

REPORT OF THE BUSINESS COMMITTEE
PROPOSAL TO CHANGE STANDING ORDERS

Introduction

On 2 July 2002 the Business Committee considered a proposal for revisions to Standing Orders arising from recommendations in the Assembly Review of Procedures.

The following proposal agreed by Members of the Business Committee is now recommended for approval by the Assembly. The detailed changes are outlined in the attached motion.

Background

The Committee agreed it would consider Standing Order changes arising from the Assembly Review of Procedures in two tranches. The first tranche of changes was agreed in Plenary on 11/6/02. The changes included in the attached motion make up the second tranche.

The attached motion details Standing Order changes on the following issues:

- i. Timing of plenary sessions (including protection of Short Debate)
- ii. Queen's Speech debate
- iii. Subject committees' roles
- iv. Legislation Committee annual report
- v. Standing Committees

Other proposed amendments did not appear in ARP but have been included to correct drafting errors which have been identified in Standing Orders

- v. No motion required for emergency debates
- vi. Accelerated procedure

The motion to change the Standing Orders will also include a proposed amendment to tidy them up:

- vii. by replacing any remaining bullet points with roman numerals; and
- viii. by renumbering the paragraphs within Standing Orders to reflect all of the amendments made since April 1999.

The motion will specify that the amendments are brought into effect at the beginning of the autumn term, with the exception of the revisions to SO 14.3 and SO 15.4 (Equal Opportunities and European Affairs committees) which will take effect on 1 May 2003.

Proposal

Following the debate in Plenary on 14 February, the Assembly agreed the recommendations of the Assembly Review of Procedures group. These Standing Order changes will implement the some of those recommendations.

PROPOSED STANDING ORDER CHANGES ARISING FROM ARP

Timing of plenary sessions

ARP Recommendation

Para 3.5 That Tuesday plenary sessions normally end at 6.00pm.

That there should be flexibility for Tuesday afternoon plenary sessions to continue until 7.00pm, on a motion tabled 7 working days and approved 5 working days in advance.

That Thursday morning plenary sessions do not extend beyond 1pm.

Para 3.7 That standing orders be revised to remove references which make sense only in the context of the strict timetabling of debates

Para 3.19 That the time available for the short debate should be protected in standing orders

STANDING ORDER 5 - Assembly Business

Periodic Timetable Statements

5.1 From time to time, the Business Minister shall table motions proposing outline timetables of plenary meetings (which shall normally be held on Tuesdays and Wednesdays), times available for committee meetings, meetings of political groups, and recesses. Such motions shall propose timetables for periods of not less than three months, and shall include dates for questions for oral answer by specific Ministers.

5.2 Motions under paragraph 5.1 shall be tabled having regard to any advice offered by the Business Committee under paragraph 13.1(i). Wherever possible, motions shall be framed having regard to the family and constituency or electoral region responsibilities of Members, and their likely travel arrangements; and in any event shall seek to avoid programming business before 9.00am or (subject to paragraph 6.2) after 5.30pm on any working day.

Weekly Business Statements

5.3 In each week that the Assembly meets in plenary, the Business Minister shall propose a statement about the organisation of its business for the first week after the week when the statement is made, together with the provisional organisation of business for the two subsequent weeks ~~next two weeks (and, so far as possible, the following week)~~. The statement shall inform the Assembly of business to be considered in each plenary meeting and the timetable for such business (including the ~~period allocated~~ indicative period allocated to any individual item of business). ~~The timetable for the third week shall be regarded as provisional, but the Business Minister shall seek to avoid changes to the business proposed for the second week unless there is compelling reason for such change.~~ The Business Minister shall seek to avoid changes to the provisional organisation of business unless there is compelling reason for such change.

5.4 The Business Minister's statement shall constitute the agreed timetable for Assembly business for the first week (and the Presiding Officer's notices of business circulated under paragraph 6.7 shall be drafted accordingly) unless at least 10 Members object. Where there is any such objection, the Presiding Officer may allow the Business Minister to propose that the statement be adopted, and one Member from each political group to speak briefly in response; the Business Minister shall be entitled to reply and the Presiding Officer shall then put the proposition to the vote. If the proposition is rejected, the Business Minister shall as soon as possible bring forward a revised statement (which shall be similarly subject to adoption by the Assembly).

5.4A Where no objection by at least 10 Members has been made, the Presiding Officer shall allow one Member from each political group to comment briefly on the Business Minister's statement and shall then allow the Business Minister to reply.



STANDING ORDER 6 - Assembly Business in Plenary Meetings

Plenary Meetings

6.1 Plenary meetings of the Assembly shall take place in public; and broadcasting access shall be permitted in accordance with such arrangements as the Assembly shall from time to time agree.

