

National Assembly for Wales

[Business Committee](#)

March 2016

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Amending Standing Orders: Standing Order 26A – Private Bills – and Standing Order 26B – Hybrid Bills

Purpose

1. In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Assembly, including any proposals for the re-making or revision of Standing Orders.
2. The report recommends amendments to Standing Order 26A in relation to Private Bills, and a new Standing Order 26B in relation to Hybrid Bills, as well as a consequential amendment to Standing Order 24. The changes agreed by Business Committee are found in Annexes A and C, and the proposals for new Standing Orders are at Annexes B and D.

Background

Private Bills

3. Standing Order 26A on Private Acts of the Assembly was introduced in June 2012, in anticipation of a Private Bill being introduced in relation to the merger of the University of Wales with Trinity St David's. In the event, that Bill did materialise, but the procedure as it stands is limited to Private Bills which are not intended to authorise or facilitate any construction works or the compulsory acquisition of any estate or interest in or over land. The proposed changes to Standing Order 26A extend its scope to include these elements and bring it in line with procedure in other places.

Hybrid Bills

4. The Assembly currently has no procedure for Hybrid Bills, which combine elements of a Public Bill and a Private Bill. Therefore the Business Committee proposes a new Hybrid Bill Standing Order 26B, which incorporates relevant aspects of SO26 (Public Bills) and SO26A (Private Bills).

The nature of Private Bills

5. A Private Bill is promoted by individuals or organisations outside the Assembly (for example, local authorities or companies) for the purpose of obtaining powers for themselves that are in excess of, or in conflict with, the general law.

6. Private Bills differ from Public Bills in that they seek to introduce measures in the private interests of the promoter to which others may object. Making the case for a Private Bill is therefore in the hands of a promoter and the traditional approach to private legislation assumes that making the case against the Bill can be left to those affected by it

- the objectors. Private Bill proceedings are therefore adversarial in nature.

7. Given that only AMs can participate in plenary sessions, promoters and objectors must feed their evidence into the process through committees. There is therefore an even greater emphasis on Committee scrutiny than is the case for Public Bills. The Committee stage is very much a quasi-judicial one and the process itself can be subject to challenge in the courts.

Key proposed changes to the current Private Bill procedure

i) Definition of a Private Bill (SO26.A.1 and SO26.A.2)

8. As it stands, the definition of a Private Bill in Standing Order 26A specifically excludes two types of Private Bills: 'Personal Bills' and 'Works Bills'. To bring procedures in line with other legislatures and extend the scope of Standing Orders to cover both these types of Private Bills, the definition in SO 26A.1 and 26A.2 has been changed.

9. Private Bills usually seek powers in relation to the execution of building or other works or provisions relating to the conduct of certain institutions and other matters that may affect private interests, but which in their purpose and effect go beyond purely personal matters relating to individuals. These would include 'Works' Bills that might need to be introduced by means of a Private or Hybrid Bill, rather than by procedures under the Transport and Works Act 1992 or a Development Consent Order.

10. It is also possible to have a Private Bill which is designed to achieve a purpose purely in relation to an individual's personal status or affairs - a 'Personal Bill'. In Westminster, special provision is made for notification of a Personal Bill which affects property rights.

11. Personal Bills most often relate to reserved matters of divorce or marriage of closely related persons, and since the passing of the Marriage (Prohibited Degrees of Relationship) Act 1986 such Bills are generally rare. However, individuals have a long-established right to seek a legislative solution where they can make the case for a departure from the general law, and there are procedures in Westminster and Scotland for the consideration of a Personal Bill. It is conceivable that a Private Bill might come forward in the future that touches upon private interests in relation to estate or property that falls within Assembly competence (e.g. any subjects affecting land, such as Ancient monuments and historic buildings). Such a Bill is currently excluded from the definition in SO26A.1.

ii) Statutory requirements relating to a 'Works' Bill (SO26A.12-16; SO26A.30)

12. Amendments have been made to SO26A.12-16 regarding accompanying documents, to include provisions specifically relevant to a 'Works' Bill, and ensure that all relevant consultation and notification has been carried out in accordance with legislation and any determination(s) made by the Presiding Officer. A new Standing Order 26A.30 also allows for statements to be submitted to the Presiding Officer in relation to the consultation and notification process.

13. A Private Bill must be introduced by being laid by or on behalf of the promoter. As with a Public Bill, it must be in proper form; accompanied by a statement by the Presiding Officer indicating that its provisions would be within the Assembly's legislative competence; and accompanied by an Explanatory Memorandum.

14. There would be certain additional statutory requirements for a 'Works' Bill that involves planning consents, environmental assessments, and possible compulsory acquisition of land. These include the provision of documents such as an Environmental Statement and plans and maps, notice of publication of such

documents, and mandatory consultation with, or notification to, certain individuals and bodies.

15. In Scottish rules there is also provision for ‘mandatory consultees’ to submit a statement about the consultation undertaken by the promoter, and it is proposed to include such a provision in the revised Standing Order 26A. Certain statutory bodies (e.g. the relevant local authority, and the main public bodies responsible for protecting land-based assets, such as Natural Resources Wales and CADW) might not pass the test of showing that their *private interests* were adversely affected. This provision therefore gives them an avenue for directly raising any concerns at an early stage about any adverse impact on the public goods they are responsible for.

iii) Fees and Costs

16. Standing Order 26A currently provides for the Commission to charge a one-off fee to the promoter for introducing a Private Bill (SO 26A.6), but no provision for the promoter to undertake to cover the administrative costs associated with the passage of the Bill, or for the Commission, should it choose to do so, to charge a fee to objectors. The proposed changes include the introduction of a provision to cover administrative costs, which mirrors practice elsewhere.

a) Administrative Costs (SO 26A.15(vi))

17. There is currently no provision for a large-scale Works Bill to be introduced into the Assembly. Such Bills can involve a large number of objectors and require significant resources to cover administration, including stenography, interpretation and translation of documents and producing the record of proceedings, as well as possible appointment of assessors. Given that the new procedure will allow such Works Bills, it is desirable therefore to allow for recouping of such administrative costs from the promoter, as is the case in Scotland

and Westminster, and for the Presiding Officer's determination(s) and guidance to determine those costs that may be recouped.

18. The Standing Order has therefore been amended to require the promoter to give an undertaking to cover administrative costs, including for additional meetings to handle objections (SO 26A.15(vi)). The promoter's undertaking to cover these costs would be separate from any 'one off' fee(s) that may be charged to cover the costs of producing documents etc. required to introduce the Bill. The PO's determination(s) and any guidance for Promoters and Objectors to Private Bills would reflect this requirement.

b) Fees for submitting objections

19. When SO26A was originally drafted it was decided that it would not be appropriate to charge fees for objections. This decision has been reviewed on the basis that a Private (or Hybrid) Bill could come forward with the potential to generate a very high number of objections for processing. Following advice from lawyers it is not recommended that any change is made to SO 26A in relation to fees for objectors at this time.

20. The arguments against charging a pre-determined fee to objectors are persuasive. They include the principle of the objector not 'paying for the privilege' of seeking to have their rights upheld; and the legal question of whether handling objections constitutes a 'service' that is appropriate for the Assembly Commission to charge for under Paragraph 4 of Schedule 2 of GOWA. The fee is also notional in relation to the actual cost of administering objections, and costs time to process. There are fairness issues concerning the ability of various types of objectors to pay; and questions as to what extent it actually prevents 'frivolous' or 'vexatious' objections. There is also precedent for the public not to be charged by Welsh local authorities for lodging planning objections.

21. These arguments took precedence over the burden on the public purse/potential cost to the legislature, although in light of experience the Commission might choose to recommend including such a provision in Standing Orders in the future.

22. It is also worth noting that SO26A.62 provides a mechanism for grouping of similar objections for the purposes of committee scrutiny, and recovery of costs of extra meetings needed to hear a larger number of objections could be included in the Presiding Officer's determination(s) as an administrative cost to be covered by the promoter. These same provisions are also available to the Scottish Parliament.

iv) Members' Interests (SO26A.34 – 37)

23. Currently a Member will be excluded from membership of a Private Bill Committee if they have certain interests required to be registered under Standing Order 2, and must declare any other interest that in the opinion of the Member may be seen to prejudice the impartial consideration of the Private Bill.

24. In Westminster Members are required to sign a declaration about 'personal or constituency interests', and Scottish Parliament Rules contain detailed provisions about interests in relation to the principal residence and constituency/region of the Member. Standing Order 26A does not currently cover 'Works' Bills and is silent on any 'geographical' interests that a Member might declare. Such an interest might not be judged by the Business Committee to prevent membership of the Private Bill Committee, but in accordance with SO26A.37 it would be put into the public domain by being published alongside the motion to elect Members to that Committee.

25. Standing Order 26A has therefore been amended to more explicitly state the need for Members to declare to the Business Committee any personal/family interest, or any constituency/regional interest that

would be relevant to the Private Bill proceedings (SO26A.35). The wording is also consistent with the new requirement in Standing Orders to declare a 'family interest' in proceedings. Such a family interest is not covered by the registration requirements under Standing Order 2, but would certainly be relevant to proposed membership of a Private Bill Committee.

v) Appointment of an independent Assessor or Assessors (SO26A.56 and 57)

26. In Scotland and Westminster, Standing Orders allow for the appointment of independent assessors to consider objections at Stage 2 and advise the Private Bill Committee, thereby reducing the burden on Members. In relation to the Forth Crossing Bill (a Hybrid Bill) the Scottish Parliament noted that use of an assessor allowed Bills to be passed in a year, rather than *'perhaps double that timeframe when there is no assessor involved in Stage 2 of the process.'* House of Commons Standing Orders have recently been amended to appoint an independent assessor to consider the Environmental Statement for the HS2 Hybrid Bill. Standing Orders in Scotland and Westminster require the assessor to produce a report for submission to the legislature.

27. There is currently no provision in Wales, and amendments are proposed to allow for the appointment of an independent assessor, or assessors, should the Private Bill Committee consider it necessary, and to set out the functions that such an assessor might be required to fulfil.

