

REPORT OF THE BUSINESS COMMITTEE
PROPOSALS TO REVISE STANDING ORDERS

Introduction

1. The Business Committee has considered and agreed the following proposed revisions to Standing Orders.

Standing Order 11 - Legislation Committee (Annex A)

2. The proposed revisions will enable the Legislation Committee to invite the Assembly to pay special attention to proposed legislation on two additional grounds –

- that the draft legislation contains gender specific language; and
- that it is proposed that the legislation is not made bilingually.

Standing Order 8 - Committees (& Consequential Amendments) (Annex B)

3. The proposed revisions to Standing Order 8.3 will remove an anomaly between Standing Orders and the Government of Wales Act.

4. Standing Order 8.3 provides that members of Committees should 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 each committee.*" However, Sections 54(2)(b) and 57(8) of the Government of Wales Act provides that committees should be elected "*so as to secure that, as far as is practicable, the balance of the **parties** in the Assembly is reflected in the membership of the committee.*"

5. The equivalent provisions in the following Standing Orders will also need to be amended in order to be consistent with the Act:

- Standing Order 14 - Committee on Equality of Opportunity
- Standing Order 15 - Committee on European and External Affairs
- Standing Order 16 - Committee on Standards of Conduct
- Standing Order 18 - House Committee

Standing Order 9.14 - Substitutions (and other consequential amendments relating to committees) - (Annex C)

6. The proposed revision (Annex C) will remove the requirement for Members to indicate the reason for a need for a substitute when attending a committee meeting. The proposals have been agreed by the Panel of Chairs.

7. The equivalent provisions in the following Standing Orders relating to standing committees will also need to be amended in order to be consistent:

- Standing Order 12 - Audit Committee
- Standing Order 13 - Business Committee
- Standing Order 14 - Equality of Opportunity Committee
- Standing Order 15 - European and External Affairs Committee and
- Standing Order 18 - House Committee.

New Standing Order 8.26A - Substitutions to the Advisory Committee to review school funding - (Annex D)

8. This revision will allow Committee members to send substitutes to meetings of the Committee. The revision will cease to have effect on 14 June 2006.

Recommendation

9. The Business Committee has agreed the proposed amendments and invites the Assembly to approve them.

**Business Committee Secretariat
June 2005**

Annex A -

11.7 The grounds for inviting the Assembly to pay special attention to a proposed Assembly Order or other subordinate legislation are:

- (i) if there appears to be doubt whether the subordinate legislation is within the Assembly's powers or it appears to make unusual or unexpected use of the powers under which it is made;
- (ii) if the Act of Parliament or other instrument which gives the Assembly the power to make the subordinate legislation contains specific provisions excluding it from challenge in the courts;
- (iii) if it appears to have retrospective effect where the Act of Parliament or other authorising instrument does not give express authority for this;
- (iv) if for any particular reason its form or meaning needs further explanation;
- (v) if its drafting appears to be defective or the instrument fails to fulfil statutory or other legal requirements;
- (vi) if there appear to be inconsistencies between the English and Welsh texts;
- (vii) that the subordinate legislation uses gender specific language; or
- (viii) that the subordinate legislation is not to be made in both English and Welsh.

11.7 Dyma'r seiliau dros wahodd y Cynulliad i roi sylw arbennig i Orchymyn Cynulliad neu is-ddeddfwriaeth arfaethedig arall:

- (i) os yw'n ymddangos bod amheuaeth a yw'r is-ddeddfwriaeth o fewn pwerau'r Cynulliad neu os yw'n ymddangos ei bod yn gwneud defnydd anarferol neu annisgwyl o'r pwerau y mae'n cael ei gwneud o danynt;
- (ii) os yw'r Ddeddf Seneddol neu'r offeryn arall sy'n rhoi'r pŵer i'r Cynulliad wneud yr is-ddeddfwriaeth yn cynnwys darpariaethau penodol sy'n ei heithrio rhag cael ei herio yn y llysoedd;
- (iii) os yw'n ymddangos bod iddynt effaith ôl-weithredol lle nad yw'r Ddeddf Seneddol neu'r offeryn awdurdodi arall yn rhoi awdurdod pendant ar gyfer hyn;

(iv) os oes angen eglurhad pellach ynglŷn â'u ffurf neu eu hystyr am unrhyw reswm arbennig;

(v) os yw'n ymddangos bod y drafftio'n ddiffygiol neu fod yr offeryn yn methu â bodloni gofynion statudol neu ofynion cyfreithiol eraill;

(vi) os yw'n ymddangos bod anghysondebau rhwng y testunau Cymraeg a Saesneg.

