

Proposed Revision to Standing Order 22

STANDING ORDER 22 - Assembly General Subordinate Legislation

This Standing Order applies to Assembly general subordinate legislation as defined by section 58 of the Act, referred to as Assembly Orders.

(i) Stages Before Assembly Consideration

22.1 A proposal for an Assembly Order shall be prepared by an Assembly Secretary in the form of a draft. The draft shall be prepared in English and Welsh unless the Assembly Secretary considers that in the particular circumstances it would be inappropriate or not reasonably practicable for the Order to be in both languages. He or she shall notify Members of the draft, and invite representations as to whether it merits consideration by a subject committee.

22.2 Subject to paragraph 22.3, the Assembly Secretary shall carry out a regulatory appraisal of the likely costs and benefits of complying with the draft Order, in accordance with guidance published by the Assembly. If the appraisal indicates that the costs of complying with the Order are likely to be significant, the Assembly Secretary shall consult such interested parties or organisations (including representatives of business) as he or she considers appropriate.

22.3 The Assembly Secretary may decide, having regard to the Assembly's published guidance, that a regulatory appraisal shall not be carried out if in the particular circumstances he or she considers that it would be inappropriate or not reasonably practicable.

22.4 Whenever an Assembly Secretary decides to proceed with a draft Order, any regulatory appraisal which has been prepared shall be published, together with a summary of the responses to any consultation which has been carried out.

Submission to Business Committee

22.5 The Assembly Secretary shall submit the draft, a memorandum explaining its intended effect and any financial implications, and any regulatory appraisal, to the Business Committee. He or she shall also, having regard to any representations received, make a recommendation as to whether or not it should be considered by the subject committee of which the Assembly Secretary is a member, and any other relevant subject committee. Subject to paragraphs 5.7 and 5.8 the Deputy shall determine that question, having regard to any advice the Business Committee may provide and any representations received.

Consideration by Subject Committee

22.6 Whenever the Deputy decides that a draft Order should be considered by a subject committee (or his or her determination that it need not be so considered is reversed by the Assembly under paragraph 5.7), he or she shall prescribe the time, which shall be not less than 2 weeks and not more than 8 weeks, within which the committee shall report on the draft.

22.7 The committee may recommend approval of the draft, amendments to it, or its rejection. In carrying out its functions, the committee may consult or take such evidence as it considers appropriate, including evidence from other Assembly committees or Members. It shall submit its report to the Assembly and to the relevant Assembly Secretary.

22.8 If the Assembly Secretary decides to proceed with the draft Order he or she shall lay it before the Assembly amended as he or she considers appropriate, together with the explanatory memorandum and the regulatory appraisal (if any), and shall submit the draft Order to the Legislation Committee.

Procedure in Other Cases

22.9 If the Deputy decides that a draft Order need not be considered by a subject committee (and that determination is not reversed by the Assembly under paragraph 5.7), or if the committee fails to submit a report within the time prescribed, the Assembly Secretary shall lay the draft Order together with the explanatory memorandum and any regulatory appraisal before the Assembly and submit it to the Legislation Committee.

Legislation Committee Procedures

22.10 When the draft Order has been laid before the Assembly, the Legislation Committee shall consider it and shall as soon as may be submit to the Assembly a report as to whether it should pay special attention to the draft Order on any of the grounds specified in paragraph 11.5.

(ii) Consideration of Draft Orders by the Assembly in Plenary Meeting (Main Plenary Business)

22.11 A draft Assembly Order which may give rise to the payment of any sums by the Assembly, except in circumstances in which the sums are unlikely to be significant, shall not be considered by the Assembly unless the Assembly Cabinet has recommended that the Order be made.

22.12 An Assembly Order shall not be made until a draft has been approved by resolution of the Assembly, but the Assembly shall not approve such an Order until it has considered the report of the Legislation Committee relating to the draft Order, and the regulatory appraisal (if any) published in relation to it.