6.2 The Assembly shall meet in plenary in accordance with decisions made under paragraph 5.4. Meetings on Tuesdays shall conclude by 5.55pm (except that sittings may be extended until 7pm by resolution of the Assembly, provided that (a) the resolution is passed not later than five working days, and (b) the motion for the resolution was tabled at least seven working days, before the day when it is proposed that the sitting is to be extended).

6.2A If no meeting is scheduled for a particular time the Presiding Officer may, at the request of the First Minister, summon the Assembly to consider a matter of urgent public importance.

6.3 Time shall be made available in plenary meetings for:

- (i) the First Minister to answer questions for oral answer once, and for at least 15 minutes, in each week that the Assembly meets in plenary;
- (ii) the Minister with particular responsibility for finance to answer questions related to this responsibility for oral answer at least once, and for at least 15 minutes, every four weeks that the Assembly meets in plenary;
- (iii) the Minister with particular responsibility for business to answer questions related to his or her responsibilities other than for business for oral answer at least once, and for at least 5 minutes, every four weeks that the Assembly meets in plenary;
- (iv) any Minister (including if appropriate the First Minister and the Minister with particular responsibility for finance) to whom a field of accountability has been allocated under S.56(3) of the Government of Wales Act 1998 to answer questions in relation to that field for oral answer at least once, and for at least 15 minutes, in every four weeks that the Assembly meets in plenary;
- (v) one Member, other than a Minister, each week to propose a topic for the Assembly's consideration in a short debate before a plenary meeting is concluded. The short debate shall

begin half-an-hour before the time at which the sitting is due to end, and the Presiding Officer shall interrupt any debate taking place at that time, and any debate so interrupted shall, subject to Standing Order 6.18, lapse; provided that that short debate may begin earlier than half-an-hour before the sitting is due to end if all other business has been concluded.

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6.14 Subject to paragraphs 6.17 and 6.18, ~~at the end of the period allocated to any motion at the conclusion of any debate or when the Presiding Officer (having regard to the indicative period allocated to the business) considers that no further time is available for the debate,~~ the Presiding Officer shall, unless any procedural motion relating to ~~that motion~~ the debate has been agreed to, invite the Assembly to decide on any amendments proposed and on the motion.

Procedural Motions

6.15 Procedural motions shall take precedence over other business. The Presiding Officer may permit a Member to speak briefly in favour of any such motion, and another Member to speak briefly against, and shall then put the proposition to the vote.

6.16 The following matters may be proposed in procedural motions:

- postponement of an item of business in accordance with paragraph 6.10;
- referral of a matter to a committee;
- the closure of debate in accordance with paragraph 6.17;
- the continuation, or the adjournment, of debate after the period of time ~~allocated to any individual item of business~~ available has expired, in accordance with paragraph 6.18; and
- such other matters as the Presiding Officer considers appropriate.

6.17 At any time after a motion or an amendment has been proposed, a Member may propose that it should be voted on immediately; but the Presiding Officer shall put that proposition (which shall not be the subject of debate) to the vote only if at least 10 Members express support; and if he or she is satisfied that to do so would not be an abuse of the Assembly's procedures or an infringement of the rights of minorities in the Assembly.

6.18 ~~At the end of the period allocated to any motion,~~ When the Presiding Officer determines under paragraph 6.14 that no further time is available for debate on any motion, or when debate on any motion is interrupted by the short debate, a Member may propose that debate on the motion be allowed to continue for a specified period on that day or adjourned to another day; but the Presiding Officer shall put that proposition (which shall not be the subject of debate) to the vote only if at least 10 Members express support; and if he or she is satisfied that to do so would not be an abuse of the Assembly's procedures or cause excessive delay.

Queen's Speech debate

ARP Recommendation

Para 4.12 That the annual debate on the Queen's Speech becomes a requirement of standing orders.

That standing orders require that the motion for that debate remits bills of particular importance to Wales to the relevant subject committees for further consideration.

That a debate on the outcome of that consideration also becomes a requirement of standing orders.

6.5 Time shall be made available in each 12 month period for the following categories of Assembly business:

- (i) debate on the annual report of the Assembly First Minister
- (ii) debates on the allocation of the Budget of the Assembly
- (iii) debates on motions proposed on behalf of political groups not represented in the Assembly Cabinet
- (iv) debates on reports submitted by subject committees, including reports on the outcome of consideration of bills and proposals for bills remitted by plenary
- (v) debate on reports laid before the Assembly in the previous twelve months by the Audit Committee
- (vi) debate on the annual report of the Committee on Standards
- (vii) debate with the Secretary of State for Wales on the Government's legislative programme. The motion for that debate shall remit bills and proposals for bills of particular importance to Wales to the relevant subject committees for further consideration and report
- (viii) debate on the annual report on the equal opportunity arrangements
- (ix) debate on the annual report on the local government scheme
- (x) debate on the annual report on the voluntary sector scheme
- (xi) debate on the annual report on the sustainable development scheme
- (xii) debate on the Assembly's arrangements for cooperation with business
- (xiii) debate on matters related to the European Union
- (xiv) debate on the annual reports of the Welsh Administration Ombudsman and the Health Service Commissioner for Wales

At least eight plenary meetings in the 12 month period shall include time provided for motions proposed on behalf of political groups not represented in the Assembly Cabinet and these shall so far as possible be distributed in accordance with each group's representation in the Assembly. At least six plenary meetings in the period shall include time for debates on reports submitted by subject committees, in addition to time for debate on reports on the outcome of consideration of bills and proposals for bills remitted by plenary.