28. The scrutiny functions assigned to the assessor would be more extensive than those of an expert adviser appointed by a Committee under SO17.55: they might include considering admissible objections on behalf of the Committee, and making recommendations on grouping of objections, selection of witnesses and whether evidence is invited orally or in writing.

vi) Further Detailed Assembly Consideration (SO 26A.100–108)

29. Detailed Assembly Consideration (the equivalent of Stage 3) is considered by the Assembly in plenary. In addition to the usual criteria for Public Bills, amendments at this stage are only admissible if they are to clarify the wording of a provision of a Private Bill, give effect to commitments given on behalf of the promoter at Detailed Committee Consideration, or give effect to any recommendations made by the committee in its report at Detailed Committee Consideration.

30. Provision exists in the Scottish Parliament to adjourn Stage 3 proceedings to a later day, on a motion without notice from the Private Bill Committee Convener, to allow consideration of further admissible amendments arising during those proceedings. There is provision in Wales for Further Stage 3 Proceedings and Report Stage for other types of Assembly Bill, allowing the Assembly to deal with any final amendments that might arise during Stage 3. It is therefore proposed to introduce a 'Further Detailed Assembly Consideration' Stage into SO26A.

(vii) Referring a matter back to the Private Bill Committee (SO26A.94–99)

31. The Scottish Parliament's rules for Private Bills allow it to refer a specific part of a Private Bill back to the Private Bill Committee for further scrutiny (Rule 9A.10.6). This provision has never been exercised by the Parliament, but provides an important safeguard to allow for final, limited, amendments to a Private Bill at the end of Stage 3 proceedings, before the Bill is immediately passed.

32. The advantage of this provision is to allow the Members who have undertaken the quasi-judicial process of considering the Private Bill, and objections to it, to conduct further scrutiny in Committee and consider how to legislate appropriately for undertakings given by the promoter at Detailed Assembly Consideration Stage.

33. It is proposed to amend the procedure to allow the Assembly to refer a matter back to the Private Bill Committee for further scrutiny at the end of Detailed Assembly Consideration if necessary (SO26A.94 – 99).

(viii) Re-introducing a Private Bill following Dissolution (SO26A.144–150)

34. House of Commons Standing Orders allow for the Suspension or Revival of a Private Bill – allowing the promoter to re-table the Private Bill with an undertaking that it is exactly the same as that previously tabled. This allows the Bill to continue its passage from one session or parliament to the next, without having to repeat stages of proceedings already disposed of, but with provision to deal with any outstanding petitions (objections) to the Bill. Standing Orders for Private Bills also cover Hybrid Bills in Westminster, and the continued passage of the HS2 Hybrid Bill following the general election in May 2015 is an example of this procedure in use. Similar rules also exist in Scotland for both Private and Hybrid Bills.

35. The amendments proposed to SO 26A allow for the re-introduction of a Private Bill in the same terms in the next Assembly. This would allow a Private Bill (for example for a complex infrastructure project that was likely to span more than one Assembly), to be re-introduced in the following Assembly without need to repeat stages of consideration that have already been completed. Such a provision differs from arrangements for Public Bills, which would simply fall when the UK Parliament is prorogued, or when the Scottish Parliament or National Assembly for Wales are dissolved.

ix) Financial Resolutions and the Role of the Auditor General for Wales (AGW) (SO26A.15)

36. Standing Order 26 for Public Bills includes a requirement (under SO26.6(viii)) for the Public Bill Explanatory Memorandum to include the

Auditor General's view on the appropriateness of any charge on the Welsh Consolidated Fund (WCF). It is hard to imagine an occasion where a Private Bill would seek to make a direct charge on the WCF, although it might be considered more likely to arise in the provisions of a Hybrid Bill. In the unlikely event that a Private Bill did contain a clause stating that a particular expense was a direct charge on the WCF this would mean that the money would have to be paid out without further reference to the Assembly, i.e. it would not be included as part of the annual budget motion that is subject to Assembly scrutiny and authorisation. The reason for the AGW report in such cases is to provide the Assembly with an independent expert view on whether such a charge is appropriate – an important safeguard in such circumstances. In evidence to the CLA Committee's inquiry on Making Laws in Wales the AGW noted the importance of providing financial information that enables all AMs to be clear about the main cost implications of each Bill that they vote on.

37. It is proposed that Standing Order 26A.15 is amended to include a requirement similar to that in SO26 for the Auditor General to report on whether any proposed charge on the Welsh Consolidated Fund was appropriate at the time that the Private Bill was introduced.

New Hybrid Bill Standing Order 26B

General Approach

38. The new draft Standing Order 26B has been drafted on the basis of the draft proposed changes to the Standing Order for Private Bills. It therefore reflects the general approach taken in Assembly procedures for the passage of a Public Bill (e.g. the basic scrutiny process and how motions and amendments are handled in Committee and Plenary), but with necessary adaptations that are broadly in line with Private and Hybrid Bill procedures in the Scottish Parliament and Westminster.

Definition of a Hybrid Bill (SO26B.1 and 26B.2)

39. In line with practice elsewhere, a Hybrid Bill may only be introduced by a Welsh Minister. The proposed definition in SO26B.1 is similar to that used in Scotland except that whereas the Scottish Parliament describes such a Bill as one that '*adversely*' affects a particular interest, the definition here excludes the word 'adverse', as this might be considered a subjective term dependent on the view of the person whose interests are affected. As with the proposed enhanced Private Bill Standing Order, the following Standing Order 26B.2 provides for a 'Works' Hybrid Bill and allows for reference to the specific requirements of such a 'Works' Bill throughout the rest of the Standing Order.

Form and Introduction of a Bill (SO26B.3–8)

40. This is the same as for a Public or Private Bill, and includes the same need for the Welsh Minister introducing a 'Works' Hybrid Bill to comply with relevant consultation and/or notification requirements as for a Private 'Works' Bill.

Requirements for Accompanying Documents (SO26B.9 – 14)

41. These are in line with the Private Bill Standing Order. With regard to financial memoranda, the proposed procedure for a non-'Works' Hybrid Bill is taken from the Public Bill procedures, and for a 'Works' Bill it is taken from the Private Bill procedure. This reflects the approach in Scottish Rules, which have two different requirements for the Financial Memorandum to accompany the Bill, depending on whether or not it is a 'Works' Hybrid Bill.

Notification of Introduction and Objectors to the Bill (SO26B.15–27)

42. The notification procedure and process for objections would be the same as for a Private Bill.

The Hybrid Bill Committee and Members' Interests (SO26B.32–35)

43. The proposed Committee procedure is the same as for a Private Bill, including with regard to Members' interests and participating in the quasi-judicial Bill Committee process.

Stages of Consideration – Committee Stages (SO26B.42 –78)

44. The proposed procedures are the same as for a Private Bill Committee, including allowing for the appointment of assessor(s) at Detailed Committee Consideration (Stage 2 equivalent). The wording in SO26B.52 – detailing what the Hybrid Bill Committee is required to report – is slightly amended from the Public and Private Bill Standing Orders. There is no requirement on the Constitutional and Legislative Affairs Committee (CLA) to scrutinise the conferring of powers to make subordinate legislation within a Hybrid Bill brought forward by the Welsh Government, unlike the requirement placed on the Scottish Parliament's equivalent Committee. Although it is likely that CLA would consider such elements of the Hybrid Bill in any case, a requirement on the Hybrid Bill Committee to do so would ensure that there is no deficit in scrutiny of this aspect of the Bill.

Assembly Consideration and Referral for further scrutiny (SO26B.79–107)

45. The proposed procedures are the same as for Private Bills. SO26B.92 mirrors the proposed change to SO26A to allow referral back to the Hybrid Bill Committee for consideration and disposal of amendments brought forward in the course of Detailed Assembly Consideration proceedings, and/or further scrutiny, including the option to refer a Bill back to the Committee during Detailed Assembly Consideration.

Re-introduction of a Hybrid Bill in a new Assembly (SO26B.139–145)

46. The proposed Hybrid Bill procedure includes the same provision as has been added to the Private Bill procedure, to allow a Welsh Minister

to re-introduce a Hybrid Bill following dissolution with an undertaking that it is exactly the same as that previously tabled.

Consequential amendments

47. Finally, a consequential amendment is proposed to Standing Order 24, which defines the Member in Charge of a Bill, to include Hybrid Bills.

Action

48. The Business Committee formally agreed the changes to Standing Orders on 8 March 2016 and the Assembly is invited to approve the proposals at Annexes B and D.

Annex A

STANDING ORDER 26A – Private Acts of the Assembly

STANDING ORDER 26A – Private Acts of the Assembly		
	Private Bills	Retain Sub-heading
26A.1	<p>For the purposes of Standing Order 26A, a Private Bill is a Bill introduced for the purpose of obtaining for an individual person, body corporate or unincorporated association of persons (“the promoter”) particular powers or benefits in excess of, or in conflict with, the general law, <u>and includes a Bill relating to the estate, property, status or style, or otherwise relating to the private interests, of the promoter.</u></p>	<p>Amend Standing Order – Private Bills usually seek powers in relation to the execution of building or other works or provisions relating to the conduct of certain institutions and other matters that may affect private interests, but in their purpose and effect go beyond purely personal matters relating to individuals. It is also possible to have a Private Bill which is designed to achieve a purpose purely in relation to an individual’s personal status or affairs – a ‘Personal Bill’. Individuals have a long-established right to seek a legislative solution where they can make the case for a departure from the general law.. It is conceivable that a Private Bill might come</p>

