as a draft in full or in part, and if in part, which parts; (ii) a detailed synopsis of how a Bill introduced has been amended from a draft Bill, and the reasons for any changes adopted; (iii) the reasons, if relevant, for not publishing a Bill in draft.</i></p>
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<p>(v) <u>set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended;</u></p> <p>(vi) <u>if the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision;</u></p> <p>(vii) summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill;</p> <p>(viii) set out the best estimates of:</p> <ul style="list-style-type: none"> (a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise; (b) <u>the administrative savings arising from the Bill;</u> (c) <u>net administrative costs of the Bill's provisions;</u> (d) the timescales over which <u>all such costs and savings</u> would be expected to arise; and (e) on whom the costs would fall; 	<p><i>Recommendation 19 (ii) the suggestions made by the Auditor General for Wales about how Standing Order 26.6(vi) could be improved to provide clearer financial information;</i></p> <p>The amended Standing Order includes the additional requirements set out in the 'Cost Estimate Summary Table' provided in evidence from the Auditor General for Wales.</p>
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(ix) any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially.

~~(vii)~~ where the Bill 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 Bill contains any provision charging

	<p>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.</p>	
<p><u>26.6A</u></p>	<p><u>The Explanatory Memorandum to the Bill must state precisely where each of the requirements of Standing Order 26.6 can be found within it, by means of an index or otherwise.</u></p>	<p>Insert New Standing Order: To implement CLA Report Recommendation 19(i): <i>including a requirement that the Member in charge signposts where precisely in the Explanatory Memorandum the Standing Order requirements can be found (for example, by means of an appropriate index);</i></p>
<p><u>26.6B</u></p>	<p><u>Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.</u></p>	<p>Insert New Standing Order: To implement CLA Report Recommendation 19 (iv): <i>including a requirement that the Member in charge of a Bill provides a table of derivations.</i></p>

26.6C	<p><u>Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.</u></p>	<p>Insert New Standing Order: To implement CLA Report Recommendation 20: <i>To amend the Assembly’s Standing Orders to require Keeling Schedules to accompany a Bill on introduction (where it proposes to amend existing primary legislation).</i></p> <p>At the request of the Minister, the provision will apply only where a Bill significantly amends existing primary legislation. ‘Significantly’ in this context is taken to mean that substantial and substantive amendments are being made to one or more Acts.</p>
	Timetable for Consideration of a Bill	Retain Sub-heading

26.7	The Business Committee must establish and publish a timetable for the consideration of a Bill, except for any stage taken in plenary (which must be arranged under the provisions of Standing Orders 11.12 or 11.7(ii), as the case may be).	Retain Standing Order
26.8	The Business Committee may make such subsequent changes to a timetable established under Standing Order 26.7 as it considers appropriate but must give reasons for such changes.	Retain Standing Order
	Stage 1: Consideration of General Principles	Retain Sub-heading
26.9	Once a Bill has been introduced, the Business Committee must decide whether or not to refer consideration of the general principles to a responsible committee established under Standing Order 16.1 (referred to within Standing Order 26 as “the responsible committee”).	Retain Standing Order
26.10	If the Business Committee agrees under Standing Order 26.9 to	Retain Standing Order

	refer the Bill to a responsible committee, that responsible committee must consider and report on the general principles of the Bill.	
<u>26.10A</u>	<u>If the Business Committee decides under Standing Order 26.9 not to refer the Bill to a responsible committee, it must publish the reasons for that decision within two working days.</u>	New Standing Order: To implement CLA Report Recommendation 26 (i): <i>a requirement for the Business Committee to publish the reasons for its decision under Standing Order 26.9 to permit a Bill to bypass Stage 1 scrutiny in committee, within 2 working days of making that decision;</i>
26.11	Not earlier than five working days after either: (i) the responsible committee has reported on the general principles of the Bill; or (ii) the deadline by which the responsible committee is	Retain Standing Order

	<p>required to report has been reached,</p> <p>the Member in charge of the Bill may propose that the Assembly agree to the general principles of the Bill.</p>	
26.12	<p>If the Business Committee decides not to refer consideration of the general principles to a responsible committee, the Member in charge may propose that the Assembly agree to the general principles of the Bill.</p>	Retain Standing Order
26.13	<p>If the Assembly agrees to the general principles of the Bill under Standing Orders 26.11, 26.12, 26.83 or 26.102, the Bill proceeds to Stage 2.</p>	Retain Standing Order
26.14	<p>If the Assembly does not agree to the general principles of the Bill under Standing Orders 26.11, 26.12, 26.83 or 26.102, the Bill falls.</p>	Retain Standing Order

26.15	Stage 1 is completed when the general principles of the Bill have been agreed to or the Bill falls under Stage 1.	Retain Standing Order
	Stage 2: Detailed Consideration by Committee	Retain Sub-heading
26.16	Stage 2 starts on the first working day after Stage 1 is completed.	Retain Standing Order
26.18 <u>26.17</u>	<p>If the Assembly has agreed to the Bill's general principles, At <u>Stage 2</u>, the Business Committee must:</p> <ul style="list-style-type: none"> (i) refer the Bill back to the responsible committee for Stage 2 proceedings; (ii) refer the Bill to a responsible committee for Stage 2 proceedings if the Business Committee agreed under Standing Order 26.9 not to refer consideration of the general principles to a responsible committee; or 	Amend Standing Order: – The Bill can only be in Stage 2 if the Assembly has agreed to the general principles, so this first part of the Standing Order does not need to be re-stated. It is also proposed that this Standing Order should appear before SO26.17, i.e. first define the responsible Committee, and then provide for the limitations on when it can meet to consider amendments.