22.13 (i) Where a draft Order (including an amended draft Order) which has been laid before the Assembly contains typographical or grammatical errors, or minor drafting errors which have been identified by the Legislation Committee as appropriate for correction under this provision, the Assembly Secretary who laid the draft Order may, not later than the tabling of the motion seeking the Assembly's approval of the draft, lay before the Assembly a Memorandum of Corrections setting out the amendments necessary to correct the errors. When such a Memorandum has been laid, that fact shall be referred to in the motion seeking approval of the draft and, subject to sub-paragraph (ii) the draft, if approved, shall be taken to have been approved as amended by the Memorandum of Corrections except to the extent that any amendment is superseded by an amendment to the draft agreed by the Assembly in plenary.

(ii) If it appears to the Presiding Officer that a Memorandum of Corrections includes an amendment other than one necessary to correct typographical, grammatical or minor drafting errors, the Presiding Officer shall rule that amendment out of order and the draft, if approved, shall not be taken to have been amended by it.

22.14 The Assembly shall first consider the principle of the draft Order, on a motion proposed by an Assembly Secretary; and if debate arises on that proposition, the Presiding Officer shall permit the Assembly Secretary to reply to the debate before putting it to the vote.

22.15 If the motion at paragraph 22.14 above is agreed to, the Assembly shall consider any amendments to the draft Order which may have been tabled.

22.16 An amendment shall only be in order if it:

(i) has been tabled by at least three Members at least two working days before it is considered; and

(ii) is accompanied by a statement by the Members who have tabled it explaining its purpose and cost implications (if any).

22.17 Subject to paragraph 22.18, amendments shall be taken in the order in which they relate to the text.

22.18 The Presiding Officer, having regard to any guidance which the Assembly may adopt, may:

(i) group related amendments and require them to be proposed as a group;

(ii) determine the order in which amendments which arise in the same place in the text of the draft Order are taken; and

(iii) decline to select an amendment for debate where the Presiding Officer considers that the proper conduct of the business of the Assembly makes it appropriate to do so.

22.19 When an amendment is called, or where amendments have been grouped, the Presiding Officer may call Members at his or her discretion before the Assembly Secretary offers an opinion and the propositions are put to the vote.

22.20 Where a draft Order has not been amended in accordance with paragraph 22.18 an Assembly Secretary may propose that the Assembly approves the draft order, and the Presiding Officer shall immediately put that proposition to the vote.

22.21 If any amendment to a draft Order has been agreed, the Assembly Secretary shall (unless he or she decides not to proceed with the Order) prepare a revised draft Order which takes account of the amendments agreed by the Assembly.

22.22 The Assembly Secretary shall, in preparing the revised draft Order, consider whether a, or a further, regulatory appraisal of it is required; and if an appraisal is required, the requirements of paragraphs 22.2 and 22.4 shall be fulfilled.

22.23 The draft Order as revised shall be laid before the Assembly, together with any regulatory appraisal, and shall be submitted to the Legislation Committee, which shall proceed in accordance with paragraph 22.10, except that the provisions of paragraph 11.6 (delegation of functions of the Legislation Committee) shall apply.

22.24 Paragraphs 22.11 and 22.15 - 22.23 shall apply to any revised draft Order (including a draft Order revised more than once) laid before the Assembly, except that:

(i) the principle of the Order shall be deemed to have been agreed to; and

(ii) any recommendation previously made by the Assembly Cabinet under paragraph 22.11 shall be deemed to extend to the revised draft Order unless the amendments may give rise to an increase in any sums payable by the Assembly (in which case a new recommendation shall be required); and

(iii) no amendment shall be in order unless it relates to any part of the revised draft Order which has been revised since the Order was last before the Assembly, and unless the requirements of paragraph 22.16 are fulfilled.

22.25 (i) An Assembly Secretary may, at least five days before it is due to be considered, propose a motion that one or more draft Orders (specified in the motion) be approved in accordance with paragraph 22.24(iii) below. Where such a motion relates to more than one draft Order, it shall propose that they be approved together and paragraphs 22.14 to 22.24 will not apply.

(ii) At least 3 Members may, at least 3 working days before the motion is due to be considered, table a notice requiring one or more of the draft Orders to which the motion relates to be

considered separately. When such a notice has been tabled any draft Order to which the notice relates shall be considered in accordance with paragraphs 22.14 to 22.24.