		<p>forward in the future that touches upon private interests in relation to estate or property that falls within Assembly competence (e.g. any subjects affecting land, such as Ancient monuments and historic buildings). The proposed amendment would therefore expand the definition of a Private Bill, for completeness.</p>
26A.2	<p>Standing Order 26A applies to any Private Bill other than one whose provisions are intended <u>A Private Bill to which Standing Order 26A.2 applies is a Private Bill which seeks</u> to authorise or facilitate any construction works or to authorise the compulsory acquisition of any estate or interest in or over land. For this purpose the transfer of any estate or interest in or over land forming part of the assets of a person or body exercising functions of a public nature to another person or body also exercising functions of a</p>	<p>New Standing Order – Currently Standing Order 26A.2 specifically <i>excludes</i> any Private Bill for construction works or compulsory acquisition of land. The change to Standing Order 26A.1 above removes that exclusion and widens the scope of the Standing Order. There are specific requirements relating to this type of Private Bill (for example for certain individuals or bodies to be consulted or notified by the promoter) – these would be added to the relevant sections in Standing Order 26A below, and refer back to this</p>

	public nature is not to be regarded as involving the compulsory acquisition of such estate or interest.	proposed new Standing Order 26A.2. The second sentence would be removed as it is not necessary for a Standing Order on Private Bills in general, as legal judgements on whether compulsory acquisition is involved will be made on a case by case basis.
	Permission to Introduce a Private Bill	Retain Sub-heading
26A.3	Prior to introduction in accordance with Standing Order 26A.8, a Private Bill and the accompanying documents required by Standing Orders <u>26A.12</u> 3 to <u>26A.15</u> must be submitted by the promoter to the Presiding Officer for a decision on whether to grant permission to introduce the Bill.	Amend Standing Order – The references to Standing Orders for accompanying documents would be updated.
26A.4	The Presiding Officer must notify the promoter of his or her decision under Standing Order 26A.3 and, where permission is not given, must give the promoter reasons for that decision.	Retain this Standing Order
26A.5	A Private Bill must not be introduced without the	Retain this Standing Order

	prior agreement of the Presiding Officer.	
Fees		Retain Sub-heading
26A.6	The Commission may determine fees payable by promoters on introduction of Private Bills and in respect of the stages of their consideration set out in Standing Order 26A. The Commission may waive or reduce a fee that would otherwise be payable.	Retain this Standing Order
Form and Introduction of Private Bills		Retain Sub-heading
26A.7	A Private Bill may be introduced on a working day in a sitting week.	Retain this Standing Order
26A.8	A Private Bill must be introduced by being laid by or on behalf of the promoter.	Retain this Standing Order
26A.9	A Private Bill must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.	Retain this Standing Order

26A.10	<p>A Private Bill must on its introduction be accompanied by a statement in English and Welsh by the Presiding Officer which must:</p> <p>(i) indicate whether or not the provisions of the Bill would be, in his or her opinion, within the legislative competence of the Assembly; and</p> <p>(ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Assembly and the reasons for that opinion.</p>	Retain this Standing Order
26A.11	<p>A Private Bill must be introduced in both English and Welsh except when not doing so is in accordance with any determinations made by the Presiding Officer under Standing Order 26A.9.</p>	Retain this Standing Order
<u>26A.12</u>	<p><u>A Private Bill to which Standing Order 26A.2 applies must not be introduced unless the promoter has carried out any consultation or notification required by legislation, and complied</u></p>	Insert New Standing Order – to provide for mandatory consultation required under legislation for Private Bills under Standing Order 26A.2 that relate to construction

	<p><u>with any other statutory requirements, along with any additional consultation or notification requirements of any determination(s) made by the Presiding Officer.</u></p>	<p>works/compulsory acquisition of land. The Presiding Officer is the final arbiter on what consultation is required to be carried out – e.g. to comply with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 for notification, publication and consultation with individuals and bodies. In Westminster, Standing Orders require publication in newspapers and the London Gazette of the intention to bring in a Private Bill, and provision for notices to be given to particular kinds of persons in relation to particular kinds of Bills. The amended Standing Order 26A will be accompanied by determination(s) made by the Presiding Officer, as well as any other Presiding Officer’s guidance for promoters, objectors, Members and the public. The Presiding Officer’s determination(s) will indicate requirements for consultation, notification etc, including specifically for a</p>
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		“Works Bill” under Standing Order 26A.2.
Documentation to Accompany a Private Bill		
<p>26A.12</p> <p><u>26A.13</u></p>	<p>At the same time as the promoter introduces a Private Bill, he or she must also lay an Explanatory Memorandum, in English and Welsh, which must:</p> <p>(i) state that, in the view of the promoter, the provisions of the Private Bill would be within the legislative competence of the Assembly;</p> <p>(ii) set out the reasons why the provisions of the Bill make it appropriate for it to proceed as a Private Bill, having particular regard to the criteria in Standing Order 26A.39<u>45</u>;</p>	<p>Amend Standing Order – The Standing Orders on Accompanying Documents (26A.13, 26A.14 and 26A.15) would be re-worded slightly and split up for greater clarity, and Standing Order references further on re-numbered accordingly. A number of amendments are proposed to cover additional requirements to be included in the Explanatory Memorandum of a Private Bill for construction/compulsory acquisition of land. This includes requirements set out in primary and secondary legislation and/or planning regulations applicable in Wales.</p>

	<p>(iii) set out the objectives of the Private Bill;</p> <p>(iv) set out whether alternative ways of achieving the objectives were considered and, if so, why the approach taken in the Private Bill was adopted;</p> <p>(v) set out the consultation that was undertaken on:</p> <p>(a) the objectives of the Private Bill and the ways of achieving them; and</p> <p>(b) the detail of the Private Bill,</p> <p>together with a summary of the outcome of that consultation;</p>	
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	<p>(vi) summarise objectively what each provision of the Private Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill;</p>	
<p><u>26A.14</u></p>	<p><u>In the case of a Private Bill to which Standing Order 26A.2 applies the Explanatory Memorandum must also include:—</u></p> <p><u>(i) full details of how the requirements set out in Standing Order 26A.12 have been complied with;</u></p> <p><u>(ii) an Estimate of Expense and Funding Statement setting out the estimated total cost of the project proposed by the Private Bill and anticipated sources of funding to meet the cost of the project and such other financial details as the Presiding</u></p>	<p>Insert New Standing Order – In the case of a “Works Bill” the EM must also include details of consultation and notification requirements (e.g. in relation to planning notices and consents/compulsory purchase requirements that are set out in legislation). Certain documents relating to the costs and plans for the project, and environmental assessments are also required to be provided. The requirements will differ depending on the type of project – the Presiding Officer’s determination will require the undertaking of an assessment in accordance with the legislation and regulations that would apply</p>

	<p><u>Officer may determine;</u></p> <p><u>(iii) such maps, plans, sections and books of references as may be required by legislation or required by any determination(s) made by the Presiding Officer; and</u></p> <p><u>(iv) an Environmental Statement setting out such information on the anticipated environmental impact of the Bill as may be required by legislation and any determination(s) made by the Presiding Officer.</u></p>	<p>to the project concerned.</p> <p>This Standing Order refers back to Standing Order 26A.12 above regarding requirements under legislation.</p>
<p><u>26A.14A</u></p>	<p><u>The Explanatory Memorandum to the Bill must state precisely where each of the requirements of Standing Order 26A.13 and Standing Order 26A.14, where relevant, can be found within it, by means of an index or otherwise.</u></p>	<p>Insert New Standing Order</p> <p>This proposal would implement CLA ‘Making Laws in Wales’ Report Recommendation 19(i): <i>including a requirement that the Member in charge signposts where precisely in the</i></p>

		<i>Explanatory Memorandum the Standing Order requirements can be found (for example, by means of an appropriate index).</i>
<u>26A.14B</u>	<u>Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.</u>	<p>Insert New Standing Order</p> <p>This proposal would implement CLA ‘Making Laws in Wales’ Report Recommendation 19 (iv): <i>including a requirement that the Member in charge of a Bill provides a table of derivations.</i></p>
<u>26A.14C</u>	<u>Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.</u>	<p>Insert New Standing Order: To implement CLA Report Recommendation 20: <i>To amend the Assembly’s Standing Orders to require Keeling Schedules to accompany a Bill on introduction (where it proposes to amend existing primary legislation).</i></p>

<p>26A.12</p> <p>26A.15</p>	<p>(vii) include <u>The explanatory memorandum must also be accompanied by a Promoter's Statement that sets out:</u></p> <p>(ai) in the case of a Private Bill that contains provision which will affect the <u>property, estate or interest in land</u>, or the <u>other</u> contractual rights or duties of any person other than the promoter, details of any notification of the proposed provision given by the promoter to such persons or classes of person whose <u>property, estate or interest in land</u>, or <u>other</u> contractual rights or duties will be affected and of any response received;</p> <p>(bii) in the case of a Private Bill where the promoter is a body corporate or an unincorporated association of persons, particulars</p>	<p>(i) Amend Standing Order – Legal advice has been taken on amending this section for the correct England and Wales terminology in relation to ‘property’. The Standing Order would be amended to cover all types of property and rights that might be affected by a Private Bill.</p> <p>(ii) Retain this Standing Order</p>
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of the formal decision of that body or association to promote the Private Bill and confirmation that the decision in question was made in accordance with the constitution of that body or association;

(eiii) in the case of a Private Bill that contains provision to confer powers upon or modify the constitution of any body corporate or unincorporated association of persons, other than the promoter, details of any notification of the proposed provision given by the promoter to that body corporate or unincorporated association of persons and of any response received;

(iv) a statement listing the premises where any accompanying documents which are relevant to the Private Bill, but are not accompanying documents published by the Assembly, may be

(iii) **Retain this Standing Order**

(iv) and (v) **Amend Standing Order** – it is proposed to ensure that the Promoter makes all relevant documents available for inspection or purchase, for example by local authorities or in public libraries, and in the case of those who must be consulted/notified under legislation, provides copies of those documents to them. This requirement would be detailed in the Presiding Officer’s determination(s).

	<p><u>inspected or purchased;</u></p> <p><u>(v) an undertaking to send a copy of the Private Bill and all relevant accompanying documents to the premises referred to in Standing Order 26A.15(iv) and, in the case of a Private Bill to which Standing Order 26A.2 applies, to those required to be consulted or notified in accordance with Standing Order 26A.12.</u></p> <p><u>(vi) an undertaking to pay any costs that may be incurred by the Commission during the passage of the Private Bill in respect of such matters as the Commission may determine;</u></p> <p><u>(vii) where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is</u></p>	<p>(vi) Amend Standing Order – it is proposed to allow for recouping of administrative costs from the promoter. The Presiding Officer’s determination(s) would determine those costs that may be recouped, which may include provision of services by 3rd party suppliers, and which cannot be met from the Assembly Commission’s usual resources.</p> <p>(vii) Amend Standing Order – it is proposed to mirror the requirement in Standing Order 26.6(viii) for a Public Bill Explanatory Memorandum to include the Auditor General’s view on the appropriateness of any direct charge on the Welsh Consolidated Fund.</p>
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	<u>appropriate.</u>	
Notification of the Introduction of a Private Bill		Retain Sub-heading
26A.13 <u>26A.16</u>	<p>As soon as a Private Bill has been introduced, the promoter must publish a notice stating:</p> <p>(i) the general effect of the Private Bill;</p> <p>(ii) that the Private Bill <u>and all accompanying documentation</u> may be inspected at the Assembly and at one or more other places in Wales including, in the case of a Private Bill that relates affects only to one area of Wales, a place within that area;</p> <p>(iii) that persons who believe their interests would</p>	Amend Standing Order – it is proposed to ensure that the promoter’s notice would cover not just the availability of the Bill itself for inspection but also all the relevant accompanying documentation.