	(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 6.20.	
26.17 26.18	At least 15 working days must elapse between the start of Stage 2 and the date of the first meeting at which the responsible committee considers amendments to the Bill.	Re-number Standing Order
26.18	<p>If the Assembly has agreed to the Bill's general principles, the Business Committee must:</p> <p>(i) refer the Bill back to the responsible committee for Stage 2 proceedings;</p> <p>(ii) refer the Bill to a responsible committee for Stage 2 proceedings if the Business Committee agreed under Standing Order 26.9 not to refer consideration of the general principles</p>	Move Standing Order (now new Standing Order 26.17)

	<p>to a responsible committee; or</p> <p>(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 6.20.</p>	
26.19	A Bill may be amended in Stage 2 proceedings.	Retain Standing Order
26.20	Amendments to be considered at Stage 2 proceedings may be tabled by any Member, from the first day on which Stage 2 starts.	Retain Standing Order
26.21	Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Bill, unless the committee considering Stage 2 proceedings has decided otherwise.	Retain Standing Order

26.22	<p>Only a Member who is a member of the committee considering Stage 2 proceedings may participate in those proceedings for the purpose of:</p> <p>(i) moving or seeking agreement to withdraw an amendment; or</p> <p>(ii) voting.</p>	Retain Standing Order
26.23	<p>An amendment tabled by a Member who is not a member of the committee considering Stage 2 proceedings, may be moved by a member of the committee.</p>	Retain Standing Order
26.24	<p>Where any amendment is tabled to a section <u>of</u> or schedule <u>to</u> of the Bill, 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.</p>	<p>Amend Standing Order: – For clarity. Current wording suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.</p>

26.25	If no amendment is tabled to a section <u>of</u> or schedule <u>to</u> of the Bill, then that section or schedule is to be deemed agreed by the committee for the purpose of Stage 2 proceedings.	Amend Standing Order: – For clarity. Current wording suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.
26.26	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.	Amend Standing Order: – For clarity. Current wording suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.
26.27	If a Bill is amended at Stage 2 proceedings the Member in charge must prepare a revised Explanatory Memorandum, unless the committee considering Stage 2 proceedings resolves that no revised Explanatory Memorandum is required.	Retain Standing Order
26.28	Any revised Explanatory Memorandum prepared under Standing Order 26.27 must be laid at least five working days before the date of the first meeting of the Assembly that	Retain Standing Order

	considers Stage 3 proceedings.	
	Stage 3: Detailed Consideration by the Assembly	Retain Sub-heading
26.29	Stage 3 starts on the first working day after Stage 2 is completed.	Retain Standing Order
26.30	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.	Retain Standing Order
26.31	Stage 3 proceedings of a Bill must be considered by the Assembly in plenary.	Retain Standing Order
26.32	A Bill may be amended in Stage 3 proceedings.	Retain Standing Order

26.33	Amendments to be considered at Stage 3 proceedings may be tabled by any Member from the first day on which Stage 3 starts.	Retain Standing Order
26.34	The Presiding Officer may select those amendments which are to be taken at Stage 3 proceedings.	Retain Standing Order
26.35	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 26.59. Such an amendment is referred to as a “late amendment”.	Retain Standing Order
26.36	Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Bill, 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 11.12	Retain Standing Order

	or 11.7(ii) as the case may be).	
26.37	The Assembly may, on a motion without notice of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 11.12 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).	Retain Standing Order
26.38	<p>If a motion under Standing Order 26.37 is agreed to, debates on those groups of amendments must be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer:</p> <p>(i) as a consequence of the non-moving of an amendment leading to a change in the order in which groups are debated; or</p> <p>(ii) to prevent any debate on a group of amendments that has already begun when a time-limit is reached from being</p>	Retain Standing Order

	unreasonably curtailed.	
26.39	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.	Retain Standing Order
26.40	If a motion under Standing Order 26.39 is agreed to, the Member in charge of the Bill, or any member of the government, may table amendments to the Bill to be moved at the further Stage 3 proceedings.	Retain Standing Order
26.41	Amendments under Standing Order 26.40 are only admissible if, in addition to the criteria in Standing Order 26.61, they are for the purpose of clarifying a provision of a Bill (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given at the earlier Stage 3	Retain Standing Order

	proceedings.	
26.42	Where any amendment is tabled to a section <u>of</u> or schedule to <u>of</u> the Bill, 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.	Amend Standing Order: – For clarity. Current wording suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.
26.43	If no amendment is tabled to a section <u>of</u> or schedule <u>to</u> of the Bill, then that section or schedule is to be deemed agreed by the Assembly for the purpose of Stage 3 proceedings.	Amend Standing Order: – For clarity. Current wording suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached
26.44	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.	Amend Standing Order: – For clarity. Current wording suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached
	Report Stage	Retain Sub-heading

