

Amending Standing Orders

Departure from the European Union

March 2021

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

This report recommends amendments to Standing Orders 21, 26, 26A, 26B, 27 and 30C to reflect the United Kingdom's departure from the European Union.

The Senedd is invited to approve the proposals to amend the Standing Orders as at Annex A. The amended Standing Orders, if approved, are at Annex B.



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1. Business Committee consideration

1. At its meeting of 18 January 2021, Business Committee considered amendments to the Standing Orders to reflect the United Kingdom (UK)'s departure from the European Union (EU), following the end of the transition period.

Standing Orders 21.8–21.11: subsidiarity

2. Standing Orders 21.8–21.11 currently provide for a “responsible committee”, currently the External Affairs and Additional Legislation Committee (EAAL), to have a subsidiarity monitoring function in relation to EU legislation and a reporting mechanism for breaches of the subsidiarity principle. The legal basis for this ceased to apply when the UK left the EU.

3. In accordance with its monitoring function, EAAL considered draft EU legislation relating to matters within the Senedd's legislative competence or the functions of Welsh Ministers or the Counsel General, in order to consider whether it complied with the principle of subsidiarity. Had the committee consider that it did not, it could make written representations to the relevant House of Commons or Lords committee with a view to having those representations incorporated into a reasoned opinion to be submitted by that committee to the relevant EU authorities.

4. Subsidiarity is grounded in the Treaty on European Union and ceased to apply in the UK on exit day. Article 128 of the Withdrawal Agreement removed the UK Parliament's status as a national parliament for the purpose of the Treaties. Accordingly the Senedd's subsidiarity monitoring function is no longer exercisable.

5. Business Committee proposes the deletion of Standing Orders 21.8–21.11 so as to remove the subsidiarity monitoring functions of the responsible committee in relation to EU legislation. These changes are set out in Annex A.

Other Standing Orders

6. Some Standing Orders relate to the UK's membership of the EU other than in respect of the responsible committee's subsidiarity monitoring function. They largely refer to implementing EU legislation, the European Union EU (Withdrawal) Act 2018 or referrals to the European Court of Justice. Business Committee recommends that such references are removed from Standing Orders.

7. Paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020 also sets out a new Senedd process for sifting regulations made under section 31 of that Act. New Standing Orders 27.1AA and 27.9A are proposed to reflect that process.

8. Finally, Business Committee notes that some Standing Orders relate to the process of amending domestic legislation to account for EU exit. These will need to remain in force for some time yet, and further changes will need to be brought forward at the appropriate time to remove or amend these provisions.

2. Decision

9. The Business Committee formally agreed the changes to Standing Orders on 2 March 2021. The Senedd is invited to approve the proposed new Standing Orders at Annex B.

Annex A – Proposed changes to Standing Orders 21, 26, 26A, 26B, 27 and 30C, and explanatory notes

Standing Order 21 – Constitutional and Legislative Affairs

	Committee or Committees	Retain heading
21.1	In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that responsibility for the functions in Standing Order 21 is assigned to a committee or committees (referred to within Standing Order 21 as “a responsible committee”).	Retain Standing Order Standing Order included for information
	Functions	Retain heading
21.2	<p>A responsible committee must consider all statutory instruments or draft statutory instruments required by any enactment to be laid before the Senedd and report on whether the Senedd should pay special attention to the instrument or draft on any of the following grounds:</p> <ul style="list-style-type: none"> (i) that there appears to be doubt as to whether it is intra vires; (ii) that it appears to make unusual or unexpected use of the powers conferred by the enactment under which it is made or to be made; (iii) that the enactment which gives the power to make it contains specific provisions excluding it from challenge in the courts; 	Retain Standing Order Standing Order included for information

	<ul style="list-style-type: none"> (iv) that it appears to have retrospective effect where the authorising enactment does not give express authority for this; (v) that for any particular reason its form or meaning needs further explanation; (vi) that its drafting appears to be defective or it fails to fulfil statutory requirements; (vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts; (viii) that it uses gender specific language; (ix) that it is not made or to be made in both English and Welsh; (x) that there appears to have been unjustifiable delay in publishing it or laying it before the Senedd; or (xi) that there appears to have been unjustifiable delay in sending notification under section 4(1) of the Statutory Instruments Act 1946 (as modified). 	
21.3	<p>A responsible committee may consider and report on whether the Senedd should pay special attention to any statutory instrument or draft statutory instrument required by any enactment to be laid before the Senedd on any of the following grounds:</p> <ul style="list-style-type: none"> (i) that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be 	<p>Amend Standing Order</p> <p>The provision in Standing Order 21.3(iv) is redundant following the UK's departure from the European Union.</p>