	<p>be adversely affected by the Private Bill can make an objection to the Presiding Officer within the period of 40 working days beginning on the day when the notice is first published in a newspaper (“the objection period”);</p> <p>(iv) how to submit an objection and the information to be included in that objection, having regard to Standing Order 26A.19<u>26A.23</u>;</p> <p>(v) that an objection may either request that the Private Bill not be approved or that changes be made to the Private Bill before it is approved;</p> <p>(vi) that the person making an objection must comply with any guidance issued<u>determination(s) made</u> by the Presiding Officer in relation to making an objection.</p>	
26A.17	<p><u>In calculating the objection period under Standing Order 26.16(iii), no account shall be taken of any period beginning on the day of dissolution of the</u></p>	<p>Insert New Standing Order – This consequential amendment is proposed in relation to Standing Order 26A.144 below. Currently a Private Bill will</p>

	<p><u>Assembly and ending on the date of re-introduction of a Private Bill in the next Assembly.</u></p>	<p>fall on dissolution in accordance with Standing Order.26A.144 but Standing Orders in Westminster and the Scottish Parliament allow a Private Bill to be reintroduced in the same terms in the next Parliament and for proceedings to pick up where they left off. This proposed amendment excludes the period of dissolution from being counted for the purposes of the objection period.</p>
<p>26A.14 <u>26A.18</u></p>	<p>A notice under Standing Order 26A.13<u>16</u> must be published:</p> <p>(i) in at least one newspaper circulating throughout Wales (or, if the Private Bill relates<u>affects</u> only to one area of Wales, throughout that area); and</p> <p>(ii) by whatever other means are appropriate, in accordance with any guidance</p>	<p>Amend Standing Order references</p> <p>Proposed for clarity.</p>

	<p>issueddetermination(s) made by the Presiding Officer, for ensuring that it comes <u>bringing it</u> to the attention of those whose interests are likely to be affected by the Private Bill.</p>	
<p>26A.15 <u>26A.19</u></p>	<p>As soon as the promoter has complied with the requirements of Standing Order 26A.13<u>16</u>, the promoter must give written notice of that fact to the Presiding Officer, giving particulars of:</p> <p>(i) how those requirements were complied with; and</p> <p>(ii) the arrangements made by the promoter for ensuring that the Private Bill was able to be inspected (other than at the Assembly) in accordance with Standing Order 26A.13<u>16(ii)</u>.</p>	<p>Amend Standing Order references</p>
<p>Objections</p>		
<p>26A.16 <u>26A.20</u></p>	<p>An individual person who, or a body corporate or unincorporated association of persons that, considers that their interests would be adversely</p>	<p>Amend Standing Order references</p>

	<p>affected by a Private Bill introduced in the Assembly (an “objector”) may make an objection to the Presiding Officer in writing, in accordance with notice given under Standing Order 26A.13<u>16</u>, during the objection period specified in Standing Order 26A.13<u>16</u>(iii).</p>	
<p>26A.17 <u>26A.21</u></p>	<p>For the purpose of Standing Order 26A.16<u>20</u>, a member of the government may also be an objector.</p>	<p>Retain this Standing Order</p>
<p>26A.18 <u>26A.22</u></p>	<p>The Presiding Officer must rule on whether an objection is admissible.</p>	<p>Retain this Standing Order</p>
<p>26A.19 <u>26A.23</u></p>	<p>An objection is admissible only if it:</p> <p>(i) complies with any guidance issued<u>determination(s) made</u> by the Presiding Officer under Standing Order 6.17 in relation to making an objection;</p> <p>(ii) sets out the nature of the objection;</p>	<p>Retain this Standing Order</p>

	<p>(iii) identifies the provisions of the Private Bill that give rise to the objection;</p> <p>(iv) specifies how the objector's interests would be adversely affected by the Private Bill.</p>	
<p>26A.20</p> <p><u>26A.24</u></p>	<p>The Presiding Officer must notify the objector of his or her decision under Standing Order 26A.18<u>22</u> and, where an objection is ruled inadmissible, must give the objector reasons for that decision.</p>	<p>Amend Standing Order references</p>
<p>26A.21</p> <p><u>26A.25</u></p>	<p>After the objection period has expired, the Clerk must publish all admissible objections.</p>	<p>Retain this Standing Order</p>
<p>26A.22</p> <p><u>26A.26</u></p>	<p>If the Presiding Officer receives an objection after the expiry of the objection period but before the first meeting of Detailed Committee Consideration, and that objection is accompanied by a statement by the objector explaining the</p>	<p>Amend Standing Order references</p>

	<p>delay in submitting the objection, the Presiding Officer must decide whether he or she is satisfied that:</p> <p>(i) the objection is admissible, in accordance with Standing Order 26A.19<u>23</u>;</p> <p>(ii) the objector had good reason for not making the objection within the objection period;</p> <p>(iii) the objector has made the objection as soon as reasonably practicable after the expiry of that period; and</p> <p>(iv) consideration of such an objection would not be unreasonable having regard to the rights and interests of objectors and the promoter.</p>	
<p>26A.23</p> <p><u>26A.27</u></p>	<p>If the Presiding Officer is so satisfied:</p> <p>(i) he or she must notify the objector of his or her decision;</p>	<p>Amend Standing Order references</p>

	<p>(ii) the Clerk must publish the objection; and</p> <p>(iii) the committee established in accordance with Standing Order 26A.26<u>32</u> must give consideration to the objection.</p>	
<p>26A.24</p> <p><u>26A.28</u></p>	<p>If the Presiding Officer is not so satisfied, he or she must:</p> <p>(i) notify the objector of his or her decision, and</p> <p>(ii) give the objector reasons for that decision.</p>	<p>Retain this Standing Order</p>
<p>26A.25</p> <p><u>26A.29</u></p>	<p>An objection may be withdrawn by the objector, in accordance with any determination(s) made by the Presiding Officer.</p>	<p>Retain this Standing Order</p>
<p><u>Statements in relation to consultation</u></p>		<p>New heading</p>
<p><u>26A.30</u></p>	<p><u>Any person who was, or should have been, consulted or notified in accordance with Standing Order 26A.12 may, during the objection period, raise any defect in the consultation or notification process with the Presiding Officer by submitting a</u></p>	<p>Insert New Standing Order</p> <p>This provision would allow any person or body required to be consulted or notified under legislation applying to the Private Bill concerned</p>

	<p><u>statement in writing.</u></p>	<p>to comment on the consultation process conducted by the promoter at an early stage. Certain statutory bodies (e.g. the relevant local authority, and the main public bodies responsible for protecting land-based assets, such as Natural Resources Wales and CADW) would not pass the test of showing that their private interests were adversely affected – this gives them an avenue for directly raising any concerns at an early stage about any adverse impact on the public goods they are responsible for.</p>
<p><u>26A.31</u></p>	<p><u>Such a statement may not be treated as an objection under Standing Order 26A.20 but may be considered by a Private Bill Committee in accordance with SO26A.45(ii).</u></p>	<p>Insert New Standing Order</p> <p>This follows on from the proposed new Standing Order 26A.30.</p>
<p>Private Bill Committees</p>		<p>Retain Sub-heading</p>

<p>26A.26</p> <p><u>26A.32</u></p>	<p>After a Private Bill has been introduced, and once the objection period specified in Standing Order 26A.16(iii) has ended, the Assembly must consider a motion to establish a Private Bill Committee, in accordance with Standing Order 16.5.</p>	<p>Amend Standing Order</p> <p>This amendment would remove the limitation on the Private Bill Committee only being <i>established</i> once the objection period is over – to avoid unnecessary delay in it being set up, and Members receiving briefing/training and technical advice – so that initial consideration under Standing Order 26A.44 could start as soon as the objection period is over.</p>
<p>26A.27</p> <p>26A.33</p>	<p>Standing Orders 17.3 and 17.7 apply to a Private Bill Committee except that it must consist of no fewer than four members.</p>	<p>Retain this Standing Order</p>
<p>26A.28</p>	<p>Any Member who has, or may be expecting to have, or to the Member’s knowledge, the</p>	<p>Retain this Standing Order.</p>

<p><u>26A.34</u></p>	<p>Member's partner or any dependent child has, or may be expecting to have, an interest required to be registered by Standing Order 2 that may be seen to prejudice the impartial consideration of a Private Bill, must not be a member of the committee established to consider that Bill.</p>	<p>In Wales the onus is on the Assembly Member to declare any relevant interests under SO26A.34 and 26A.35, and importantly there is a requirement in Wales for publication of that information (see SO26A.37 below).</p>
<p>26A.29 <u>26A.35</u></p>	<p>Any Member whose name is proposed for membership of a Private Bill Committee must inform the Business Committee of any interest of the kind referred to in Standing Order <u>26A.34</u> and also of any <u>other relevant personal, constituency or regional interest</u>, other than such an interest, that he or she has or may be expecting to have the Member, or which to the Member's their</p>	<p>Amend Standing Order</p> <p>Currently the Standing Order provisions on Members interests do not explicitly refer to any interest arising from the Member's principal place of residence or the constituency or region they represent, and these are not covered by</p>