26.45	Once Stage 3 is completed in accordance with Standing Order 26.44, the Member in charge may, without notice, move that the Assembly consider amendments at Report Stage. Such a motion may be debated but not amended.	Retain Standing Order
26.45A	<u>Report Stage starts on the first working day after a motion under Standing Order 26.45 is agreed by the Assembly.</u>	New Standing Order: this change provides clarity regarding when Report Stage starts, where the Assembly agrees to have one, and is consequential on the change to Standing Order 26.46 below, which removes the current application of the relevant Stage 3 Standing Order which has been identified as being unclear.
26.46	Standing Orders 26.29 <u>30</u> to 26.44 apply to Report Stage proceedings. References to "Stage 3" and "further Stage 3" should be construed as references to "Report Stage" and "further Report Stage" accordingly.	Amend Standing Order: – SO 26.29 states that Stage 3 starts on first working day after stage 2 is completed, even if the Report stage hasn't actually been agreed. Also

		means that taking SO literally, Report Stage would start the first working day after Stage 2 (which can't happen). Therefore reference to SO26.29 is removed from this Standing Order, and a new consequential Standing Order below states when Report Stage will start.
26.46A	If a Bill is amended at Stage 3 proceedings, and the Assembly agrees to consider amendments at Report Stage the Member in charge must prepare a revised Explanatory Memorandum, unless the Assembly resolves that no revised Explanatory Memorandum is required.	Retain Standing Order
26.46B	Any revised Explanatory Memorandum prepared under Standing Order 26.46A must be laid at least five working days before the date of the first meeting of the Assembly that considers Report Stage proceedings.	Retain Standing Order

	Stage 4: Final Stage	Retain Sub-heading
26.47	A motion that the Bill be passed may be tabled by any Member, and may not be considered until at least five working days after the completion of Stage 3 proceedings, or Report Stage proceedings where undertaken.	Retain Standing Order
26.47A	A motion under Standing Order 26.47 must be tabled at least one working day before it is debated.	Retain Standing Order
26.48	Subject to Standing Order 26.50, immediately after the completion of Stage 3 proceedings, or Report Stage proceedings where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Bill be passed.	Retain Standing Order

26.49	A motion that a Bill be passed may not be amended.	Retain Standing Order
26.50	No motion that a Bill be passed may be moved unless the text of the Bill is available in both English and Welsh.	Retain Standing Order
26.51	No motion under Standing Order 12.31(ii) may be moved in any Stage 4 proceedings.	Retain Standing Order
	Reconsideration of Bills Passed	Retain Sub-heading
26.52	<p><u>In accordance with section 113 of the Act, a</u>Any Member may, after the Bill is passed, by motion propose that the Assembly reconsider the Bill, or any provision of it, if:</p> <p>(i) a question has been referred to the Supreme Court under section 112 of the Act; <u>and</u></p> <p>(ii) a reference for a preliminary <u>European Court</u> ruling (within the meaning of section 113(1)(b) of the Act) has been</p>	<p>Amend Standing Order: – for clarity of these Standing Orders on Reconsideration Stage.</p> <p>In accordance with Section 111(6)(b) of the Act, there are three circumstances in which a Bill may be reconsidered after its passing.</p>

	<p>made by the Supreme Court in connection with that reference; and</p> <p>(iii) neither of those references has been decided or otherwise disposed of.</p>	<p>The first of these is covered by Standing Order 26.52 – in the case of a Bill referred to the Supreme Court that is subsequently referred on to the European Court of Justice for a preliminary ruling. In this case Reconsideration Stage can only start once the Clerk has notified the Counsel General and Attorney General that the Assembly intends to reconsider the Bill – see 26.52A below – and once the person who initially referred the Bill has withdrawn that reference – see Standing Order 52B below.</p> <p>Not all the provisions of the Act are accurately reflected in the current Standing Orders, and the draft amendments seek to rectify those omissions.</p> <p>Reconsideration may also take place if the</p>
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		Supreme Court has ruled on a reference that the Bill or any provision within it is not within competence, or if an order is made in relation to the Bill by the Secretary of State under Section 114. These two circumstances are covered by SO26.53 and 53A below.
26.52A	<u>If a motion under Standing Order 26.52 is agreed to by the Assembly, the Clerk must notify the Counsel General and the Attorney General of that fact.</u>	New Standing Order Better reflects the provisions of the Act, for clarity.
26.52B	<u>If the Assembly agrees to a motion under Standing Order 26.52, Reconsideration Stage starts on the first working day after the reference made in relation to the Bill under section 112 has been withdrawn following a request for withdrawal of the reference under section 113(2)b of the Act.</u>	New Standing Order As above – In the circumstances of SO26.52, Reconsideration Stage can only start in accordance with the provisions of the Act.

26.53	<p>Any Member may by motion propose that the Assembly reconsider the Bill if:</p> <p>(i) the Supreme Court decides <u>on a reference made in relation to the Bill under section 112 of the Act</u> that the Bill or any provision of it would not be within the legislative competence of the Assembly; or</p> <p>(ii) an order is made in relation to the Bill under section 114 of the Act.</p>	<p>Amend Standing Order</p> <p>As above – the 2nd and 3rd circumstances in which Reconsideration Stage can be taken.</p>
26.53A	<p><u>If the Assembly agrees to a motion under Standing Order 26.53</u>, Reconsideration Stage starts on the first working day after that a motion proposed under Standing Order 26.52 or 26.53 is agreed to by the Assembly.</p>	<p>Amend Standing Order</p> <p>As above.</p>
26.53B	<p>At least fifteen working days must elapse between the start of Reconsideration Stage and the date of the first meeting of the Assembly that considers Reconsideration Stage proceedings.</p>	<p>Delete Standing Order</p> <p>Provision included in Standing Order 26.54</p>

		below
26.54	<p>Proceedings at Reconsideration Stage must be considered by the Assembly in plenary.</p> <p><u>Standing Orders 26.30 to 26.34 and 26.36 to 26.44 apply to Reconsideration Stage proceedings. References to "Stage 3" and "further Stage 3" should be construed as references to "Reconsideration Stage" and "further Reconsideration Stage" accordingly.</u></p>	<p>Amend Standing Order: – for clarity and consistency – to make clear that most of the Stage 3 provisions would also apply to Reconsideration Stage. This Standing Order summarises the Standing Orders that apply to Reconsideration Stage as they would for Stage 3. The original wording of 26.54 is deleted but is covered by Standing Order 26.31. Late amendments are not allowed at this stage, therefore Standing Order 26.35 is not included.</p>
26.55	<p>A Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26.61, and in the opinion of the Presiding Officer, the amendments are solely for the purpose of resolving the issue which is the subject of:</p> <p>(i) the reference for a preliminary ruling;</p>	<p>Retain Standing Order</p>