	<p>rendered, or prescribes the amount of any such charge or payment;</p> <p>(ii) that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd;</p> <p>(iii) that it is inappropriate in view of the changed circumstances since the enactment under which it is made or is to be made was itself passed or made; <u>or</u></p> <p>(iv) that it inappropriately implements European Union legislation; or</p> <p>(v) that it imperfectly achieves its policy objectives.</p>	
21.3A	<p>Standing Orders 21.2 and 21.3 do not apply to any draft statutory instrument laid before the Senedd to which paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act 2018 <u>or paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020</u> applies.</p>	<p>Amend Standing Order</p> <p>Paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020 sets out a process for sifting regulations made under section 31 of that Act. The proposed amendment therefore extends the sifting process set out in Standing Orders to include those regulations.</p>
21.3B	<p>A responsible committee must report on the appropriate procedure to apply to any draft statutory instrument laid before the Senedd to which paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act 2018 <u>or paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020</u> applies.</p>	<p>Amend Standing Order</p> <p>Paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020 sets out a process for sifting regulations made under section 31 of that Act. The proposed amendment therefore extends the sifting process set out in Standing Orders to include those regulations.</p>

21.3C	<p>The responsible committee under Standing Order 21.3B must report on the appropriate procedure using the following criteria:</p> <ul style="list-style-type: none"> (i) whether the memorandum is sufficiently clear and transparent about why the government is of the opinion that the negative resolution procedure should apply; (ii) whether the memorandum is sufficiently clear and transparent as to the changes that are being made by the regulations; (iii) whether there has been adequate consultation on the regulations; (iv) whether the memorandum is sufficiently clear and transparent about the impact the regulations may have on equality and human rights; (v) whether the regulations raise matters of public, political or legal importance; and (vi) any other matters the committee considers appropriate. 	<p>Retain Standing Order</p> <p>Standing Order included for information</p>
21.8	<p>A responsible committee may consider draft European Union legislation relating to matters within the legislative competence of the Senedd or to the functions of the Welsh Ministers and of the Counsel General in order to consider whether it complies with the principle of subsidiarity.</p>	<p>Remove Standing Order</p> <p>This Standing Order is redundant following the UK's departure from the European Union.</p>
21.9	<p>If a responsible committee considers that draft European Union legislation does not comply with the principle of subsidiarity it may make written representations, on behalf of the Senedd, to the relevant committee of the House of</p>	<p>Remove Standing Order</p>

	Commons or the House of Lords with a view to having those representations incorporated into a reasoned opinion to be submitted by that committee to the relevant European Union authorities.	This Standing Order is redundant following the UK's departure from the European Union.
21.10	If a responsible committee makes written representations in accordance with Standing Order 21.9, it must lay a copy of those written representations before the Senedd.	Remove Standing Order This Standing Order is redundant following the UK's departure from the European Union.
21.11	A responsible committee may, to enable its functions under Standing Order 21.9 to be exercised during any non-sitting week, delegate those functions to the chair of the responsible committee who must, if they are exercised, report that fact to the responsible committee as soon as possible.	Remove Standing Order This Standing Order is redundant following the UK's departure from the European Union.

Standing Order 26 – Acts of the Senedd

	Reconsideration of Bills Passed	Retain heading
26.52	<p>In accordance with section 113 of the Act, any Member may, after the Bill is passed, by motion propose that the Senedd reconsider the Bill, or any provision of it, if:</p> <ul style="list-style-type: none"> (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. 	<p>Remove Standing Order</p> <p>This Standing Order is redundant following the UK's departure from the European Union and the repeal of section 113 of the Act.</p>

