

Guide to tabling amendments to Public Bills

June 2021



The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

An electronic copy of this document can be found on the Senedd website:

www.senedd.wales

Copies of this document can also be obtained in accessible formats including Braille, large print, audio or hard copy from:

Welsh Parliament

Cardiff Bay

CF99 1SN

Tel: 0300 200 6565

Email: Contact@senedd.wales

© Senedd Commission Copyright 2021

The text of this document may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading or derogatory context. The material must be acknowledged as copyright of the Senedd Commission and the title of the document specified.

Contents

Introduction	5
When can a Bill be amended?	6
Summary of process for Senedd scrutiny of Public Bills.....	6
Admissibility of amendments	3
Admissibility at all stages	3
Proper Form - Standing Order 26.61(i)	3
Relevance - Standing Order 26.61(ii)	3
Consistency with General Principles - Standing Order 26.61(iii)	4
Consistency with decisions already taken - Standing Order 26.61(iv)	4
Identical amendments.....	4
Admissibility at Further Stage 3 and Further Report Stage.....	5
Admissibility at Reconsideration Stage	5
Who can table amendments?	6
When can Members table amendments?	7
How do Members table amendments?	8
Can a Member add their name to another Member's amendment?	10
Can Members withdraw their amendments?.....	11
Can Members table amendments to an amendment?	12
Language of amendments.....	13