	<p>(ii) the decision of the Supreme Court; or</p> <p>(iii) the Order under section 114 of the Act.</p>	
26.56	Immediately after the completion of Reconsideration Stage proceedings, any Member may without notice move that the Assembly approves a Bill amended on reconsideration. Such a motion may not be amended.	Retain Standing Order
	General Provisions in Relation to Amendments to Bills	Retain Sub-heading
26.57	Standing Orders 26.58 to 26.66 apply to amendments in Stage 2 proceedings, Stage 3 proceedings, Report Stage proceedings or on Reconsideration.	Retain Standing Order
26.58	The Presiding Officer must determine the proper form of amendments to a Bill.	Retain Standing Order

26.59	No amendment, other than a late amendment, may be considered unless it has been tabled <u>at least</u> five working days before it is considered.	Amend Standing Order: – For clarity and consistency with other Standing Orders. Without this change the Standing Order would mean amendments couldn't be tabled <i>earlier</i> than 5 working days before consideration.
26.60	Any Member may add his or her name to an amendment (other than a late amendment) by notifying the Clerk at any time until the end of the working day before the amendment is due to be considered.	Retain Standing Order
26.61	An amendment is not admissible if: (i) it is not in its proper form in accordance with Standing Order 26.58; (ii) it is not relevant to the Bill or the provisions of the Bill which it would amend;	Retain Standing Order

	<p>(iii) it is inconsistent with the general principles of the Bill as agreed by the Assembly; or</p> <p>(iv) it is inconsistent with a decision already taken at the Stage at which the amendment is proposed;</p>	
26.62	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 26.57 to 26.66 must apply accordingly.	Retain Standing Order
26.63	Subject to Standing Order 26.22, 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.	Retain Standing Order

26.64	<p>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.</p>	Retain Standing Order
26.65	<p>If a Member who tabled an amendment does not move the amendment when that amendment comes to be debated, the amendment may be moved:</p> <p>(i) in a committee considering Stage 2 proceedings, by a member of that committee; or</p> <p>(ii) in Stage 3 proceedings, Report Stage proceedings or on Reconsideration, by any other Member.</p>	Retain Standing Order
26.66	<p>An amendment which has been moved may be withdrawn by the Member who moved it, but only:</p>	Retain Standing Order

	<p>(i) in a committee considering Stage 2 proceedings, if no member of that committee objects; or</p> <p>(ii) in Stage 3 proceedings, Report Stage proceedings or on Reconsideration, if no Member objects.</p>	
	Her Majesty's and Duke of Cornwall's Consent	Retain Sub-heading
26.67	<p>If a Bill 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 Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government during proceedings on the Bill at a meeting of the Assembly.</p>	<p>Amend Standing Order: – for clarity and to allow for the separation of Stage 3 and Stage 4 proceedings: A member of the government can signify consent <i>at any time</i> at a meeting of the Assembly, in advance of the Stage 4 debate, and not just during the Stage 3/Report Stage proceedings on that Bill.</p>
	Financial Resolutions	
26.68	The Presiding Officer must decide in every case whether a	Retain Standing Order

	<p>financial resolution is required for a Bill under Standing Orders 26.69 to 26.74.</p>	
<p>26.69</p>	<p>If a Bill contains a provision:</p> <ul style="list-style-type: none"> (i) which charges expenditure on the Welsh Consolidated Fund; or (ii) the likely effect of which would be to: <ul style="list-style-type: none"> (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, <p>no proceedings may be taken on the Bill 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.</p>	<p>Retain Standing Order</p>

26.70	<p>If:</p> <p>(i) a Bill 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</p> <p>(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)),</p> <p>no proceedings may be taken on the Bill at any Stage after Stage 1 unless the Assembly has by financial resolution agreed to the charge, increase or payment.</p>	Retain Standing Order
26.71	<p>Standing Order 26.70:</p> <p>(i) applies only where the charge, increase in charge or payment is significant; and</p> <p>(ii) does not apply where the charge, increase in charge or</p>	Retain Standing Order

	<p>payment is:</p> <p>(a) in respect of the provision of goods and is reasonable in relation to the goods provided; or</p> <p>(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.</p>	
26.72	<p>Where the effect of an amendment (or amendments) to a Bill, if agreed to, would be that the Bill 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.</p>	Retain Standing Order
26.73	<p>Only a member of the government may move a motion for a financial resolution. Such a motion cannot be amended.</p>	Retain Standing Order