26.52A	If a motion under Standing Order 26.52 is agreed to by the Senedd, the Clerk must notify the Counsel General and the Attorney General of that fact.	Remove Standing Order This Standing Order is redundant following the UK's departure from the European Union and the repeal of section 113 of the Act.
26.52B	If the Senedd 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.	Remove Standing Order This Standing Order is redundant following the UK's departure from the European Union and the repeal of section 113 of the Act.
26.53	Any Member may by motion propose that the Senedd reconsider the Bill if: <ul style="list-style-type: none"> (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 Senedd; (ii) an order is made in relation to the Bill under section 114 of the Act; or (iii) the Supreme Court decides on a reference made under section 111B(2)b of the Act in relation to a Bill passed by the Senedd, that any provision of the Bill relates to a protected subject-matter. 	Retain Standing Order Standing Order included for information
26.53A	If the Senedd 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 Senedd.	Retain Standing Order Standing Order included for information
26.54	Standing Orders 26.30 to 26.34 and 26.36 to 26.44 apply to Reconsideration Stage proceedings. References to "Stage 3"	Retain Standing Order

	and “further Stage 3” should be construed as references to “Reconsideration Stage” and “further Reconsideration Stage” accordingly.	Standing Order included for information
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> <ul style="list-style-type: none"> (i) — the reference for a preliminary ruling; (ii) the decision of the Supreme Court; or (iii) the Order under section 114 of the Act. 	<p>Amend Standing Order</p> <p>The provision in Standing Order 26.55(i) is redundant following the UK’s departure from the European Union and the repeal of section 113 of the Act.</p>

Standing Order 26A – Private Acts of the Senedd

	Reconsideration of Private Bills Passed	Retain heading
26A.109	<p>In accordance with section 113 of the Act, any Member may, after the Private Bill is passed, by motion propose that the Senedd reconsider the Private Bill, or any provision of it, if:</p> <ul style="list-style-type: none"> (i) — a question in relation to the Private Bill has been referred to the Supreme Court under section 112 of the Act; and (ii) — a reference for a preliminary 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. 	<p>Remove Standing Order</p> <p>This Standing Order is redundant following the UK’s departure from the European Union and the repeal of section 113 of the Act.</p>

26A.109A	If a motion under Standing Order 26A.109 is agreed to by the Senedd , the Clerk must notify the Counsel General and the Attorney General of that fact.	Remove Standing Order This Standing Order is redundant following the UK's departure from the European Union and the repeal of section 113 of the Act.
26A.109B	If the Senedd agrees to a motion under Standing Order 26A.109, 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.	Remove Standing Order This Standing Order is redundant following the UK's departure from the European Union and the repeal of section 113 of the Act.
26A.110	Any Member may by motion propose that the Senedd reconsider the Private Bill if: <ul style="list-style-type: none"> (i) the Supreme Court decides on a reference made in relation to the Bill under section 112 of the Act that the Private Bill or any provision of it would not be within the legislative competence of the Senedd; (ii) an order is made in relation to the Private Bill under section 114 of the Act; or (iii) the Supreme Court decides on a reference made under section 111B (2)(b) of the Act in relation to a Private Bill passed by the Senedd, that any provision of the Bill relates to a protected subject-matter. 	Retain Standing Order Standing Order included for information.
26A.111	If the Senedd agrees to a motion under Standing Order 26A.110, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.	Retain Standing Order Standing Order included for information.
26A.112	Standing Orders 26A.82 to 26A.93 and 26A.100 to 26A.101 apply to Reconsideration Stage proceedings. References to "Detailed Senedd Consideration" and "Further Detailed	Retain Standing Order Standing Order included for information.

	Senedd Consideration” should be construed as references to “Reconsideration Stage” and “further Reconsideration Stage” accordingly.	
26A.113	<p>A Private Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26A.120, 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> <ul style="list-style-type: none"> (i) — the reference for a preliminary ruling; (ii) the decision of the Supreme Court; or (iii) the Order under section 114 of the Act. 	<p>Amend Standing Order</p> <p>The provision in Standing Order 26A.113 is redundant following the UK’s departure from the European Union and the repeal of section 113 of the Act.</p>

Standing Order 26B – Hybrid Acts of the Senedd

	Reconsideration of Hybrid Bills Passed	Retain heading
26B.108	<p>In accordance with section 113 of the Act, any Member may, after the Private Bill is passed, by motion propose that the Senedd reconsider the Private Bill, or any provision of it, if:</p> <ul style="list-style-type: none"> (i) — a question in relation to the Private Bill has been referred to the Supreme Court under section 112 of the Act, and (ii) — a reference for a preliminary 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. 	<p>Remove Standing Order</p> <p>This Standing Order is redundant following the UK’s departure from the European Union and the repeal of section 113 of the Act.</p>