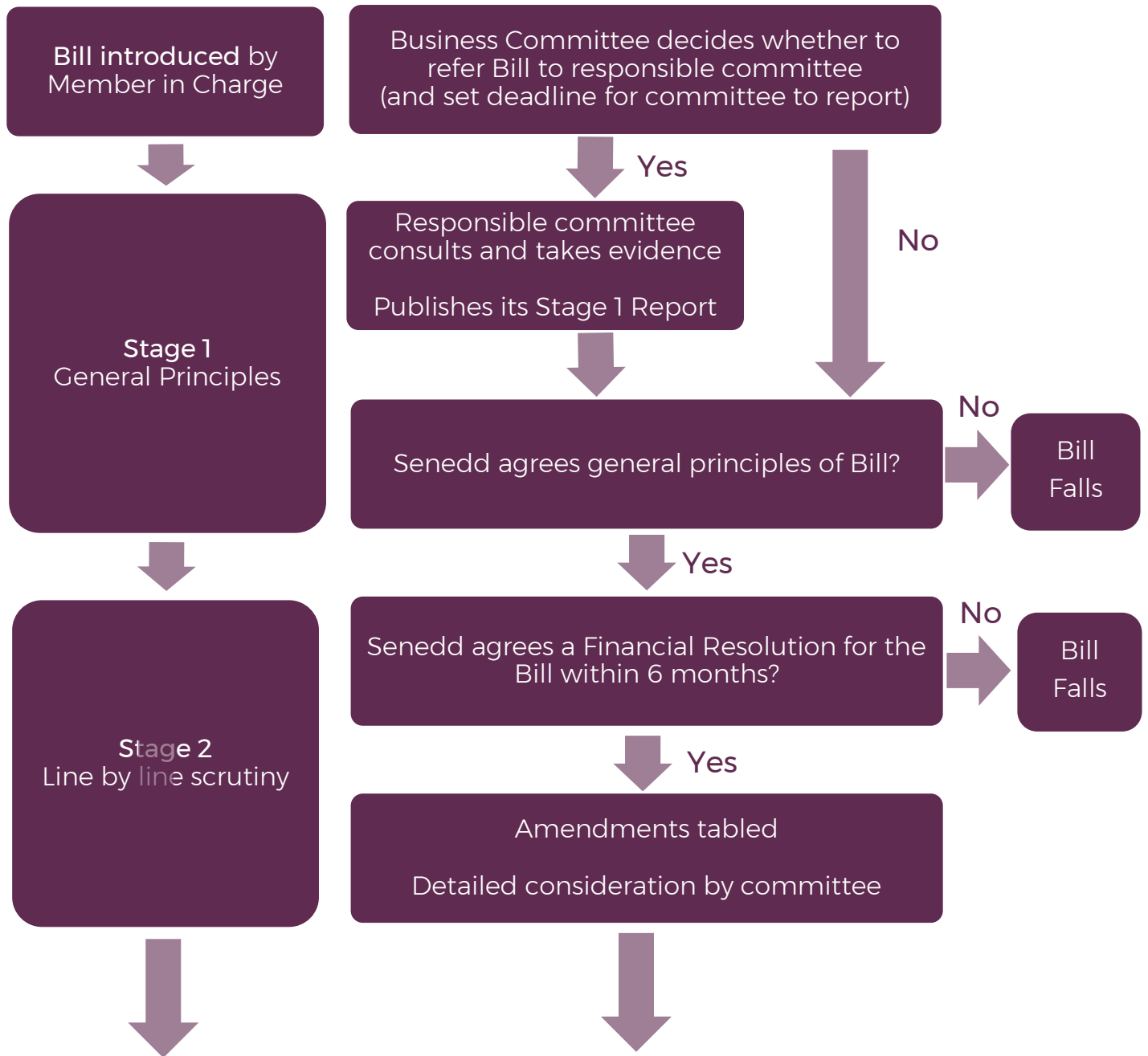
Introduction

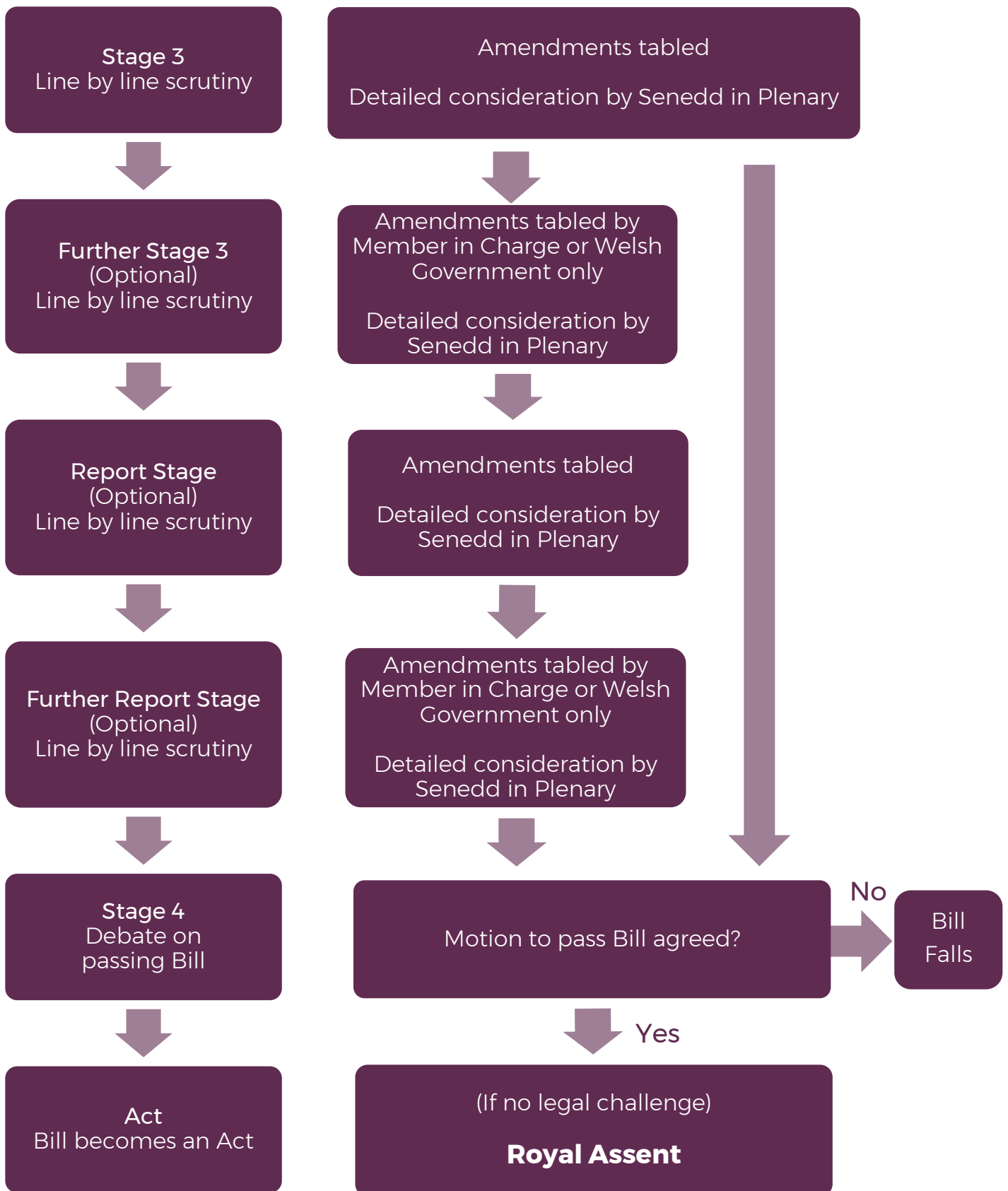
1. This guide aims to provide Members with advice on the tabling of amendments during the passage of a Bill through the Senedd. It is not intended to be exhaustive and if Members have any additional questions they are urged to seek advice from the clerking team dealing with the Bill in question.