26.74	<p>Unless:</p> <p>(i) notice of a motion for any financial resolution required in relation to a Bill by Standing Orders 26.69 or 26.70 is tabled within 6 months of the completion of Stage 1; and</p> <p>(ii) the motion is agreed to, the Bill falls.</p>	Retain Standing Order
	Notification of Royal Assent to Acts of the Assembly	Retain Sub-heading
26.75	The Clerk must notify the Assembly of the date of Royal Assent to an Act of the Assembly.	Retain Standing Order
	Fall, Rejection or Withdrawal of Bills	Retain Sub-heading
26.76	If a Bill falls or is rejected by the Assembly, no further proceedings may be taken on that Bill, and a Bill 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	Retain Standing Order

	of 6 months from the date on which the Bill fell or was rejected.	
26.77	A Bill falls if it has not been passed or approved by the Assembly before the end of the Assembly in which it was introduced.	Retain Standing Order
26.78	Approval to introduce a Bill in accordance with Standing Order 26.91 ceases at dissolution.	Retain Standing Order
26.79	A Bill 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.	Retain Standing Order
	Committee Bills	Retain Sub-heading
26.80	Standing Orders 26.81 to 26.83 apply only to committee Bills.	Retain Standing Order

26.81	Any committee may introduce a committee Bill relating to the committee's remit.	Retain Standing Order
26.82	Standing Orders 26.9 to 26.12 do not apply to committee Bills.	Retain Standing Order
26.83	At Stage 1, the Member in charge of a committee Bill may table a motion proposing that the Assembly agree to the general principles of the Bill.	Retain Standing Order
	Commission Bills	Retain Sub-heading
26.84	The Commission may introduce a Bill relating to the Commission's functions.	Retain Standing Order
	Member Bills	Retain Sub-heading
26.85	Standing Orders 26.86 to 26.94 apply only to Member Bills.	Retain Standing Order

26.86	[Standing Order removed by resolution of the Assembly on 16 November 2011]	
26.87	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 agreement to introduce a Bill.	Retain Standing Order
26.88	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 26.90.	Retain Standing Order
26.89	No Member who has previously won the ballot in that Assembly may so apply.	Retain Standing Order

26.90	<p>The required pre-ballot information is:</p> <ul style="list-style-type: none"> (i) the proposed title of the Bill; and (ii) an Explanatory Memorandum which must contain: <ul style="list-style-type: none"> (a) the policy objectives of the Bill; and (b) details of any support received for the Bill, including details of any consultation carried out. 	Retain Standing Order
26.91	<p>A Member who is successful in a ballot may within 25 working days of the date of the ballot table a motion seeking the Assembly's agreement to introduce a Bill to give effect to the pre-ballot information tabled under Standing Order 26.90.</p>	Retain Standing Order
26.92	<p>Time must be made available for a motion tabled under Standing Order 26.91 to be debated within 35 working days of the date of the ballot (not counting working days in a non-sitting week).</p>	Retain Standing Order

26.93	If a motion under Standing Order 26.91 is agreed to, then the Member who has had agreement to introduce a Bill may within nine months of the motion being agreed introduce a Bill to give effect to the pre-ballot information tabled under Standing Order 26.90.	Retain Standing Order
26.94	If a motion under Standing Order 26.91 is disagreed to, then no Member may enter any ballot held under Standing Order 26.87 for a period of six months after the motion has been disagreed to if the policy objectives of the Bill which he or she seeks agreement to introduce are substantially the same as those of the Bill referred to in the motion which has been disagreed to.	Retain Standing Order
	Government Emergency Bills	Retain Sub-heading
26.95	If it appears to a member of the government that an Emergency Bill is required, he or she may by motion propose that a government Bill, to be introduced in the Assembly, be treated	Retain Standing Order

	as a government Emergency Bill.	
26.95A	<p><u>A motion under Standing Order 26.95 must be accompanied by a statement by the Member in charge which must explain:</u></p> <p>i) <u>why the Bill should be treated as an Emergency Bill; and</u></p> <p>ii) <u>the estimated costs and other consequences of not doing so.</u></p>	<p>New Standing Order: – To implement CLA Report Rec 26: <i>ii):a requirement that, in tabling a motion proposing that a government Bill be treated as a government Emergency Bill under Standing Order 26.95, the Member in charge must lay a statement explaining why it should be treated as such and the costs and other consequences of not doing so.</i></p>
26.96	A motion under Standing Order 26.95 may also propose that a government Emergency Bill may be introduced without the Explanatory Memorandum required by Standing Order 26.6.	Retain Standing Order
26.97	A government Emergency Bill must, on its introduction, be accompanied by a statement from the Member in charge that, in his or her view, the provisions of the Bill would be within the legislative competence of the Assembly.	Retain Standing Order

26.98	<p>If the Assembly agrees to a motion under Standing Order 26.95:</p> <p>(i) the provisions of Standing Orders 26.99 to 26.104 must apply to such a Bill; and</p> <p>(ii) the Member in charge must propose the timetable for consideration of Stages 1 to 4 (or any Reconsideration Stage) of the government Emergency Bill.</p>	Retain Standing Order
26.99	A motion under Standing Order 26.98(ii) may propose that all stages be taken on a single working day in a sitting week.	Retain Standing Order
26.100	The Member in charge may make such subsequent changes to a timetable established under Standing Order 26.98(ii) as he or she considers appropriate, but must give reasons for such changes.	Retain Standing Order