26B.109	If a motion under Standing Order 26B.108 is agreed to by the Senedd , the Clerk must notify the Counsel General and the Attorney General of that fact.	Remove Standing Order This Standing Order is redundant following the UK's departure from the European Union and the repeal of section 113 of the Act.
26B.110	If the Senedd agrees to a motion under Standing Order 26B.108, 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.	Remove Standing Order This Standing Order is redundant following the UK's departure from the European Union and the repeal of section 113 of the Act.
26B.111	Any Member may by motion propose that the Senedd reconsider the Hybrid Bill if: <ul style="list-style-type: none"> (i) the Supreme Court decides on a reference made in relation to the Bill under section 112 of the Act that the Hybrid Bill or any provision of it would not be within the legislative competence of the Senedd; (ii) an order is made in relation to the Hybrid Bill under section 114 of the Act; or (iii) the Supreme Court decides on a reference made under section 111B(2)b of the Act in relation to a Hybrid Bill passed by the Senedd, that any provision of the Bill relates to a protected subject-matter. 	Retain Standing Order Standing Order included for information.
26B.112	If the Senedd agrees to a motion under Standing Order 26B.111, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.	Retain Standing Order Standing Order included for information.
26B.113	At least fifteen working days must elapse between the start of Reconsideration Stage and the date of the first meeting of	Retain Standing Order Standing Order included for information.

	the Senedd that considers Reconsideration Stage proceedings.	
26B.114	Proceedings at Reconsideration Stage must be considered by the Senedd in plenary.	Retain Standing Order Standing Order included for information
26B.115	A Hybrid Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26B.122, 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.	Amend Standing Order The provision in Standing Order 26B.115 is redundant following the UK's departure from the European Union and the repeal of section 113 of the Act.

Standing Order 27 - Subordinate Legislation (Other than Subordinate Legislation Subject to Special Senedd Procedure)

	Explanatory Memoranda	Retain heading
27.1	Any statutory instrument or draft statutory instrument laid before the Senedd must be accompanied by an Explanatory Memorandum, which must include any Regulatory Impact Assessment prepared in relation to the instrument.	Retain Standing Order Standing Order included for information
27.1A	Any Explanatory Memorandum accompanying a draft statutory instrument laid before the Senedd to which paragraph 4 of Schedule 7 to the European (Withdrawal) Act applies must include the statement and reasoning required by paragraph 4(3) of Schedule 7 to the European Union (Withdrawal) Act 2018.	Retain Standing Order Standing Order included for information

27.1AA	<u>Any Explanatory Memorandum accompanying a draft statutory instrument laid before the Senedd to which paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020 applies must include the statement and reasoning required by paragraph 9(3) of Schedule 5 to the 2020 Act</u>	Introduce new Standing Order The new Standing Order replicates the provisions of Standing Order 27.1A for draft statutory instruments to which paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020 applies.
	<u>Draft Statutory Instruments to which paragraph 4 of Schedule 7 to the European Union (Withdrawal) Bill Act or paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020 applies</u>	Amend heading Paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020 sets out a process for sifting regulations made under section 31 of that Act. The proposed amendment therefore extends the sifting process set out in Standing Orders to include those regulations.
27.9A	A member of the government must lay any draft statutory instrument to which paragraph 4 of Schedule 7 to the European (Withdrawal) Act <u>or paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020</u> applies before the Senedd.	Amend Standing Order Paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020 sets out a process for sifting regulations made under section 31 of that Act. The proposed amendment therefore extends the sifting process set out in Standing Orders to include those regulations.

Standing Order 30C – Notification in Relation to Statutory Instruments made by UK Ministers in devolved areas under the European Union (Withdrawal) Act 2018 not laid before the Senedd

	Statutory Instruments Requiring Notification to the Senedd	Retain heading
30C.1	In Standing Order 30C, “relevant statutory instrument” means a statutory instrument, or draft statutory instrument, made, or to be made, by a UK Minister acting alone under sections 8, 9 or 23 of, or Schedule 4 to, the European Union (Withdrawal) Act 2018 which contains provision within the legislative competence of the Senedd or the executive competence of the Welsh Ministers.	Amend Standing Order Section 9 of the European Union (Withdrawal) Act 2018 has been repealed, and so the reference to it is redundant.