When can a Bill be amended?

- 2.** There are two main amending stages of a Bill - Stage 2 (committee proceedings) and Stage 3 (Plenary proceedings). For further information on these see the [Guide to the scrutiny stages for Public Bills](#).
- 3.** Standing Orders also provide for an additional amending stage – Report Stage, subject to the agreement by the Senedd on a motion by the Member in Charge.
- 4.** Other amending stages are Further Stage 3, Further Report Stage and Reconsideration Stage. These are largely limited to addressing technical issues or, in the case of Reconsideration Stage, those relating to the Senedd’s legislative competence.

Summary of process for Senedd scrutiny of Public Bills





Admissibility of amendments

Admissibility at all stages

5. In order to be admissible, amendments must comply with the requirements set out in Standing Order 26.61, which provides that an amendment will not be admissible if:

- it is not in its proper form;
- it is not relevant to the Bill or the provisions of the Bill that it would amend;
- it is inconsistent with the general principles of the Bill as agreed by the Senedd; or
- it is inconsistent with a decision already taken at the stage at which the amendment is proposed.

Proper Form - Standing Order 26.61(i)

6. The Presiding Officer has published a [Determination on the Proper Form of Amendments for Public Bills](#) in accordance with Standing Order 26.58.

7. It would be unlikely for an amendment to be ruled inadmissible on the ground that it is not in proper form alone, if the failure to comply with the determination is minor. In practice, clerks will seek to ensure that an amendment that contains such a defect, but is otherwise admissible, is corrected before being tabled.

Relevance - Standing Order 26.61(ii)

8. This is a key criterion. An amendment is inadmissible if it is outside the scope of the Bill, for example, where an amendment seeks to add a new purpose to a Bill that is not relevant to the existing provisions in the Bill. In general terms, the long title is intended to provide a concise description of the main purpose(s) of a Bill and is therefore a useful guide to determining its scope in the first instance.

9. In some cases it may not be easy to determine whether this criterion has been met and, if in doubt, Members should seek advice from the clerking team

before tabling the amendment. Ultimately the Presiding Officer will decide whether or not an amendment is within scope.

10. Amendments to the long title of a Bill will usually only be relevant if they are to ensure that the long title better reflects the existing provisions or if they are to adjust it to take account of amendments made elsewhere in the Bill.

Consistency with General Principles – Standing Order 26.61(iii)

11. This criterion is intended to rule out so-called ‘wrecking amendments’ i.e. amendments that would reverse, substantially alter, or render ineffective a principal purpose of the Bill. By the time the Bill becomes amendable (at Stage 2), the Senedd has already voted in favour of its general principles (at Stage 1). The main purpose of amendments is to subject the Bill to detailed scrutiny and to improve the means by which it gives effect to those general principles.