26.101	Standing Orders 26.7 to 26.12, 26.16 to 26.18, 26.2827 to 26.30, 26.45 to <u>26.46B</u> and 26.46 , 26.50 and 26.59 do not apply in relation to government Emergency Bills.	<p>Amend Standing Order – to also dis-apply Standing Order 26.27. If Standing Order 26.96 is used to agree that there does not need to be an EM on introduction then it does not make sense to require that the EM is updated after Stage 2.</p> <p>By dis-applyng Standing Order 26.45 for Emergency Bills (Report Stage proceedings), the effect is to also dis-apply SO26.46A and B as well.</p>
26.102	<u>At</u> Stage 1, the Member in charge must table a motion proposing that the Assembly agree to the general principles of the government Emergency Bill.	Retain Standing Order
26.103	Stage 2 must be considered by a Committee of the Whole Assembly, to be chaired by the Presiding Officer. The Presiding	Retain Standing Order

	Officer or Deputy may vote in such proceedings only when exercising a casting vote in accordance with Standing Order 6.20.	
26.104	When a Member intends to table an amendment to a government Emergency Bill, he or she must give such notice of that amendment as the Presiding Officer may determine for that Stage.	Retain Standing Order

Annex B

STANDING ORDER 26 – Acts of the Assembly

Form and Introduction of Bills

26.1 Subject to Standing Orders 26.80 to 26.94, a Bill may be introduced on a working day in a sitting week.

26.2 A Bill must be introduced by being laid.

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

26.4 A Bill 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 Bill 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.

26.5 A Bill must be introduced in both English and Welsh except in the following cases:

- (i) when, in respect of a government Bill, the Member in charge states in writing that, for specified reasons, it would not be appropriate in the circumstances or reasonably practicable for the Bill 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 26.3.

Documentation to Accompany a Bill

26.6 At the same time as the Member in charge introduces a Bill, he or she must also lay an Explanatory Memorandum which must:

- (i) state that in his or her view the provisions of the Bill would be within the legislative competence of the Assembly;
- (ii) set out the policy objectives of the Bill;
- (iii) set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted;
- (iv) set out the consultation, if any, which was undertaken on:
 - (a) the policy objectives of the Bill and the ways of meeting them;
 - (b) the detail of the Bill; and
 - (c) a draft Bill, either in full or in part (and if in part, which parts);
- (v) set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended;
- (vi) if the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision;
- (vii) summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill;
- (viii) set out the best estimates of:
 - (a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;

- (b) the administrative savings arising from the Bill;
 - (c) net administrative costs of the Bill's provisions;
 - (d) the timescales over which all such costs and savings would be expected to arise; and
 - (e) on whom the costs would fall;
- (ix) any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially.
- (x) where the Bill 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
- (xi) where the Bill 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.

- 26.6A The Explanatory Memorandum to the Bill must state precisely where each of the requirements of Standing Order 26.6 can be found within it, by means of an index or otherwise.
- 26.6B Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.
- 26.6C Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.

Timetable for Consideration of a Bill

- 26.7 The Business Committee must establish and publish a timetable for the consideration of a Bill, except for any stage taken in plenary (which must be arranged under the provisions of Standing Orders 11.12 or 11.7(ii), as the case may be).
- 26.8 The Business Committee may make such subsequent changes to a timetable established under Standing Order 26.7 as it considers appropriate but must give reasons for such changes.

Stage 1: Consideration of General Principles

- 26.9 Once a Bill has been introduced, the Business Committee must decide whether or not to refer consideration of the general principles to a responsible committee established under Standing Order 16.1 (referred to within Standing Order 26 as “the responsible committee”).

26.10 If the Business Committee agrees under Standing Order 26.9 to refer the Bill to a responsible committee, that responsible committee must consider and report on the general principles of the Bill.

26.10A If the Business Committee decides under Standing Order 26.9 not to refer the Bill to a responsible committee, it must publish the reasons for that decision within two working days.

26.11 Not earlier than five working days after either:

- (i) the responsible committee has reported on the general principles of the Bill; or
- (ii) the deadline by which the responsible committee is required to report has been reached,

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

26.12 If the Business Committee decides not to refer consideration of the general principles to a responsible committee, the Member in charge may propose that the Assembly agree to the general principles of the Bill.

26.13 If the Assembly agrees to the general principles of the Bill under Standing Orders 26.11, 26.12, 26.83 or 26.102, the Bill proceeds to Stage 2.

26.14 If the Assembly does not agree to the general principles of the Bill under Standing Orders 26.11, 26.12, 26.83 or 26.102, the Bill falls.

26.15 Stage 1 is completed when the general principles of the Bill have been agreed to or the Bill falls under Stage 1.

Stage 2: Detailed Consideration by Committee

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

26.17 At Stage 2, the Business Committee must:

- (i) refer the Bill back to the responsible committee for Stage 2 proceedings;
- (ii) refer the Bill to a responsible committee for Stage 2 proceedings if the Business Committee agreed under Standing Order 26.9 not to refer consideration of the general principles to a responsible committee; 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 6.20.

26.18 At least 15 working days must elapse between the start of Stage 2 and the date of the first meeting at which the responsible committee considers amendments to the Bill.

26.19 A Bill may be amended in Stage 2 proceedings.

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

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

26.22 Only a Member who is a member of the 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.

- 26.23 An amendment tabled by a Member who is not a member of the committee considering Stage 2 proceedings, may be moved by a member of the committee.
- 26.24 Where any amendment is tabled to a section of or schedule to ~~of~~ the Bill, 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.
- 26.25 If no amendment is tabled to a section of or schedule ~~to~~ ~~of~~ the Bill, then that section or schedule is deemed agreed by the committee for the purpose of Stage 2 proceedings.
- 26.26 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.
- 26.27 If a Bill is amended at Stage 2 proceedings the Member in charge must prepare a revised Explanatory Memorandum, unless the committee considering Stage 2 proceedings resolves that no revised Explanatory Memorandum is required.
- 26.28 Any revised Explanatory Memorandum prepared under Standing Order 26.27 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

- 26.29 Stage 3 starts on the first working day after Stage 2 is completed.
- 26.30 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.
- 26.31 Stage 3 proceedings of a Bill must be considered by the Assembly in plenary.