Annex B – Standing Orders 21, 26, 26A, 26B, 27 and 30C, as amended

STANDING ORDER 21 – Constitutional and Legislative Affairs

Committee or Committees

- 21.1 In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that responsibility for the functions in Standing Order 21 is assigned to a committee or committees (referred to within Standing Order 21 as “a responsible committee”).

Functions

- 21.2 A responsible committee must consider all statutory instruments or draft statutory instruments required by any enactment to be laid before the Senedd and report on whether the Senedd should pay special attention to the instrument or draft on any of the following grounds:
- (i) that there appears to be doubt as to whether it is intra vires;
 - (ii) that it appears to make unusual or unexpected use of the powers conferred by the enactment under which it is made or to be made;
 - (iii) that the enactment which gives the power to make it contains specific provisions excluding it from challenge in the courts;
 - (iv) that it appears to have retrospective effect where the authorising enactment does not give express authority for this;
 - (v) that for any particular reason its form or meaning needs further explanation;
 - (vi) that its drafting appears to be defective or it fails to fulfil statutory requirements;
 - (vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts;
 - (viii) that it uses gender specific language;
 - (ix) that it is not made or to be made in both English and Welsh;

- (x) that there appears to have been unjustifiable delay in publishing it or laying it before the Senedd; or
- (xi) that there appears to have been unjustifiable delay in sending notification under section 4(1) of the Statutory Instruments Act 1946 (as modified).

21.3 A responsible committee may consider and report on whether the Senedd should pay special attention to any statutory instrument or draft statutory instrument required by any enactment to be laid before the Senedd on any of the following grounds:

- (i) that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment;
- (ii) that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd;
- (iii) that it is inappropriate in view of the changed circumstances since the enactment under which it is made or is to be made was itself passed or made; or
- (iv) *[Standing Order removed by resolution in Plenary on 24 March 2021]*
- (v) that it imperfectly achieves its policy objectives.

21.3A Standing Orders 21.2 and 21.3 do not apply to any draft statutory instrument laid before the Senedd to which paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act 2018 or paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020 applies.

21.3B A responsible committee must report on the appropriate procedure to apply to any draft statutory instrument laid before the Senedd to which paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act 2018 or paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020 applies.

21.3C The responsible committee under Standing Order 21.3B must report on the appropriate procedure using the following criteria:

- (i) whether the memorandum is sufficiently clear and transparent about why the government is of the opinion that the negative resolution procedure should apply;
- (ii) whether the memorandum is sufficiently clear and transparent as to the changes that are being made by the regulations;
- (iii) whether there has been adequate consultation on the regulations;
- (iv) whether the memorandum is sufficiently clear and transparent about the impact the regulations may have on equality and human rights;
- (v) whether the regulations raise matters of public, political or legal importance; and
- (vi) any other matters the committee considers appropriate.

[...]

21.8 *[Standing Order removed by resolution in Plenary on 24 March 2021]*

21.9 *[Standing Order removed by resolution in Plenary on 24 March 2021]*

21.10 *[Standing Order removed by resolution in Plenary on 24 March 2021]*

21.11 *[Standing Order removed by resolution in Plenary on 24 March 2021]*

STANDING ORDER 26 – Acts of the Senedd

Reconsideration of Bills Passed

26.52 *[Standing Order removed by resolution in Plenary on 24 March 2021]*

26.52A *[Standing Order removed by resolution in Plenary on 24 March 2021]*

26.52B *[Standing Order removed by resolution in Plenary on 24 March 2021]*

26.53 Any Member may by motion propose that the Senedd 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 Senedd;
- (ii) an order is made in relation to the Bill under section 114 of the Act; or
- (iii) the Supreme Court decides on a reference made under section 111B (2)b of the Act in relation to a Bill passed by the Senedd, that any provision of the Bill relates to a protected subject-matter.

26.53A If the Senedd 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 Senedd.

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) *[Standing Order removed by resolution in Plenary on 24 March 2021]*
- (ii) the decision of the Supreme Court; or
- (iii) the Order under section 114 of the Act.