	<p>knowledge, the Member's partner or any dependent child of the Member a family member, has or is expecting to have that, in the opinion of that Member may be seen to, <u>which might reasonably be thought by others to</u> prejudice the impartial consideration of the Private Bill.</p>	<p>Standing Order 26A.34, which only relates to Standing Order 2 categories of interests. In line with procedure in other UK legislatures, the amendment is proposed to ensure Members are aware they should bring any such interest to the Business Committee's attention, but it would be for the Business Committee to decide whether this would prevent them being a member of the Private Bill Committee. Under Standing Order 26A.37 those interests would always be published alongside the motion to elect members.</p> <p>The wording of Standing Order 29A.35 is also consistent with the new requirement in Standing Orders to declare a 'family interest' in proceedings. Such a family interest is not covered by the registration requirements under Standing Order 2 (covered by Standing Order</p>
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		26A.35 above), but would certainly be relevant to proposed membership of a Private Bill Committee.
26A.30 <u>26A.36</u>	For the purpose of Standing Orders 26A.28 <u>34</u> and 26A.29 , the meanings of “partner” and “dependent child” are as defined in paragraph 4 of the Annex to Standing Order 2.	Amend Standing Order references
26A.31 <u>26A.37</u>	Any information provided in accordance with Standing Order 26A.29 <u>35</u> in relation to a Member whose name is proposed for membership of a Private Bill Committee must be published at the same time as the motion to establish that committee.	Amend Standing Order references
26A.32 <u>26A.38</u>	Each member of a Private Bill Committee must, before the first meeting of that committee, <u>have completed</u> a course of relevant training as	Amend Standing Order

	determined by the Presiding Officer.	If a Private Bill Committee Member has already had training they would not need to do it again.
26A.33 <u>26A.39</u>	Each member of a Private Bill Committee must, at the first meeting of that committee, agree to act impartially, in that Member's capacity as a member of that committee, and to base decisions solely on the evidence and other information provided to that committee.	Retain this Standing Order
26A.34 <u>26A.40</u>	Members of a Private Bill Committee must, other than in exceptional circumstances, attend all meetings of a Private Bill Committee.	Retain this Standing Order
26A.35 <u>26A.41</u>	A member of a Private Bill Committee may not participate in any proceedings on a Private Bill unless: (i) all evidence relating to that Private Bill given	Retain this Standing Order

	orally during proceedings of the committee has been given in the presence of the Member, or (ii) with the agreement of the promoter and any objector to whom that evidence relates, that Member has viewed a recording or read a transcript of all evidence that was not given in the presence of the Member.	
26A.36 <u>26A.42</u>	Standing Orders 17.12, 17.17 and 17.48 do not apply to a Private Bill Committee.	Retain this Standing Order
26A.37 <u>26A.43</u>	Standing Order 17.49 does not apply to a Private Bill Committee, except when the committee is considering proceedings on amendments.	Retain this Standing Order
	Initial Consideration	Retain Sub-heading
26A.38 <u>26A.44</u>	Once the objection period specified in Standing Order 26A.13 <u>16</u> (iii) has ended, the Business Committee must refer a Bill laid in accordance with Standing Order 26A.8 to the Private Bill	Amend Standing Order See comment under Standing Order 26A.32

	<p>Committee established in accordance with Standing Order 26A.26<u>32</u> (“the committee”), to<u>must</u> consider and report on whether the Bill should proceed as a Private Bill.</p>	<p>above – the Business Committee would move the motion to establish the Private Bill Committee, which will start initial consideration once the objection period is ended.</p>
<p>26A.39 <u>26A.45</u></p>	<p>In considering whether a Bill should proceed as a Private Bill, the committee must consider whether:</p> <ul style="list-style-type: none"> (i) the accompanying documents laid in accordance with Standing Orders 26A.13 to 15 are, in the opinion of the committee, adequate to allow proper scrutiny of the Bill; (ii) adequate consultation was undertaken by the promoter prior to introduction of the Bill; (iii) the provisions of the Bill make it appropriate for it to be considered as a Private Bill in accordance with Standing Order 26A, having particular regard to: <ul style="list-style-type: none"> (a) the extent to which its provisions affect issues 	<p>Amend Standing Order references</p> <p>In line with changes to Standing Order 26A.13–15 above.</p>

	<p>of public policy;</p> <p>(b) the extent to which its provisions amend or repeal other legislation;</p> <p>(c) the size of the area to which it relates affects;</p> <p>(d) the number and nature of the interests that it affects.</p>	
<p>26A.40</p> <p><u>26A.46</u></p>	<p>If it appears to the committee that the accompanying documents are not adequate to enable the committee to report in accordance with Standing Order 26A.38<u>44</u>, it may, before reporting on whether the Bill should proceed as a Private Bill, allow the promoter such reasonable period as the committee considers appropriate to provide any further information the committee considers necessary (“supplementary accompanying documents”).</p>	<p>Amend Standing Order references</p>
<p>26A.41</p>	<p>Any supplementary accompanying documents</p>	<p>Retain this Standing Order</p>

<u>26A.47</u>	must be laid.	
26A.42 <u>26A.48</u>	Once the committee has reported, the Business Committee may table a motion that the Assembly agrees that the Bill should proceed as a Private Bill.	Retain this Standing Order
26A.43 <u>26A.49</u>	If a motion under Standing Order 26A.42 <u>48</u> is agreed, the Bill proceeds to Detailed Committee Consideration.	Amend Standing Order references
26A.44 <u>26A.50</u>	If a motion under Standing Order 26A.42 <u>48</u> is not agreed, the Bill falls.	Amend Standing Order references
26A.45 <u>26A.51</u>	Initial Consideration is completed when the Assembly has agreed that the Bill should proceed as a Private Bill or the Bill falls as part of Initial Consideration.	Retain this Standing Order
Detailed Committee Consideration		
26A.46	Detailed Committee Consideration starts on the first working day after Initial Consideration is	Retain this Standing Order

<u>26A.52</u>	completed.	
26A.47 <u>26A.53</u>	Proceedings at Detailed Committee Consideration must be considered by the <u>Private Bill C</u> committee established in accordance with under Standing Order 26A.26 <u>32</u> which considered Initial Consideration proceedings on the Private Bill.	Amend Standing Order For brevity.
26A.48 <u>26A.54</u>	At Detailed Committee Consideration, the committee must: (i) consider and report on the general principles of the Private Bill; (ii) consider and report on any admissible objections, other than any objection that, in the opinion of the committee, does not have substantial grounds; and (iii) consider the detail of the Private Bill in accordance with Standing Orders 26A.55 <u>65</u> to 26A.71 <u>80</u> (including any admissible	Amend Standing Order references

	amendments).	
26A.49 <u>26A.55</u>	<p>The following persons are entitled to be heard before the committee in person, or may be represented:</p> <p>(i) the promoter;</p> <p>(ii) any objector (subject to Standing Order 26A.52<u>262</u>) who has submitted an admissible objection that the committee considers has substantial grounds;</p> <p>(iii) a member of the government;</p> <p>and may participate in proceedings in accordance with any rulings of the Chair.</p>	Amend Standing Order references
<u>26A.56</u>	<p><u>Where a Committee established to consider a Private Bill considers it appropriate, it may appoint</u></p>	New Standing Order

	<p><u>an assessor, or assessors, to consider objections.</u></p>	<p>Proposed to allow for the appointment of independent assessor(s) to consider objections and advise the Private Bill Committee, to reduce the burden on Members' time, and in line with procedure elsewhere.</p>
<p><u>26A.57</u></p>	<p><u>The assessor, or assessors, may report to the Private Bill Committee on:</u></p> <ul style="list-style-type: none"> i) <u>whether there are substantial grounds for admissible objections;</u> ii) <u>recommendations on the grouping of objections;</u> iii) <u>selection of witnesses and whether evidence should be invited from those witnesses orally or in writing;</u> <p><u>and may perform any other functions at Detailed Committee Consideration Stage as the Committee may determine.</u></p>	<p>New Standing Order</p> <p>The scrutiny functions assigned to the assessor would be more extensive than those of an expert adviser under Standing Order 17.55: they might include considering admissible objections on behalf of the Committee, and making recommendations on grouping of objections, selection of witnesses and whether evidence is invited orally or in writing. Standing Orders in the Scottish Parliament and Westminster require the assessor to produce a report for submission</p>

		to the legislature.
26A.50 <u>26A.58</u>	The Chair may, when ruling on the way in which an objector (or other person) may participate in proceedings, take into account the nature of the objection or other representation and the extent to which the nature of that participation is necessary in order to enable the committee to consider and report on the objection.	Retain this Standing Order
26A.51 <u>26A.59</u>	The committee may invite such other persons to give evidence as it considers appropriate.	Retain this Standing Order
<u>26A.60</u>	<u>The Private Bill Committee must consider the merits of the objections in the light of—</u> <u>(i) any evidence given to it; or</u> <u>(ii) any report prepared by any assessor(s) appointed in accordance with Standing Order 26A.56.</u>	New Standing Order Proposed to provide detail about how the merits of the objections will be considered by the Committee and recognising the role of the assessor(s).

<p>26A.51</p> <p>26A.61</p>	<p>The Private Bill Committee may accept or reject—</p> <p><u>(i) the whole or any part of any objection;</u></p> <p><u>(ii) the whole or any part of an assessor’s report.</u></p>	<p>New Standing Order</p> <p>As above for the proposed new Standing Order 26A.60, and in line with procedure elsewhere.</p>
<p>26A.52</p> <p><u>26A.62</u></p>	<p>Where the committee considers that two or more objections are the same or similar, it may group those objections together and choose one or more objectors from that group to give evidence and otherwise to participate in relation to those objections.</p>	<p>Retain this Standing Order</p>
<p>26A.53</p> <p><u>26A.63</u></p>	<p>If the committee, in preparing its report under Standing Order 26A.48<u>54</u>(i) and (ii), intends to recommend a change to the Private Bill and such a change, if made, would, in the opinion of the committee, affect the interests of other persons referred to in Standing Order 26A.54<u>64</u>, the committee may take such action as it considers appropriate in order to ensure that those other</p>	<p>Amend Standing Order references</p>

	<p>persons have a reasonable opportunity to make representations to the committee in relation to that recommendation.</p>	
<p>26A.54 <u>26A.64</u></p>	<p>For the purpose of Standing Order 26A.53<u>63</u>, “other persons” means:</p> <p>(i) persons whose interests were not affected by the Private Bill as introduced but whose interests would be affected if the proposed changes were made to the Private Bill, or</p> <p>(ii) existing objectors whose interests would be affected to a greater extent or in new ways if the proposed changes</p> <p>were made to the Private Bill, giving rise to new substantial grounds for objection.</p>	<p>Amend Standing Order references</p>
<p>26A.55 <u>26A.65</u></p>	<p>A Private Bill may be amended at Detailed Committee Consideration.</p>	<p>Retain this Standing Order</p>

<p>26A.56 <u>26A.66</u></p>	<p>At least 25 working days must elapse between the day on which the report under Standing Order 26A.4854(i) and (ii) is laid and the date of the first meeting at which the committee considers the detail of the Private Bill in accordance with Standing Order 26A.4854(iii).</p>	<p>Amend Standing Order references</p>
<p>26A.57 <u>26A.67</u></p>	<p>No later than five working days after the committee's report is laid, any Member may table a motion that the Private Bill does not proceed any further.</p>	<p>Retain this Standing Order</p>
<p>26A.58 <u>26A.68</u></p>	<p>If no motion is tabled under Standing Order 26A.5767, <u>or if such a motion is tabled but not agreed</u>, the general principles of the Private Bill are to be deemed agreed by the Assembly and the committee must proceed to dispose of amendments to the Private Bill, in accordance with Standing Order 26A.4854(iii).</p>	<p>Amend Standing Order references – Standing Orders 26A.58 and 61 would be combined for brevity into the proposed (re-numbered) Standing Order 26A.68.</p>
<p>26A.59</p>	<p>Time must be made available for a motion tabled under Standing Order 26A.5767 to be debated</p>	<p>Amend Standing Order references</p>