- 26.32 A Bill may be amended in Stage 3 proceedings.
- 26.33 Amendments to be considered at Stage 3 proceedings may be tabled by any Member from the first day on which Stage 3 starts.
- 26.34 The Presiding Officer may select those amendments which are to be taken at Stage 3 proceedings.
- 26.35 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 26.59. Such an amendment is referred to as a “late amendment”.
- 26.36 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Bill, 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 11.12 or 11.7(ii) as the case may be).
- 26.37 The Assembly may, on a motion without notice of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 11.12 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).
- 26.38 If a motion under Standing Order 26.37 is agreed to, debates on those groups of amendments must 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.

- 26.39 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.
- 26.40 If a motion under Standing Order 26.39 is agreed to, the Member in charge of the Bill, or any member of the government, may table amendments to the Bill to be moved at the further Stage 3 proceedings.
- 26.41 Amendments under Standing Order 26.40 are only admissible if, in addition to the criteria in Standing Order 26.61, they are for the purpose of clarifying a provision of a Bill (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given at the earlier Stage 3 proceedings.
- 26.42 Where any amendment is tabled to a section of or schedule to the Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the Assembly for the purpose of Stage 3 proceedings.
- 26.43 If no amendment is tabled to a section of or schedule to the Bill, then that section or schedule is deemed agreed by the Assembly for the purpose of Stage 3 proceedings.
- 26.44 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.

Report Stage

- 26.45 Once Stage 3 is completed in accordance with Standing Order 26.44, the Member in charge may, without notice, move that the Assembly

consider amendments at Report Stage. Such a motion may be debated but not amended.

26.45A Report Stage starts on the first working day after a motion under Standing Order 26.45 is agreed by the Assembly.

26.46 Standing Orders 26.30 to 26.44 apply to Report Stage proceedings. References to "Stage 3" and "further Stage 3" should be construed as references to "Report Stage" and "further Report Stage" accordingly.

26.46A If a Bill is amended at Stage 3 proceedings, and the Assembly agrees to consider amendments at Report Stage the Member in charge must prepare a revised Explanatory Memorandum, unless the Assembly resolves that no revised Explanatory Memorandum is required.

26.46B Any revised Explanatory Memorandum prepared under Standing Order 26.46A must be laid at least five working days before the date of the first meeting of the Assembly that considers Report Stage proceedings.

Stage 4: Final Stage

26.47 A motion that the Bill be passed may be tabled by any Member, and may not be considered until at least five working days after the completion of Stage 3 proceedings, or Report Stage proceedings where undertaken.

26.47A A motion under Standing Order 26.47 must be tabled at least one working day before it is debated.

26.48 Subject to Standing Order 26.50, immediately after the completion of Stage 3 proceedings, or Report Stage proceedings where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Bill be passed.

26.49 A motion that a Bill be passed may not be amended.

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

26.51 No motion under Standing Order 12.31(ii) may be moved in any Stage 4 proceedings.

Reconsideration of Bills Passed

26.52 In accordance with section 113 of the Act, any Member may, after the Bill is passed, by motion propose that the Assembly reconsider the Bill, or any provision of it, if:

- (i) a question has been referred to the Supreme Court under section 112 of the Act; and
- (ii) a reference for a preliminary European Court ruling (within the meaning of section 113(1)(b) 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.

26.52A If a motion under Standing Order 26.52 is agreed to by the Assembly, the Clerk must notify the Counsel General and the Attorney General of that fact.

26.52B If the Assembly agrees to a motion under Standing Order 26.52, Reconsideration Stage starts on the first working day after the reference made in relation to the Bill under section 112 has been withdrawn following a request for withdrawal of the reference under section 113(2)b of the Act.

26.53 Any Member may by motion propose that the Assembly reconsider the Bill if:

- (i) the Supreme Court decides on a reference made in relation to the Bill under section 112 of the Act that the

Bill 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 Bill under section 114 of the Act.

26.53A If the Assembly agrees to a motion under Standing Order 26.53, Reconsideration Stage starts on the first working day after that motion is agreed to by the Assembly.

26.54 Standing Orders 26.30 to 26.34 and 26.36 to 26.44 apply to Reconsideration Stage proceedings. References to "Stage 3" and "further Stage 3" should be construed as references to "Reconsideration Stage" and "further Reconsideration Stage" accordingly.

26.55 A Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26.61, 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 114 of the Act.

26.56 Immediately after the completion of Reconsideration Stage proceedings, any Member may without notice move that the Assembly approves a Bill amended on reconsideration. Such a motion may not be amended.

General Provisions in Relation to Amendments to Bills

26.57 Standing Orders 26.58 to 26.66 apply to amendments in Stage 2 proceedings, Stage 3 proceedings, Report Stage proceedings or on Reconsideration.