(iii) When no such notice has been tabled or such notice does not relate to all the draft Orders specified in the motion, the motion shall be voted on immediately without debate and approval of the motion shall have the effect of approving all the draft Orders specified in the motion with the exception of any to which such a notice relates.

22.26 (i) When a draft Order has been approved by resolution of the Assembly it shall be made by being signed.

(ii) When the Assembly Cabinet has determined under paragraph 22.27 that the requirement that a draft Order be laid before the Assembly and approved by a resolution of the Assembly is to be disapplied, a draft Order shall be signed when it has successfully completed any procedures required by this standing order which have not been disapplied under paragraph 22.27.

(iii) The persons authorised to sign a draft Order made under this standing order are the Presiding Officer, the Deputy Presiding Officer, the First Secretary and any other Assembly Secretary but a person other than the Presiding Officer may only sign an Order if the Presiding Officer is absent. In the absence of the Presiding Officer an Order shall be signed by the Deputy Presiding Officer. In the absence of both the Presiding Officer and the Deputy Presiding Officer an Order may be signed by the First Secretary or, in the absence of the First Secretary, by any other Assembly Secretary. The fact that an authorised person who signed an Order in the absence of the Presiding Officer was not the most appropriate person to do so under the provisions of this sub-paragraph shall not affect the validity of the making of the Order.

(iii) **Disapplication of Procedural Requirements (Executive procedure)**

22.27 The Assembly Cabinet may determine that, in the particular circumstances, and in relation to one or more Orders, it is not reasonably practicable for:

- (i) the Assembly Secretary to comply with the notification requirement in paragraph 22.1 or the consultation requirement in paragraph 22.2;
- (ii) the Assembly Secretary to comply with the requirement in paragraph 22.5 to submit a draft Order to the Business Committee;
- (iii) the Assembly to consider a report from the Legislation Committee relating to the Order, or any regulatory appraisal relating to it; or
- iv. a draft Order to be laid before and approved by a resolution of the Assembly.

22.28 Whenever the Assembly Cabinet determines that it is not reasonably practicable for the Assembly to consider a report from the Legislation Committee relating to an Order, the relevant Assembly

Secretary shall submit it to the Legislation Committee as soon as possible after the Order has been made; and that Committee shall consider and report to the Assembly on the Order in accordance with standing order 11.

22.29 Whenever the Assembly Cabinet has determined that it is not reasonably practicable for a draft Order to be laid before and approved by a resolution of the Assembly, a Member may, within the period of forty working days beginning with the day on which the Order is made, table a motion that the Order be revoked. If the Assembly resolves accordingly, the resolution effects the revocation.

22.30 An Assembly Secretary may prepare a draft Order which makes provision in consequence of such a revocation, and the provisions of this standing order shall apply to the making of that Order.

STANDING ORDER 23 - Subordinate Legislation Subject To Relevant Parliamentary Procedural Provision Or Which Is Made With Or Is Subject To Approval By A Uk Minister Or Government Department.

Section 1 SUBORDINATE LEGISLATION SUBJECT TO RELEVANT PARLIAMENTARY PROCEDURAL PROVISION

Section 1 of Standing Order 23 applies to Assembly subordinate legislation made by the Assembly alone which is subject to relevant Parliamentary procedural provision as defined in Section 44(3) of the Act and whether the requirement is imposed by S.44(4) of the Act or by any other statutory provision.

23.1 A proposal for subordinate legislation to which this section applies shall be prepared by an Assembly Secretary in the form of a draft; and paragraphs 22.2 to 22.30 shall apply except that it shall not, if paragraph 23.2 applies, be made until the further requirements of that paragraph have been complied with.

23.2 This paragraph applies where the relevant Parliamentary procedural provision requires that the draft Order be laid before Parliament or either House of Parliament and be subject to annulment approval or confirmation by Parliament of either House of Parliament before it can be made. In such a case the relevant Assembly Secretary shall send the draft to the Secretary of State for Wales for laying before

Parliament and the subordinate legislation shall be made under paragraph 22.25 only after the Assembly has been notified by the Secretary of State that any relevant Parliamentary procedural provision has been complied with successfully.