STANDING ORDER 26A – Private Acts of the Senedd

Reconsideration of Private Bills Passed

26A.109 *[Standing Order removed by resolution in Plenary on 24 March 2021]*

26A.109A *[Standing Order removed by resolution in Plenary on 24 March 2021]*

26A.109B *[Standing Order removed by resolution in Plenary on 24 March 2021]*

26A.110 Any Member may by motion propose that the Senedd reconsider the Private Bill if:

- (i) the Supreme Court decides on a reference made in relation to the Bill under section 112 of the Act that the Private Bill or any provision of it would not be within the legislative competence of the Senedd;
- (ii) an order is made in relation to the Private Bill under section 114 of the Act; or
- (iii) the Supreme Court decides on a reference made under section 111B (2)(b) of the Act in relation to a Private Bill passed by the Senedd, that any provision of the Bill relates to a protected subject-matter.

26A.111 If the Senedd agrees to a motion under Standing Order 26A.110, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.

26A.112 Standing Orders 26A.82 to 26A.93 and 26A.100 to 26A.101 apply to Reconsideration Stage proceedings. References to "Detailed Senedd Consideration" and "Further Detailed Senedd Consideration" should be construed as references to "Reconsideration Stage" and "further Reconsideration Stage" accordingly.

26A.113 A Private Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26A.120, 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) *[Standing Order removed by resolution in Plenary on 24 March 2021]*
- (ii) the decision of the Supreme Court; or

- (iii) the Order under section 114 of the Act.

STANDING ORDER 26B – Hybrid Acts of the Senedd

Reconsideration of Hybrid Bills Passed

26B.108 *[Standing Order removed by resolution in Plenary on 24 March 2021]*

26B.109 *[Standing Order removed by resolution in Plenary on 24 March 2021]*

26A.110 *[Standing Order removed by resolution in Plenary on 24 March 2021]*

26B.111 Any Member may by motion propose that the Senedd reconsider the Hybrid Bill if:

- (i) the Supreme Court decides on a reference made in relation to the Bill under section 112 of the Act that the Hybrid Bill or any provision of it would not be within the legislative competence of the Senedd;
- (ii) an order is made in relation to the Hybrid Bill under section 114 of the Act; or
- (iii) the Supreme Court decides on a reference made under section 111B (2)b of the Act in relation to a Hybrid Bill passed by the Senedd, that any provision of the Bill relates to a protected subject-matter.

26B.112 If the Senedd agrees to a motion under Standing Order 26B.111, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.

26B.113 At least fifteen working days must elapse between the start of Reconsideration Stage and the date of the first meeting of the Senedd that considers Reconsideration Stage proceedings.

26B.114 Proceedings at Reconsideration Stage must be considered by the Senedd in plenary.

26B.115 A Hybrid Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26B.122, 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) *[Standing Order removed by resolution in Plenary on 24 March 2021]*
- (ii) the decision of the Supreme Court; or
- (iii) the Order under section 114 of the Act.

STANDING ORDER 27 – Subordinate Legislation (Other than Subordinate Legislation Subject to Special Senedd Procedure)

Explanatory Memoranda

- 27.1** Any statutory instrument or draft statutory instrument laid before the Senedd must be accompanied by an Explanatory Memorandum, which must include any Regulatory Impact Assessment prepared in relation to the instrument.
- 27.1A** Any Explanatory Memorandum accompanying a draft statutory instrument laid before the Senedd to which paragraph 4 of Schedule 7 to the European (Withdrawal) Act applies must include the statement and reasoning required by paragraph 4(3) of Schedule 7 to the European Union (Withdrawal) Act 2018.
- 27.1AA** Any Explanatory Memorandum accompanying a draft statutory instrument laid before the Senedd to which paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020 applies must include the statement and reasoning required by paragraph 9(3) of Schedule 5 to the 2020 Act.

Draft Statutory Instruments to which paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act or paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020 applies

- 27.9A** A member of the government must lay any draft statutory instrument to which paragraph 4 of Schedule 7 to the European (Withdrawal) Act or paragraph 9 of Schedule 5 to the European Union (Future Relationship) Act 2020 applies before the Senedd.

STANDING ORDER 30C – Notification in Relation to Statutory Instruments made by UK Ministers in devolved areas under the European Union (Withdrawal) Act 2018 not laid before the Senedd

Statutory Instruments Requiring Notification to the Senedd

- 30C.1 In Standing Order 30C, “relevant statutory instrument” means a statutory instrument, or draft statutory instrument, made, or to be made, by a UK Minister acting alone under sections 8, or 23 of, or Schedule 4 to, the European Union (Withdrawal) Act 2018 which contains provision within the legislative competence of the Senedd or the executive competence of the Welsh Ministers.