Subject Committees' Roles

ARP Recommendation

Para 4.12 That the current reference to "legislation" in subject committees' remit under Standing Order 9.8(i) should be amended explicitly to refer to "primary and secondary and European legislation".

9.8 Each subject committee shall also, within the relevant fields,

(i) advise on proposed primary, secondary and European legislation affecting Wales, including performing its functions under standing order 22;

Legislation Committee Annual Report

ARP Recommendation

Para 8.10 That the Legislation Committee lays an annual report before the Assembly but that plenary does not normally debate it.

11.3 The Committee shall also consider any other Assembly subordinate legislation referred to it:

- (i) which the Assembly may make, or
- (ii) which the Assembly may be asked to confirm or approve;

and shall report to the Assembly whether it should pay special attention to the subordinate legislation on any of the grounds specified in paragraph 11.5.

11.3A The Committee shall submit an annual report to the Assembly.

Standing Committees

ARP Recommendation

Para 8.2 That the requirement for an Assembly Minister to chair the European and External affairs and Equality of Opportunity committees is removed from standing orders in time for the next Assembly elections in 2003

14.3 ~~The Assembly shall elect a Minister to chair the Committee, together with other Members of the Committee shall be elected by the Assembly having regard to the desirability of each subject committee being represented on the Committee and so as to ensure that, so far as practicable, to reflect the balance of political groups in the Assembly is reflected in its membership and having regard to the desirability of each subject committee being represented on the Committee. The Assembly shall elect one of the members of the Committee to chair the Committee, but it may not be chaired by a Minister.~~ Members who are not members of the Committee may attend its meetings when these are in public. Any such Members who have specific constituency or regional interests to pursue in relation to the work of the Committee may in advance of any meeting seek the chair's permission to make representations to the Committee at that meeting; but they may not vote. Members may also write to the Chair requesting that their observations on any aspect of the Committee's work be tabled for consideration by the Committee at its next meeting; and the chair shall arrange for such tabling to take place.

15.4 ~~The Assembly shall elect a Minister to chair the Committee, together with other Members of the Committee shall be elected by the Assembly having regard to the desirability of each subject committee being represented on the Committee and so as to ensure that, so far as practicable, to reflect the balance of political groups in the Assembly is reflected in its membership and having regard to the desirability of each subject committee being represented on the Committee. The Assembly shall elect one of the members of the Committee to chair the Committee, but it may not be chaired by a Minister.~~ Members of the European Parliament representing Wales, and Welsh representatives on the Committee of the Regions, may attend and, with the permission of the chair, speak at the Committee's meetings when these are in public, but they may not vote. Assembly Members who have specific constituency or regional interests to pursue in relation to the work of the Committee may in advance of any meeting seek the chair's permission to make representations to the Committee at that meeting, but they may not vote. Members may also write to the chair requesting that their observations on any aspect of the Committee's work be tabled for consideration by the Committee at its next meeting, and the chair shall arrange for such tabling to take place.

The proposed amendments below did not appear in ARP but have been included to correct drafting errors which have been identified in Standing Orders

No Motion Required for Emergency debates

At present the Standing Orders require a Member to table a motion to enable the Assembly to consider a matter of urgent public importance (Standing Order 6.9). The following amendment would remove that provision.

6.12 Except for oral questions, statements, introduction of new Members, obituary tributes, matters the Assembly resolves to consider under Standing Order 6.9 or where a Member proposes a topic for a short debate under paragraph 6.35, business in plenary meetings shall proceed on the basis of motions proposed; and except where standing orders provide otherwise, any such motion shall be tabled at least five working days before it is to be debated. A motion so tabled may be proposed by any Member.

Accelerated procedure

At present the Standing Orders prevent single orders being included in an accelerated procedure motion. The proposed amendment below will remove this anomaly.

22.25(i) A Minister 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 22.25(iii) below. Subject to the provisions of paragraph 22.25(ii) below, paragraphs 22.14 to 22.24 will not apply to any draft Order specified in the motion. Where such a motion relates to one or more 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 ~~the draft Order~~ one or more than one of the draft Orders to which the motion relates to be considered separately. When such a motion has been tabled any draft Order to which the notice relates shall be considered in accordance with paragraphs 22.14 to 22.24.