23.3 This paragraph applies where the draft Order is subject to a relevant Parliamentary procedural provision which does not prevent the Order from being made before it is laid before Parliament. In such case the Order shall be made under paragraph 22.26 but the relevant Assembly Secretary shall then send the Order to the Secretary of State for laying before Parliament.

23.4 Where the outcome of a relevant Parliamentary procedure is that a draft Order cannot be made or an Order which has been made has been annulled or cannot come into force, the relevant Assembly Secretary shall as soon as possible lay before the Assembly a report notifying the Assembly of that fact and stating what action, if any, the Assembly Secretary proposes to take as a result.

Section 2 SUBORDINATE LEGISLATION SUBJECT TO THE CONSENT OF A UK MINISTER OR UK GOVERNMENT DEPARTMENT

Section 2 of Standing Order 23 applies to Assembly subordinate legislation made by the Assembly alone (i.e. not together with a UK Minister or UK Government Department) but which can only be made or can only come into force with the consent of a UK Minister or a UK Government Department.

23.5 A proposal for subordinate legislation to which this section applies shall be prepared by an Assembly Secretary in the form of a draft and paragraphs 22.2 to 22.30 shall apply except that if the Order cannot be made without the consent of a UK Minister or UK Government Department, it shall not be made under paragraph 22.26 until the relevant Assembly Secretary has notified the Presiding Officer or other person authorised to make the Order under that paragraph that the relevant consent has been given.

23.6 Where an Order to which this section applies may be made but cannot come into force without the consent of a UK Minister or UK Government Department, the relevant Assembly Secretary shall, after the Order is made, take steps to obtain such consent.

23.7 Where a draft Order to which this section applies cannot be made or such an Order has been made but cannot come into force because the necessary consent has been withheld the relevant Assembly Secretary shall as soon as possible lay before the Assembly a report notifying the Assembly of that fact and stating what action, if any, the Assembly Secretary proposes to take as a result.

23.8 Where subordinate legislation to which this section applies also falls within section 1 of this standing order, the Assembly Secretary shall take steps to obtain the consent referred to in either paragraph 23.5 or 23.6 before sending the draft Order or Order to the Secretary of State for laying before Parliament under paragraph 23.2 or 23.3 as the case may be.

Section 3 SUBORDINATE LEGISLATION MADE (WHETHER JOINTLY OR NOT) TOGETHER WITH A MINISTER OR DEPARTMENT IN THE UK GOVERNMENT, SCOTTISH EXECUTIVE, OR NORTHERN IRELAND EXECUTIVE

23.9 An Assembly Secretary who proposes that the Assembly should make subordinate legislation to which this section applies shall lay a draft before the Assembly together with a memorandum explaining its intended effect and any financial implications.

23.10 On a motion proposed by the Assembly Secretary that it approves the draft subordinate legislation the Assembly shall consider that question but no amendment may be tabled to the draft. If the draft subordinate legislation is approved by resolution the relevant Assembly Secretary shall notify the relevant Minister or Department of the Assembly's decision and the Order shall be made on behalf of the Assembly in accordance with paragraph 22.26. If the draft subordinate legislation is not approved the relevant Assembly Secretary shall notify the relevant Minister or Department of the Assembly's decision.

23.11 An Assembly Secretary may propose a motion for the Assembly to approve the draft subordinate legislation in accordance with the provisions of standing order 22.25 and the provisions of that standing order shall apply to any such draft subordinate legislation.

23.12 Where subordinate legislation to which this section applies also falls within section 1 of this standing order or would, if the legislation were made by the Assembly alone, fall within section 2 of this standing order, the provisions of that section or those sections shall also apply to it except that the references in paragraphs 23.1 and 23.5 to the provisions of paragraphs 22.2 to 22.30 shall be replaced by references to paragraphs 23.9 and 23.10 above.