(vii) bod yr is-ddeddfwriaeth yn defnyddio iaith ryw-benodol; neu

(viii) nad yw'r is-ddeddfwriaeth i'w wneud yn Gymraeg ac yn Saesneg.

Annex B -

8.3 Except as otherwise provided in Standing Orders, after each ordinary election the Assembly shall elect members of all committees provided for by the Act and Standing Orders. Members of committees shall be elected to serve until the next ordinary election unless the Assembly resolves otherwise. Members of committees shall, unless the committee exists solely to provide advice, be elected so as to secure that as far as is practicable, the balance of the ~~political groups~~ parties in the Assembly is reflected in the membership of each committee.

8.3 Ac eithrio fel y darperir yn wahanol yn y Rheolau Sefydlog, ar ôl pob etholiad cyffredin rhaid i'r Cynulliad ethol aelodau pob Pwyllgor y darperir ar ei gyfer gan y Ddeddf a'r Rheolau Sefydlog. Rhaid ethol aelodau'r Pwyllgorau i wasanaethu tan yr etholiad cyffredin nesaf oni fydd y Cynulliad yn penderfynu fel arall. Oni bai bod y Pwyllgor yn bodoli i roi cyngor yn unig, rhaid i aelodau'r Pwyllgorau gael eu hethol er mwyn sicrhau, cyn belled ag y bo'n ymarferol, fod cydbwysedd y ~~grwpiau gwleidyddol~~ pleidiau yn y Cynulliad yn cael ei adlewyrchu yn aelodaeth pob Pwyllgor.

Annex C -

9.14 A Committee member who has given advance notice to the chair may be represented at a meeting, or a part of a meeting, of a Subject Committee by another member from the same political group who has been identified in advance. ~~In giving such notice, the Member shall indicate the reason for the need for substitution.~~ The nominated representative may participate in the meeting of the Committee in all respects as if he or she were a member of it. No Member may represent more than one Committee member at a meeting.

9.14 Caniateir i aelod o Bwyllgor sydd wedi rhoi hysbysiad ymlaen llaw i'r cadeirydd gael ei gynrychioli mewn cyfarfod, neu ran o gyfarfod, Pwyllgor Pwnc gan Aelod arall o'r un grŵp gwleidyddol sydd wedi'i enwi ymlaen llaw. ~~Wrth roi'r cyfryw hysbysiad, rhaid i'r Aelod nodi'r rheswm dros yr angen am gael rhywun i gymryd ei le.~~ Caiff yr aelod a enwebir gymryd rhan yn y cyfarfod ym mhob agwedd fel pe bai ef neu hi yn aelod o'r Pwyllgor. Ni chaiff unrhyw Aelod gynrychioli mwy nag un aelod Pwyllgor mewn cyfarfod.

Annex D -

8.26A A member of the Advisory Committee to review school funding, who has given advance notice to the chair may be represented at a meeting, or part of a meeting of this Committee by another Member from the same political group who has been identified in advance. The nominated representative may participate in the meeting of the Committee in all respects as if he or she were a member of it. No Member may represent more than one Committee member at a meeting. This Standing Order shall cease to exist on 14 June 2006.

8.26A Caniateir i aelod o'r Pwyllgor Cynghori i adolygu ariannu ysgolion, sydd wedi rhoi hysbysiad ymlaen llaw i'r cadeirydd gael ei gynrychioli mewn cyfarfod, neu ran o gyfarfod y Pwyllgor, gan Aelod arall o'r un grŵp gwleidyddol sydd wedi'i enwi ymlaen llaw. Caiff yr aelod a enwebir gymryd rhan yn y cyfarfod ym mhob agwedd fel pe bai ef neu hi yn aelod o'r Pwyllgor. Ni chaiff unrhyw Aelod gynrychioli mwy nag un aelod Pwyllgor mewn cyfarfod. Bydd y gwelliant yma yn peidio bodoli ar 14 Mehefin 2006.