- 26.58 The Presiding Officer must determine the proper form of amendments to a Bill.
- 26.59 No amendment, other than a late amendment, may be considered unless it has been tabled at least five working days before it is considered.
- 26.60 Any Member may add his or her name to an amendment (other than a late amendment) by notifying the Clerk at any time until the end of the working day before the amendment is due to be considered.
- 26.61 An amendment is not admissible if:
- (i) it is not in its proper form in accordance with Standing Order 26.58;
 - (ii) it is not relevant to the Bill or the provisions of the Bill which it would amend;
 - (iii) it is inconsistent with the general principles of the Bill as agreed by the Assembly; or
 - (iv) it is inconsistent with a decision already taken at the Stage at which the amendment is proposed;
- 26.62 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 26.57 to 26.66 must apply accordingly.
- 26.63 Subject to Standing Order 26.22, 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.

26.64 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.

26.65 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, Report Stage proceedings or on Reconsideration, by any other Member.

26.66 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, if no member of that committee objects; or
- (ii) in Stage 3 proceedings, Report Stage proceedings or on Reconsideration, if no Member objects.

Her Majesty's and Duke of Cornwall's Consent

26.67 If a Bill 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 Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government at a meeting of the Assembly.

Financial Resolutions

26.68 The Presiding Officer must decide in every case whether a financial resolution is required for a Bill under Standing Orders 26.69 to 26.74.

26.69 If a Bill 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 Bill 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.

26.70 If:

- (i) a Bill 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 Bill at any Stage after Stage 1 unless the Assembly has by financial resolution agreed to the charge, increase or payment.

26.71 Standing Order 26.70:

- (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.

26.72 Where the effect of an amendment (or amendments) to a Bill, if agreed to, would be that the Bill 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.

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

26.74 Unless:

- (i) notice of a motion for any financial resolution required in relation to a Bill by Standing Orders 26.69 or 26.70 is tabled within 6 months of the completion of Stage 1; and
- (ii) the motion is agreed to,

the Bill falls.

Notification of Royal Assent to Acts of the Assembly

26.75 The Clerk must notify the Assembly of the date of Royal Assent to an Act of the Assembly.

Fall, Rejection or Withdrawal of Bills

26.76 If a Bill falls or is rejected by the Assembly, no further proceedings may be taken on that Bill, and a Bill 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 Bill fell or was rejected.

26.77 A Bill falls if it has not been passed or approved by the Assembly before the end of the Assembly in which it was introduced.

26.78 Approval to introduce a Bill in accordance with Standing Order 26.91 ceases at dissolution.

26.79 A Bill 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 Bills

26.80 Standing Orders 26.81 to 26.83 apply only to committee Bills.

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

26.82 Standing Orders 26.9 to 26.12 do not apply to committee Bills.

26.83 At Stage 1, the Member in charge of a committee Bill may table a motion proposing that the Assembly agree to the general principles of the Bill.

Commission Bills

26.84 The Commission may introduce a Bill relating to the Commission's functions.

Member Bills

26.85 Standing Orders 26.86 to 26.94 apply only to Member Bills.

26.86 [Standing Order removed by resolution of the Assembly on 16 November 2011]

26.87 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 agreement to introduce a Bill.

26.88 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 26.90.

26.89 No Member who has previously won the ballot in that Assembly may so apply.

26.90 The required pre-ballot information is:

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

26.91 A Member who is successful in a ballot may within 25 working days of the date of the ballot table a motion seeking the Assembly's agreement to introduce a Bill to give effect to the pre-ballot information tabled under Standing Order 26.90.

- 26.92 Time must be made available for a motion tabled under Standing Order 26.91 to be debated within 35 working days of the date of the ballot (not counting working days in a non-sitting week).
- 26.93 If a motion under Standing Order 26.91 is agreed to, then the Member who has had agreement to introduce a Bill may within nine months of the motion being agreed introduce a Bill to give effect to the pre-ballot information tabled under Standing Order 26.90.
- 26.94 If a motion under Standing Order 26.91 is disagreed to, then no Member may enter any ballot held under Standing Order 26.87 for a period of six months after the motion has been disagreed to if the policy objectives of the Bill which he or she seeks agreement to introduce are substantially the same as those of the Bill referred to in the motion which has been disagreed to.

Government Emergency Bills

- 26.95 If it appears to a member of the government that an Emergency Bill is required, he or she may by motion propose that a government Bill, to be introduced in the Assembly, be treated as a government Emergency Bill.
- 26.95A A motion under Standing Order 26.95 must be accompanied by a statement by the Member in charge which must explain:
- i) why the Bill should be treated as an Emergency Bill; and
 - ii) the estimated costs and other consequences of not doing so.
- 26.96 A motion under Standing Order 26.95 may also propose that a government Emergency Bill may be introduced without the Explanatory Memorandum required by Standing Order 26.6.
- 26.97 A government Emergency Bill must, on its introduction, be accompanied by a statement from the Member in charge that, in his

or her view, the provisions of the Bill would be within the legislative competence of the Assembly.

26.98 If the Assembly agrees to a motion under Standing Order 26.95:

- (i) the provisions of Standing Orders 26.99 to 26.104 must apply to such a Bill; and
- (ii) the Member in charge must propose the timetable for consideration of Stages 1 to 4 (or any Reconsideration Stage) of the government Emergency Bill.

26.99 A motion under Standing Order 26.98(ii) may propose that all stages be taken on a single working day in a sitting week.

26.100 The Member in charge may make such subsequent changes to a timetable established under Standing Order 26.98(ii) as he or she considers appropriate, but must give reasons for such changes.

26.101 Standing Orders 26.7 to 26.12, 26.16 to 26.18, 26.27 to 26.30, 26.45 to 26.46B, 26.50 and 26.59 do not apply in relation to government Emergency Bills.

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

26.103 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 6.20.

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