<u>26A.69</u>	within 10 working days of the date that the motion was tabled (not counting working days in a non-sitting week).	
26A.60 <u>26A.70</u>	If a motion tabled under Standing Order 26A.57 <u>67</u> is agreed, the Private Bill falls.	Amend Standing Order references
26A.61	If a motion tabled under Standing Order 26A.57 <u>67</u> is not agreed, the general principles of the Private Bill are to be deemed agreed by the Assembly and the committee must proceed to dispose of amendments to the Private Bill in accordance with Standing Order 26A.48(iii).	Remove Standing Order It is proposed to add this to Standing Order 26A.68 above, for brevity.
26A.62 <u>26A.71</u>	Amendments to be considered at Detailed Committee Consideration may be tabled no earlier than the first working day after the day on which the committee laid its report under Standing Order 26A.48 <u>54</u> (i) and (ii).	Amend Standing Order references
26A.63	The Chair of the committee may in exceptional circumstances accept an amendment at Detailed	Amend Standing Order references

<u>26A.72</u>	Committee Consideration of which less notice has been given than is required under Standing Order 26A.98118. Such an amendment is referred to as a “late amendment”.	
26A.64 <u>26A.73</u>	Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Private Bill, unless the committee has decided otherwise.	Retain this Standing Order
26A.65 <u>26A.74</u>	Only a Member who is a member of the committee may participate in proceedings of that committee for the purpose of: (i) moving or seeking agreement to withdraw an amendment; or (ii) voting.	Retain this Standing Order
26A.66 <u>26A.75</u>	An amendment tabled by a Member who is not a member of the committee may be moved by a member of the committee.	Retain this Standing Order

<p>26A.67 <u>26A.76</u></p>	<p>Where any amendment is tabled to a section <u>of</u> or schedule of<u>to</u> the Private Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the committee for the purpose of Detailed Committee Consideration proceedings.</p>	<p>Amend Standing Order</p> <p>For clarity. Current wording suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.</p>
<p>26A.68 <u>26A.77</u></p>	<p>If no amendment is tabled to a section <u>of</u> or schedule to<u>of</u> the Private Bill, that section or schedule is to be deemed agreed by the committee for the purpose of Detailed Committee Consideration.</p>	<p>Amend Standing Order</p> <p>For clarity. Current wording suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.</p>
<p>26A.69 <u>26A.78</u></p>	<p>Detailed Committee Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed to</p>	<p>Amend Standing Order</p> <p>For clarity. Current wording suggests a decision</p>

	be agreed, whichever is the later.	that is still to be taken by the Committee, but in practice the agreement has already been reached.
26A.70 <u>26A.79</u>	If a Private Bill is amended at Detailed Committee Consideration so as to insert a section or schedule, or substantially alter any existing provision, the committee may request that the promoter <u>must</u> prepare a revised Explanatory Memorandum, <u>unless the committee resolves that no revised Explanatory Memorandum is required.</u>	Amend Standing Order Proposed amendment in line with changes to Standing Order 26 agreed in Plenary on 1 October 2014.
26A.71 <u>26A.80</u>	Any revised Explanatory Memorandum requested <u>prepared</u> under Standing Order 26A.70 <u>79</u> must be laid at least five working days before the date of the first meeting of the Assembly that considers Detailed Assembly Consideration proceedings.	Amend Standing Order Proposed amendment in line with changes to Standing Order 26 agreed in Plenary on 1 October 2014.

Detailed Assembly Consideration		
<p>26A.72</p> <p><u>26A.81</u></p>	<p>Detailed Assembly Consideration starts on the first working day after Detailed Committee Consideration is completed.</p>	<p>Retain this Standing Order</p>
<p>26A.73</p> <p><u>26A.82</u></p>	<p>At least 15 working days must elapse between the day on which Detailed Assembly Consideration starts and the date of the first meeting of the Assembly that considers Detailed Assembly Consideration proceedings.</p>	<p>Retain this Standing Order</p>
<p>26A.74</p> <p><u>26A.83</u></p>	<p>Detailed Assembly Consideration must be considered by the Assembly in plenary.</p>	<p>Retain this Standing Order</p>
<p>26A.75</p> <p><u>26A.84</u></p>	<p>A Private Bill may be amended at Detailed Assembly Consideration.</p>	<p>Retain this Standing Order</p>
<p>26A.76</p> <p><u>26A.85</u></p>	<p>Amendments to be considered at Detailed Assembly Consideration may be tabled by any Member from the first day on which the stage</p>	<p>Retain this Standing Order</p>

	starts.	
26A.77 <u>26A.86</u>	The Presiding Officer may select those amendments which are to be taken at Detailed Assembly Consideration.	Retain this Standing Order
26A.78 <u>26A.87</u>	Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Private Bill, unless the Assembly has decided otherwise on a motion of the Business Committee.	Retain this Standing Order Reference to Standing Order 11.7(ii) is deleted as the wording is redundant – all Private Bills will be Assembly Business.
26A.79 <u>26A.88</u>	The Assembly may, on a motion without notice of the Business Committee (in accordance with Standing Order 11.7(ii)), agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).	Retain this Standing Order Reference to Standing Order 11.7(ii) is deleted as the wording is redundant – all Private Bills will be Assembly Business.
26A.80	If a motion under Standing Order 26A.79 <u>88</u> is agreed to, debates on those groups of	Amend Standing Order references

<p><u>26A.89</u></p>	<p>amendments must be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer:</p> <p>(i) as a consequence of the non-moving of an amendment leading to a change in the order in which groups are debated; or</p> <p>(ii) to prevent any debate on a group of amendments that has already begun when a time-limit is reached from being unreasonably curtailed.</p>	
<p>26A.81</p> <p><u>26A.90</u></p>	<p>Amendments at Detailed Assembly Consideration are only admissible if, in addition to the criteria in Standing Order 26A.100<u>120</u>, they are for the purpose of:</p> <p>(i) clarifying the wording of a provision of a Private Bill (including removing inconsistencies in or between the English and Welsh texts), or</p>	<p>Amend Standing Order references</p>

	<p>(ii) giving effect to commitments given on behalf of the promoter at the Detailed Committee Consideration Stage, or</p> <p>(iii) giving effect to any recommendations made by the committee in its report under Standing Order 26A.48<u>54</u>(i) and (ii).</p>	
<p>26A.82</p> <p><u>26A.91</u></p>	<p>Where any amendment is tabled to a section <u>of</u> or schedule <u>to</u> of the Private Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the Assembly for the purpose of Detailed Assembly Consideration.</p>	<p>Amend Standing Order</p> <p>For clarity. Current wording suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.</p>
<p>26A.83</p> <p><u>26A.92</u></p>	<p>If no amendment is tabled to a section or schedule, that section or schedule is to be deemed agreed by the Assembly for the purpose of Detailed Assembly Consideration proceedings.</p>	<p>Amend Standing Order</p> <p>For clarity. Current wording suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been</p>

		reached.
26A.84 <u>26A.93</u>	Detailed Assembly Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed to be agreed, whichever is the later.	Amend Standing Order For clarity. Current wording suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.
	<u>Further Detailed Committee Consideration</u>	New Sub-heading
<u>26A.94</u>	<u>When all amendments selected at Detailed Assembly Consideration proceedings have been disposed of in accordance with Standing Order 26A.93, any Member may, with the agreement of the Presiding Officer, move a motion without notice that any part of the Private Bill specified in the motion be referred back to the Private Bill</u>	Insert New Standing Order Currently the Private Bill cannot be referred back to Committee once Final Stage is reached. It is proposed to add provisions similar to those in the Scottish Parliament to refer a Private Bill back

	<p><u>Committee for further Detailed Committee Consideration.</u></p>	<p>to the Private Bill Committee for consideration, and disposal of, amendments brought forward in the course of Stage 3 proceedings and/or further scrutiny, before the Bill is passed. This may be considered a useful tool in the case of a Private Bill, particularly given the special quasi-judicial procedures for its consideration. There is currently only provision in Standing Order 26A to begin Committee proceedings again if the promoter changes (see Standing Order 26A.127 below).</p>
<p><u>26A.95</u></p>	<p><u>Standing Orders 26A.65 and 26A.71 to 26A.80 apply to Further Detailed Committee Consideration. References to “Detailed Committee Consideration” should be construed as references to “Further Detailed Committee Consideration” accordingly.</u></p>	<p>Insert New Standing Order</p> <p>This follows on (same approach as for Detailed Committee Consideration stage).</p>
<p><u>26A.96</u></p>	<p><u>At Further Detailed Committee Consideration the committee may invite such other persons to give</u></p>	<p>Insert New Standing Order</p>

	<u>evidence as it considers appropriate.</u>	Should the Committee consider it necessary to take further evidence in relation to amendments to the Bill at a Further Detailed Committee consideration stage this Standing Order would allow for that (it mirrors Standing Order 26A.59 for Detailed Committee Consideration).
<u>26A.97</u>	<u>Further Detailed Committee Consideration starts on the first working day after the motion under Standing Order 26A.94 is agreed</u>	Insert New Standing Order This follows on (same approach as for Detailed Committee Consideration stage).
<u>26A.98</u>	<u>Amendments to be considered at Further Detailed Committee Consideration may be tabled no earlier than the first working day after the day on which Further Detailed Committee Consideration starts.</u>	Insert New Standing Order This mirrors Standing Order 26A.71 for Detailed Committee Consideration – on when amendments can be tabled.