Translation into Welsh

23.13 The Assembly Secretary shall arrange for the subordinate legislation made under each section of Standing Order 23 to be translated into Welsh, and the translation published for public information unless he or she considers that inappropriate in the circumstances or not reasonably practicable.

STANDING ORDER 24 - Confirmation Or Approval Of Orders in Council or Subordinate Legislation submitted by a Minister of the Crown

This Standing Order applies where the Assembly is given power by section 22(4)(b) of the Government of Wales Act 1998 to approve a draft of an Order in Council varying or revoking a previous Order in Council which transfers Ministerial functions to the Assembly or where the Assembly is otherwise given power by or under an Act of Parliament to confirm, approve or give consent to subordinate legislation

submitted to the Assembly by a Minister of the Crown.

24.1 When an Assembly Secretary receives from a Minister of the Crown subordinate legislation to which this Standing Order applies, he or she shall lay the subordinate legislation before the Assembly together with a memorandum explaining its intended effect and any financial implications.

24.2 On a motion proposed by the Assembly Secretary that the Assembly confirm or approve such subordinate legislation, or that it decline to do so, the Assembly shall consider that question, but no amendment may be tabled to the subordinate legislation. The Assembly Secretary shall notify the Minister of the Crown of the Assembly's decision.

STANDING ORDER 25 - Subordinate Legislation Otherwise Subject To Special Parliamentary Procedure

This Standing Order applies to the Assembly's exercise of powers to make or confirm subordinate legislation which, but for the provisions of the Government of Wales Act, would be subject to special parliamentary procedure.

25.1 Where, but for the provisions of the Act, subordinate legislation would be subject to special parliamentary procedure, it shall not be made or confirmed unless an Assembly Secretary has laid a draft before the Assembly and given public notice of the entitlement of persons to present petitions to the Assembly against its making or confirmation.

25.2 The notice shall be published at least once in at least one newspaper circulating in the area to which the subordinate legislation relates. The notice shall state:

- (i) the general effect of the subordinate legislation and where it may be inspected both at the Assembly and in a place in the area to which it relates;
- (ii) that petitions can be presented to the Presiding Officer against the subordinate legislation within the period of twenty working days beginning with the day on which the notice is first published in a newspaper;
- (iii) that petitions can either request particular amendments to be made to the subordinate legislation before it is made (specifying the amendments requested), or request that it should not be made; and
- (iv) that the reasons for the petition must be stated together with the names and addresses of the persons

who are petitioning.

25.3 The Presiding Officer shall be responsible for receiving petitions and shall inform the Assembly of their content and the number of signatures as soon as possible after the expiry of the period specified in the public notice.

25.4 The Presiding Officer shall consider any petitions received. If the Presiding Officer is satisfied that a petition discloses a substantial ground of objection to the subordinate legislation or to part of it, he or she shall certify to the Assembly that the petition should be considered by the Assembly and shall inform the petitioners accordingly. A petitioner has a substantial ground of objection if his or her property or interests are affected by the subordinate legislation. A petitioner which is an amenity society or similar body has a substantial ground of objection if an interest which it represents is affected by the subordinate legislation.

25.5 If the Presiding Officer considers that any petitions received do not disclose a substantial ground of objection to the subordinate legislation, he or she shall notify the petitioners accordingly and permit them to make representations. If, following consideration of any representations, the Presiding Officer concludes that a petition discloses a substantial ground of objection, the Presiding Officer shall certify to the Assembly and inform the petitioners accordingly; but if the Presiding Officer concludes that the petitions do not disclose such a substantial ground of objection, he or she shall report accordingly to the Assembly. On receiving such a report, the Assembly may make or confirm the subordinate legislation in accordance with standing orders.

25.6 If the Presiding Officer certifies to the Assembly that the petition should be considered by the Assembly and that the petition requests amendments to be made to the subordinate legislation, the Presiding Officer may decide that the amendments requested affect the interest of other persons. In such a case, counter-petitions shall be invited and the provisions of standing orders 25.2 to 25.5 shall apply to such counter-petitions as they apply to petitions.