12. The proper course, therefore, for Members who oppose the basic thrust of the Bill is to oppose the motion to approve the general principles at Stage 1, or, if any amendments agreed at later Stages are insufficient to make it acceptable in their view, to oppose the motion to pass the Bill at Stage 4.

Consistency with decisions already taken – Standing Order 26.61(iv)

13. This criterion is intended to prevent decisions taken on one amendment effectively being overturned by a decision on a subsequent amendment at the same stage.

14. It is possible that an amendment that was admissible when it was tabled could become inconsistent with a decision taken on an amendment at the same stage. In this case, the later amendment or amendments would be pre-empted by the earlier amendment and would not be called for a decision, i.e. the amendment would fall.

Identical amendments

15. While not specifically provided for in Standing Order 26.61, in line with established practice, an amendment is inadmissible if an identical amendment has already been tabled. This would include amendments which differ only in trivial respects that would have no legal effect.

16. A Member seeking to submit such an amendment has the choice of either changing the amendment to make it substantively different or adding his or her name to the amendment already tabled.

Admissibility at Further Stage 3 and Further Report Stage

17. In addition to the above criteria, amendments at Further Stage 3 and Further Report Stage may only be tabled by the Member in charge of the Bill or a member of the Government. They are only admissible if they are for the purpose of clarifying a provision of the Bill (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given (by the Member in charge or the Government, as the case may be) at the earlier Stage 3 or Report Stage proceedings (Standing Order 26.41).

Admissibility at Reconsideration Stage

18. In addition to the criteria set out in Standing Order 26.61, amendments at Reconsideration Stage are only admissible if they are for the purpose of resolving the issue or issues identified by the Supreme Court (or the Secretary of State if the Secretary of State's special powers of intervention are exercised) (Standing Order 26.55).

Who can table amendments?

19. Any Member of the Senedd may table amendments at Stage 2, Stage 3 and Report Stage. There is no limit on the number of amendments that may be tabled, although Members should note that the Presiding Officer may select those amendments which are to be considered at Stage 3 and Report Stage.

20. Although any Member may table an amendment at Stage 2, only a member of the responsible committee can move (and vote on) an amendment during Stage 2 proceedings (Standing Order 26.22). Other Members may attend proceedings (with the permission of the chair) and may participate in the debate, but must find a member of the committee who is willing to move their amendment for them.

21. Amendments may only be tabled at Further Stage 3 and Further Report Stage by the Member in charge of the Bill or any member of the Government (Standing Order 26.40).

When can Members table amendments?

- 22.** Amendments for Stage 2 proceedings can be tabled from the first working day after Stage 1 is completed, i.e. the day after the Plenary debate on the general principles (Standing Order 26.20).
- 23.** Amendments for Stage 3 proceedings can be tabled on the first working day after Stage 2 is completed, i.e. the day after the final consideration of amendments at Stage 2 by committee (Standing Order 26.33).
- 24.** Amendments for Report Stage can be tabled on the following working day after the Senedd has agreed to consider amendments at Report Stage.
- 25.** Amendments must be tabled no fewer than five working days before they are due to be considered (Standing Order 26.59). The relevant clerks will notify Members of deadlines by e-mail as soon as they are known. By convention, Ministers usually table amendments no fewer than seven working days before the meeting at which they are to be considered.
- 26.** In exceptional circumstances the Presiding Officer may accept a 'late amendment' at Stage 3 or Report Stage. A 'late amendment' is one of which less than five working days' notice has been given (Standing Order 26.35).
- 27.** If no amendment is tabled to a section or schedule of a Bill, that section or schedule is deemed agreed by the committee or the Senedd. As such, if a Member wishes to have debate a particular section or schedule of a Bill, they must table an amendment to that section or schedule

How do Members table amendments?

28. Amendments are tabled electronically or in hard copy by submitting a Notice of Amendment form to the relevant clerking team

29. The Notice of Amendment form should be completed with the Member's details and title of the Bill.

30. The text of the amendment(s) in its proper form should be stated on the form. Alternatively, the text of the amendment(s) may be submitted as an attached list, in which case it must be affirmed on the Notice of Amendment form.