<p><u>26A.99</u></p>	<p><u>Amendments at Further Detailed Committee Consideration are only admissible if, in addition to the criteria in Standing Order 26A.120, they are to the provisions which were referred back to the Private Bill Committee, or would be necessary in consequence of any amendments tabled at the Further Detailed Committee Consideration stage proceedings being agreed.</u></p>	<p>Insert New Standing Order</p> <p>This follows the approach taken in the Scottish Parliament as to the type of amendments that are admissible at this stage.</p>
<p><u>Further Detailed Assembly Consideration</u></p>		<p>New Sub-heading</p>
<p><u>26A.100</u></p>	<p><u>Once Detailed Assembly Consideration is completed in accordance with Standing Order 26A.93, or Further Detailed Committee Consideration is completed in accordance with Standing Order 26A.78 where undertaken, any Member may, without notice, move that the Assembly consider amendments at a Further Detailed Assembly Consideration Stage. Such a motion may be debated but not amended.</u></p>	<p>Insert New Standing Order</p> <p>It is proposed that an enabling provision for further Stage 3 proceedings is included in Standing Order 26A, in the same way that there is provision for a Report Stage in Standing Order 26. (It would be expected that the Chair, or a member of the Private Bill Committee, would move the motion on behalf of the promoter as</p>

		<p>there is no ‘Member in charge’). It is proposed that the motion may be debated but not amended, in line with a Report Stage motion under Standing Order 26.45.</p> <p>This provision would provide an important safeguard for final, limited, amendment to a Private Bill to be considered at the end of Stage 3 proceedings, e.g. to implement commitments made by the promoter, immediately before the Bill is passed at Stage 4.</p>
<p><u>26A.100A</u></p>	<p><u>Further Detailed Assembly Consideration Stage starts on the first working day after a motion under Standing Order 26A.100 is agreed by the Assembly.</u></p>	<p>New Standing Order</p> <p>This proposed change would provide clarity regarding when Further Detailed Assembly Consideration Stage starts, where the Assembly agrees to have one.</p>

<u>26A.101</u>	<u>Standing Orders 26A.81-82 to 26A.93 apply to Further Detailed Assembly Consideration proceedings. References to “Detailed Assembly Consideration” should be construed as references to “Further Detailed Assembly Consideration”.</u>	New Standing Order Proposed consequential amendment consistent with that for Report Stage under Standing Order 26. The scope of any amendments would be limited, in accordance with Standing Order 26A.90.
	Final Stage	
26A.85 <u>26A.102</u>	The Final Stage of a Private Bill must be taken by the Assembly in plenary.	Retain this Standing Order
26A.86 <u>26A.103</u>	Subject to Standing Order 26A.88 <u>107</u> , not earlier than five working days after the completion of Detailed Assembly Consideration, <u>or Further</u>	Amend Standing Order

	<p><u>Detailed Committee Consideration or Further Detailed Assembly Consideration where undertaken,</u> any Member may table a motion that the Private Bill be passed.</p>	<p>This is consequential to proposed introduction of the provisions in Standing Order 26A.100 above for a Further Detailed Assembly Consideration stage, and/or for re-committal of the Private Bill to the Private Bill Committee before Final Stage.</p>
<p><u>26A.104</u></p>	<p><u>A motion under Standing Order 26A.103 must be tabled at least one working day before it is debated.</u></p>	<p>New Standing Order</p> <p>Proposed to add this for consistency with changes to Standing Order 26 agreed in Plenary on 1 October 2014.</p>
<p><u>26A.105</u></p>	<p><u>Subject to Standing Order 26A.107, immediately after the completion of Detailed Assembly Consideration, or Further Detailed Assembly Consideration where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Private Bill be passed.</u></p>	<p>New Standing Order</p> <p>Proposed to add this for consistency with changes to Standing Order 26 agreed in Plenary on 1 October 2014.</p>

<p>26A.87 <u>26A.106</u></p>	<p>A motion that a Private Bill be passed may not be amended.</p>	<p>Retain this Standing Order</p>
<p>26A.88 <u>26A.107</u></p>	<p>No motion that a Private Bill be passed may be moved unless the text of the Private Bill is available in both English and Welsh.</p>	<p>Retain this Standing Order</p>
<p>26A.89 <u>26A.108</u></p>	<p>No motion under Standing Order 12.31(ii) may be moved in any Final Stage proceedings.</p>	<p>Retain this Standing Order</p>
	<p>Reconsideration of Private Bills Passed</p>	<p>Retain Sub-heading</p>
<p>26A.90 <u>26A.109</u></p>	<p><u>In accordance with section 113 of the Act, any Member may, after the Private Bill is passed, by motion propose that the Assembly reconsider the Private Bill, or any provision of it, if:</u></p> <p>(i) a question in relation to the Private Bill has been referred to the Supreme Court under section 112 of the Act; <u>and</u></p> <p>(ii) a reference for a preliminary ruling (within the</p>	<p>Amend Standing Order</p> <p>Proposed for clarity of these Standing Orders on Reconsideration Stage.</p> <p>In accordance with Section 111(6)(b) of the Act, there are three circumstances in which a Bill may be reconsidered after its passing. The first of these is covered by Standing Order 26A.109 – in</p>

	<p>meaning of section 113(1)(b) of the Act) has been made by the Supreme Court in connection with that reference; and</p> <p>(iii) neither of those references has been decided or otherwise disposed of.</p>	<p>the case of a Bill referred to the Supreme Court that is subsequently referred on to the European Court of Justice for a preliminary ruling. In this case Reconsideration Stage can only start once the Clerk has notified the Counsel General and Attorney General that the Assembly intends to reconsider the Bill – see proposed new 26A.109A below – and once the person who initially referred the Bill has withdrawn that reference – see Standing Order 26A.109B below.</p> <p>Not all the provisions of the Act are accurately reflected in the current Standing Orders, and the draft amendments seek to rectify those omissions.</p> <p>Reconsideration may also take place if the Supreme Court has ruled on a reference that the</p>
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		Bill or any provision within it is not within competence, or if an order is made in relation to the Bill by the Secretary of State under Section 114. These two circumstances are covered by SO26A.110 and 26A.110A below.
<u>26A.109A</u>	<u>If a motion under Standing Order 26A.109 is agreed to by the Assembly, the Clerk must notify the Counsel General and the Attorney General of that fact.</u>	New Standing Order Better reflects the provisions of the Act, for clarity.
<u>26A.109B</u>	<u>If the Assembly 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.</u>	New Standing Order As above – In the circumstances of SO26A.109, Reconsideration Stage can only start in accordance with the provisions of the Act.

<p>26A.91 <u>26A.110</u></p>	<p>Any Member may by motion propose that the Assembly reconsider the Private Bill if:</p> <p>(i) the Supreme Court decides <u>on a reference made in relation to the Bill under section 112 of the Act</u> that the Private Bill or any provision of it would not be within the legislative competence of the Assembly; or</p> <p>(ii) an order is made in relation to the Private Bill under section 114 of the Act.</p>	<p>Amend Standing Order</p> <p>As above – the 2nd and 3rd circumstances in which Reconsideration Stage can be taken.</p>
<p>26A.91A <u>26A.111</u></p>	<p><u>If the Assembly agrees to a motion under Standing Order 26A.110</u>, Reconsideration Stage starts on the first working day after that motion proposed under Standing Order 26A.90 or 26A.91 is agreed to by the Assembly.</p>	<p>Amend Standing Order</p> <p>As above.</p>
<p>26A.91B</p>	<p>At least fifteen working days must elapse between the start of Reconsideration Stage and the date of the first meeting of the Assembly that considers</p>	<p>Delete Standing Order</p> <p>Provision included in Standing Order 26A.112</p>

	Reconsideration Stage proceedings.	below
26A.92 <u>26A.112</u>	Proceedings at Reconsideration Stage must be considered by the Assembly in plenary. <u>Standing Orders 26A.82 to 26A.93 and 26A.100 to 26A.101 apply to Reconsideration Stage proceedings. References to "Detailed Assembly Consideration" and "Further Detailed Assembly Consideration" should be construed as references to "Reconsideration Stage" and "further Reconsideration Stage" accordingly.</u>	Amend Standing Order Proposed for clarity and consistency – to make clear that most of the Stage 3 provisions would also apply to Reconsideration Stage. This Standing Order summarises the Standing Orders that apply to Reconsideration Stage as they would for Stage 3. The original wording of this Standing Order is deleted but is covered by Standing Order 26A.83.
26A.93 <u>26A.113</u>	A Private Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26A.100 <u>120</u> , and in the opinion of the Presiding Officer, the amendments are solely for the purpose of resolving the issue	Amend Standing Order references

	<p>which is the subject of:</p> <p>(i) the reference for a preliminary ruling;</p> <p>(ii) the decision of the Supreme Court; or</p> <p>(iii) the Order under section 114 of the Act.</p>	
<p>26A.94</p> <p><u>26A.114</u></p>	<p>Unless the Assembly has decided, on a motion of the Business Committee, the order in which amendments are to be disposed of, they must be disposed of in the order in which the provisions to which they relate arise in the Private Bill.</p>	<p>Retain this Standing Order</p>
<p>26A.95</p> <p><u>26A.115</u></p>	<p>Immediately after the completion of Reconsideration Stage proceedings, any Member may without notice move that the Assembly approves a Private Bill amended on reconsideration. Such a motion may not be amended.</p>	<p>Retain this Standing Order</p>
<p>Amendments to Private Bills</p>		<p>Retain Sub-heading</p>

<p>26A.96 <u>26A.116</u></p>	<p>Standing Orders 26A.97<u>117</u> to 26A.105<u>125</u> apply to amendments in Detailed Committee Consideration proceedings, Detailed Assembly Consideration proceedings and Reconsideration Stage proceedings.</p>	<p>Amend Standing Order references</p>
<p>26A.97 <u>26A.117</u></p>	<p>The Presiding Officer must determine the proper form of amendments to a Private Bill.</p>	<p>Retain this Standing Order</p>
<p>26A.98 <u>26A.118</u></p>	<p>No amendment, other than a late amendment, may be considered unless it has been tabled <u>at least</u> five working days before it is considered.</p>	<p>Amend Standing Order</p> <p>Proposed for clarity and consistency with other Standing Orders. Without this change the Standing Order would mean amendments could not be tabled <i>earlier</i> than 5 working days before consideration.</p>
<p>26A.99</p>	<p>Any Member may add his or her name to an amendment (other than a late amendment) by</p>	<p>Retain this Standing Order</p>