25.7 Where the Presiding Officer certifies to the Assembly that a petition should be considered by the Assembly, the Assembly shall, on a motion proposed by an Assembly Secretary, elect a committee to consider the petition (and any counter-petitions). The committee shall have at least 5 and not more than 7 members and shall be elected so as to secure that, as far as is practicable, the balance of the political groups in the Assembly is reflected in the membership of the committee.

25.8. The petitioner, any counter-petitioner, and any applicant for the subordinate legislation, shall be entitled to be heard before the committee either in person, by counsel or by agent; and the Assembly Secretary shall be entitled to be heard in person.

25.9 The committee shall report to the Assembly either that the subordinate legislation should not be made or confirmed or that it should be made or confirmed either without amendment or with such amendments as the committee considers expedient to give effect either in whole or in part to any petition.

25.10 Where the committee reports that the subordinate legislation should not be made or confirmed, no further proceedings shall be taken on it, but an Assembly Secretary may lay new draft subordinate legislation before the Assembly .

25.11 Where the committee reports that subordinate legislation should be made or confirmed without amendment, it may be made or confirmed by being signed by the Presiding Officer or (in the absence of the Presiding Officer by the Deputy, the First Secretary or a member of the Assembly Cabinet). Where the committee reports that the subordinate legislation should be made or confirmed with amendments, it may be made or confirmed with such amendments. If the Assembly Secretary considers it inexpedient that it should be made or confirmed as so amended, it may either be withdrawn (without prejudice to the laying before the Assembly of new subordinate legislation) or the Assembly Secretary may table a motion that the subordinate legislation should be made or confirmed without the amendments recommended by the committee.

STANDING ORDER 26 - Local Statutory Instruments

This Standing Order applies to Assembly subordinate legislation made by statutory instrument which is local in nature.

26.1 An Assembly Secretary proposing to make subordinate legislation under this Part shall, unless he or she considers it not reasonably practicable to do so, give to the Assembly at least 10 working days' notice of the intention to make the subordinate legislation; and such notice shall describe the proposed content of the subordinate legislation.

26.2 Subordinate legislation under this Part shall be made by being signed by or on behalf of the Assembly Secretary who proposed it; but if, within 5 working days of notice having been given under paragraph 26.1, at least 10 members table a motion expressing dissatisfaction with the proposal and if thereafter the Assembly so resolves, the subordinate legislation shall not be made and paragraphs 22.5 to 22.25 shall apply to its making.

26.3 An Assembly Secretary proposing to make subordinate legislation under this Part shall prepare it in both English and Welsh unless he or she considers that that would be inappropriate in the circumstances or not reasonably practicable.

26.4 Assembly Secretaries shall report from time to time to relevant subject committees on the subordinate legislation made under this Part.

STANDING ORDER 27 - Subordinate Legislation Not Required To Be Made By Statutory Instrument

This Standing Order applies to Assembly subordinate legislation which is not required to be made by statutory instrument and which is not subject to parliamentary procedure.

27.1 When an Assembly Secretary proposes that subordinate legislation should be made under this Part, it shall be prepared in the form of a draft. The draft shall be prepared in English and Welsh unless the Assembly Secretary considers that inappropriate in the circumstances or not reasonably practicable.

27.2 The Assembly Secretary shall consider, having regard to the general importance, and the character, of the draft, whether it is appropriate that:

(i) it should be considered by a subject committee; and if so he or she shall lay the draft before the committee and propose that the committee report on it within not less than 2 weeks and not more than 8 weeks;

(ii) it should be considered by the Legislation Committee; and if so he or she shall, following any subject committee consideration of the draft, lay it before the Legislation Committee for consideration;

(iii) it should be debated by the Assembly in plenary meeting; and if so he or she shall, following any consideration by a subject committee or the Legislation Committee, lay the draft before the Assembly together with any reports submitted by any committee relating to it; or

(iv) none of those procedures should apply.

27.3 When any draft subordinate legislation to which this Part applies is laid before the Assembly under paragraph 27.2(iii), paragraphs 22.13 to 22.26 shall apply when the Assembly considers it. Otherwise any draft subordinate legislation to which this Part applies shall be made by being signed by or on behalf of the Assembly Secretary who proposed it.