31. Any explanatory text which the Member wishes to table with his or her amendment(s) must be entered onto the form, alongside the amendment to which it relates. The explanatory text must be no more than around 50 words per amendment, and must objectively set out the purpose of the amendment. Text which seeks to promote the amendment will not be accepted.

32. If any Member needs to declare any registrable or relevant interest, the relevant section of the Notice of Amendment form must be completed and details provided.

33. Notice of Amendment forms can only be signed and submitted for tabling by a Member of the Senedd or an authorised member of their support staff. A Member can provide authorisation for a member of their support staff by writing (preferably via e-mail) to legislation@senedd.wales.

34. Clerks can provide or arrange procedural, legal and tabling advice to Members and their staff, including in relation to the drafting of amendments, admissibility and the completion of Notice of Amendment forms.

35. Completed tabling forms should be submitted electronically to the Legislation inbox—legislation@senedd.wales—or submitted in hard copy directly to the relevant clerk.

36. The receipt by the clerking team of an admissible amendment during agreed hours, including receipt by electronic means, constitutes the tabling of the amendment.

37. Tabling hours for amendments are the same as those agreed by Business Committee for the Table Office:

- Monday 9.00 – 17.00
- Tuesday 9.00 – 18.00
- Wednesday 9.00 – 18.00
- Thursday 9.00 – 17.00
- Friday 9.00 – 16.00

38. During recess periods there will be specified tabling days and times. These are agreed by Business Committee and notified to Members via the Table Office.

39. All admissible amendments tabled before 12.30 will be published on the Bill's webpage the following day. Amendments tabled after 12.30 will be published one day later.

Can a Member add their name to another Member's amendment?

40. Any Member may add his or her name to an amendment (other than a late amendment) tabled by another Member by notifying the relevant clerking team at any time until the end of the working day before the amendment is due to be considered (Standing Order 26.60).

41. Adding their name to an amendment demonstrates support for that amendment but also prevents the original proposer from withdrawing the amendment without the support of all those who have added their names (this is explained further below).

42. The names of those Members who have formally supported each amendment will be published on the Marshalled List (see the [Guide to amendments to Public Bills](#)).

Can Members withdraw their amendments?

43. A Member can withdraw their amendment (other than a late amendment) at any time before the day on which it is considered, provided they have the unanimous agreement of any Members who have added their name. If they do not have such agreement, the amendment becomes an amendment in the name of the Member who first added his or her name and who does not agree to the amendment being withdrawn.

44. Members may also choose not to move their amendments during proceedings, if they do not wish to do so. If they choose not to move their amendments, another member of the committee at Stage 2, or any other Member at a Plenary amending stage, may move the amendment.

45. If an amendment has been moved during proceedings (for example a lead amendment moved for the purpose of debate), a Member can still seek to withdraw the amendment. However, the Member may only do so with the agreement of the committee (at Stage 2) or the Senedd (at a Plenary amending stage).

Can Members table amendments to an amendment?

46. An amendment may be tabled to a previously tabled amendment (Standing Order 26.62).

47. The tabling of amendments to amendments should be limited to instances where a Member may agree, in principle, with the substantive amendment but may wish to vary some specific detail within it. For example, where the substantive amendment makes provision for a specified period of notice (e.g. one month), a Member may wish to seek to substitute a different time period (e.g. six months) via an amendment to the amendment.

48. An amendment to an amendment is subject to the same admissibility criteria as other amendments (i.e. it must be in Proper Form, relevant, etc.).

49. Clerks can provide advice to Members on whether to table separate amendments, or amendments to amendments.

Language of amendments

- 50.** Amendments to Bills, other than amendments tabled on behalf of the Government, may be tabled in either English, Welsh, or in both languages.
- 51.** Amendments tabled by the Government must be tabled in both languages, so far as is appropriate in the circumstances and reasonably practicable.
- 52.** The Presiding Officer's Determination on the Proper Form for Amendments to Public Bills contains provisions about the application of this rule.
- 53.** Amendments will be available bilingually when published on the Bill's webpage.