27.4. Where the Assembly Secretary considers, in accordance with paragraph 27.2(iv), that none of the procedures in paragraph 27.2(i)-(iii) should apply, he or she shall, unless considering it not reasonably

practicable to do so, give to the Assembly at least 10 working days' notice of intention to make the subordinate legislation, and describe its proposed content. If, within 5 working days of notice having been given, at least 10 Members table a motion expressing dissatisfaction with the proposal and if thereafter the Assembly so resolves, paragraphs 22.5 to 22.26 shall apply to its making.

27.5 Assembly Secretaries shall report from time to time to relevant subject committees on the subordinate legislation made under this Part.

STANDING ORDER 28 - Confirmation Or Approval Of Subordinate Legislation

Standing Order 28 applies where the Assembly is given power by an Act of Parliament to confirm or approve subordinate legislation submitted to the Assembly by other statutory bodies or local authorities. SO28 does not include subordinate legislation made by Order in Council or by Ministers of the Crown which contain provisions relating to the Assembly as to which see Standing Order 24.

28.1 An Assembly Secretary, or a member of the Assembly's staff authorised to act in this respect on behalf of the Assembly Secretary, may confirm or approve any subordinate legislation submitted by a public body (including a local authority) to the Assembly for that purpose, and shall do so in writing; but he or she shall, unless it is not reasonably practicable to do so, give to the Assembly at least 10 working days' notice of an intention to confirm or approve it.

28.2 If, within 5 working days of notice having been given under paragraph 28.1, at least 10 Members table a motion expressing dissatisfaction with the subordinate legislation submitted for confirmation or approval, the Assembly Secretary shall not confirm or approve it but shall table a motion proposing that the Assembly confirm or approve it (as the case may be); and a motion tabled under this paragraph shall not be subject to amendment.

28.3 In any case to which paragraph 2(5) of Schedule 7 to the Act applies (subordinate legislation made by Forestry Commissioners without prior Assembly approval), the relevant Assembly Secretary shall lay the subordinate legislation before the Assembly, and a Member may table a motion in accordance with paragraph 2(5)(b) of that provision to revoke it.

STANDING ORDER 29 - Proposals Made By Other Assembly Members For Subordinate Legislation

29.1 The Presiding Officer shall from time to time hold a ballot to determine the name of a Member, other than an Assembly Secretary, who may table a motion under this Part. The Presiding Officer shall include in the ballot the names of all those Members who have applied to be included.

29.2 A motion under this standing order shall take the form of an Assembly instruction to an Assembly Secretary to bring forward draft subordinate legislation. Time shall be made available for the motion to be debated within 20 working days of the date when it is tabled (not counting working days in a week when there is no plenary session of the Assembly).

Such a motion shall:

- (i) identify the legal powers under which the proposed subordinate legislation could be made;
- (ii) specify the objectives to be achieved by the proposed subordinate legislation; and
- (iii) be accompanied by an assessment of the implications, including costs and benefits of making the subordinate legislation which shall be tabled not less than five working days before the motion is to be considered.

29.3 If the Assembly resolves to instruct an Assembly Secretary by way of a motion tabled under paragraph 29.2, that Assembly Secretary shall as soon as may be prepare a draft Order (or other instrument), and the procedure appropriate under any of standing orders 22, 23, 25, 26 or 27 (as the case may be) to the making of that subordinate legislation shall be followed.

STANDING ORDER 30 - Publication Of Subordinate Legislation (Other Than Assembly General Subordinate Legislation)

1. The Presiding Officer shall as soon as may be publish any subordinate legislation made or confirmed by the Assembly which is not otherwise published for sale under the Statutory Instruments Act 1946; and each Assembly Secretary shall notify the Presiding Officer of any instruments he or she, or officials authorised by him or her, has made or confirmed. Subordinate legislation made by the Assembly which is not required to be made by statutory instrument shall be made in such form as the Presiding Officer may prescribe.

RENUMBER ALL REMAINING STANDING ORDERS