<u>26A.119</u>	notifying the Clerk at any time until the end of the working day before the amendment is due to be considered.	
26A.100 <u>26A.120</u>	<p>An amendment is not admissible if:</p> <p>(i) it is not in its proper form in accordance with Standing Order 26A.97<u>117</u>;</p> <p>(ii) it is not relevant to the Private Bill or the provisions of the Private Bill which it would amend;</p> <p>(iii) it is inconsistent with the general principles as reported on by the committee and deemed agreed by the Assembly; or</p> <p>(iv) it is inconsistent with a decision already taken at the stage at which the amendment is proposed.</p>	Amend Standing Order references
26A.101 <u>26A.121</u>	An amendment may be tabled to an amendment and, if selected, must be disposed of before the amendment which it would amend and Standing	Amend Standing Order references

	Orders 26A.97117 to 26A.105125 must apply accordingly.	
26A.102 <u>26A.122</u>	Subject to Standing Order 26A.6574 , an amendment (other than a late amendment) may be withdrawn by the Member who tabled it at any time before the day on which it is considered but only with the unanimous agreement of any Members who have added their names to the amendment. If such agreement is not obtained, the amendment becomes an amendment in the name of the Member who first added his or her name to the amendment and who does not agree to the amendment being withdrawn.	Amend Standing Order references
26A.103 <u>26A.123</u>	The Chair of the committee or the Presiding Officer, as the case may be, may group amendments for the purpose of debate as he or she sees fit. An amendment debated as part of a group may not be debated again when it comes to be disposed of.	Retain this Standing Order

<p>26A.104</p> <p><u>26A.124</u></p>	<p>If a Member who tabled an amendment does not move the amendment when that amendment comes to be debated, the amendment may be moved:</p> <p>(i) in the committee at Detailed Committee Consideration, by a member of the committee; or</p> <p>(ii) in Detailed Assembly Consideration or Reconsideration proceedings, by any other Member.</p>	<p>Retain this Standing Order</p>
<p>26A.105</p> <p><u>26A.125</u></p>	<p>An amendment which has been moved may be withdrawn by the Member who moved it, but only:</p> <p>(i) in the committee at Detailed Committee Consideration, if no member of the committee objects; or</p> <p>(ii) in Detailed Assembly Consideration or Reconsideration proceedings, if no Member objects.</p>	<p>Retain this Standing Order</p>

Change of Promoter		Retain Sub-heading
26A.106 <u>26A.126</u>	<p>Standing Orders 26A.107<u>127</u> to 26A.112<u>132</u> apply where, before completion of Detailed Committee Consideration, the promoter no longer wishes or is no longer able to obtain the powers or benefits conferred by that Bill, and another individual, body corporate or unincorporated association of persons (“the new promoter”) wishes to obtain those powers or benefits.</p>	Amend Standing Order references
26A.107 <u>26A.127</u>	<p>The new promoter must, as soon as reasonably practicable, lay a memorandum setting out the reasons for, and the circumstances of, the change of promoter.</p>	Retain this Standing Order
26A.108 <u>26A.128</u>	<p>The committee must, taking account of the memorandum laid under Standing Order 26A.107<u>127</u> and any further information from the new promoter that it may require, consider the implications of the change of promoter for the rights and interests of the objectors, other</p>	Amend Standing Order references

	<p>persons and for the progress of the Private Bill.</p>	
<p>26A.109 <u>26A.129</u></p>	<p>The committee may, if it considers it appropriate in order to protect the rights or interests of objectors or other persons, or to ensure the proper scrutiny of the Private Bill:</p> <p>(i) require the new promoter to lay supplementary accompanying documents;</p> <p>(ii) require the new promoter to give such undertakings as the committee considers appropriate;</p> <p>(iii) require proceedings on the Private Bill at Detailed Committee Consideration, or part of those proceedings, to begin again;</p> <p>(iv) report to the Assembly on the implications of the change of promoter, with a recommendation that the Private Bill should not proceed with the new promoter.</p>	<p>Retain this Standing Order</p>

<p>26A.110 <u>26A.130</u></p>	<p>A report under Standing Order 26A.109(iv)129(iv) must be considered by the Assembly on a motion of the Chair of the committee.</p>	<p>Amend Standing Order references</p>
<p>26A.111 <u>26A.131</u></p>	<p>If a motion under Standing Order 26A.110130 is agreed to, the Private Bill falls.</p>	<p>Amend Standing Order references</p>
<p>26A.112 <u>26A.132</u></p>	<p>If a motion under Standing Order 26A.110130 is not agreed to, the committee or the Assembly must continue its consideration of the Private Bill.</p>	<p>Amend Standing Order references</p>
<p>Her Majesty's and Duke of Cornwall's Consent</p>		<p>Retain Sub-heading</p>
<p>26A.113 <u>26A.133</u></p>	<p>If a Private Bill contains provision, or is amended so as to include any provision, that would, if the Private Bill were a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Assembly must not debate the question whether the Private Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the</p>	<p>Amend Standing Order</p> <p>Proposed for clarity and to allow for the separation of Stage 3 and Stage 4 proceedings: A member of the government can signify consent <i>at any time</i> at a meeting of the Assembly, in advance of the Stage 4 debate, and not just during the Stage 3/Report Stage proceedings on</p>

	government during proceedings on the Private Bill at a meeting of the Assembly.	that Bill.
Financial Resolutions		Retain Sub-heading
26A.114 <u>26A.134</u>	The Presiding Officer must decide in every case whether a resolution is required for a Private Bill under Standing Orders 26A.115 <u>135</u> to 26A.120 <u>140</u> .	Amend Standing Order references
26A.115 <u>26A.135</u>	If a Private Bill contains a provision: (i) which charges expenditure on the Welsh Consolidated Fund, or (ii) the likely effect of which would be to: (a) increase significantly expenditure charged on that Fund; (b) give rise to significant expenditure payable out of that Fund for a new service or purpose; or (c) increase significantly expenditure payable out	Amend Standing Order references

	<p>of that Fund for an existing service or purpose, no proceedings may be taken on the Private Bill at any Stage after the Private Bill Committee has reported in accordance with Standing Order 26A.4854(i) and (ii) unless the Assembly has by financial resolution agreed to the expenditure or the increase in expenditure being charged on or, as the case may be, payable out of that Fund.</p>	
<p>26A.116 <u>26A.136</u></p>	<p>If:</p> <p>(i) a Private Bill contains any provision which imposes or increases (or confers a power to impose or increase) any charge, or otherwise requires (or confers a power to require) any payment to be made; and</p> <p>(ii) the person to whom the charge or payment is payable is required, by or under section 120(1) of the Act, to pay</p> <p>sums received into the Welsh Consolidated Fund</p>	<p>Amend Standing Order references</p>

	<p>(or would be so required but for any provision made by or under section 120(2)),</p> <p>no proceedings may be taken on the Private Bill at any Stage after the Private Bill Committee has reported in accordance with Standing Order 26A.48<u>54</u>(i) and (ii) unless the Assembly has by financial resolution agreed to the charge, increase or payment.</p>	
<p>26A.117</p> <p><u>26A.137</u></p>	<p>Standing Order 26A.116<u>136</u>:</p> <p>(i) applies only where the charge, increase in charge or payment is significant; and</p> <p>(ii) does not apply where the charge, increase in charge or payment is:</p> <p>(a) in respect of the provision of goods and is reasonable in relation to the goods provided; or</p> <p>(b) wholly or largely directed to the recovery of the cost of providing any service for which the charge</p>	<p>Amend Standing Order references</p>

	is imposed or the payment requires to be made.	
26A.118 <u>26A.138</u>	Where the effect of an amendment (or amendments) to a Private Bill, if agreed to, would be that the Private Bill would require a financial resolution which it would not otherwise require, no proceedings may be taken on the amendment (or amendments) unless the Assembly has agreed to a motion for such a financial resolution.	Retain this Standing Order
26A.119 <u>26A.139</u>	Only a member of the government may move a motion for a financial resolution. Such a motion cannot be amended.	Retain this Standing Order
26A.120 <u>26A.140</u>	Unless: (i) notice of a motion for any financial resolution required in relation to a Private Bill by Standing Orders 26A.115 <u>135</u> or 26A.116 <u>136</u> is tabled within 6 months of the date on which the Private Bill Committee has reported in accordance with Standing Order 26A.48 <u>54</u> (i) and (ii); and	Amend Standing Order references

	(ii) the motion is agreed to, the Private Bill falls.	
Notification of Royal Assent to Private Acts of the Assembly		Retain Sub-heading
26A.121 <u>26A.141</u>	The Clerk must notify the Assembly of the date of Royal Assent to a Private Act of the Assembly.	Retain this Standing Order
Fall, Rejection or Withdrawal of Private Bills		
26A.122 <u>26A.142</u>	If a Private Bill falls or is rejected by the Assembly, no further proceedings may be taken on that Private Bill and a Private Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the Private Bill fell or was rejected.	Retain this Standing Order
26A.123 <u>26A.143</u>	A Private Bill falls if it has not been passed or approved by the Assembly before the end of the Assembly in which it was introduced.	Retain this Standing Order

<u>26A.144</u>	<u>Where a Private Bill falls under Standing Order 26A.143, the promoter may introduce a Private Bill in the same terms in the next Assembly. The text of the Private Bill introduced must be the version that was under consideration by the previous Assembly at the date of dissolution.</u>	Insert New Standing Order House of Commons Standing Orders allow for the Suspension or Revival of a Private Bill – allowing the promoter to re-table the Private Bill with an undertaking that it is exactly the same as that previously tabled, to allow the Bill to continue its passage from one session or parliament to the next, without having to repeat stages of proceedings already disposed of, but with provision to deal with any outstanding petitions (objections) to the Bill. Similar Rules exist in the Scottish Parliament. Including such a provision would allow a Private Bill that is likely to span more than one Assembly, for example for a large infrastructure project, to be re-introduced in the same terms.
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<p><u>26A.145</u></p>	<p><u>Those documents to accompany the Bill in the previous Assembly that had been published or laid in accordance with Standing Order 15 up to the date of dissolution must be used for the purposes of the Private Bill on re-introduction in the next Assembly.</u></p>	<p>Insert New Standing Order</p> <p>This follows on from the proposal above. It should include all documents up to the point of dissolution, not just those required on introduction, and all those published by the Committee/promoter, whether required to be laid or not.</p>
<p><u>26A.146</u></p>	<p><u>A promoter may only introduce a Private Bill under Standing Order 26A.144 during the period commencing with the date of the first meeting of the next Assembly and ending on the thirtieth working day after that date.</u></p>	<p>Insert New Standing Order</p> <p>This follows on from the proposal above regarding the time limit: the promoter must re-introduce the Private Bill within 30 working days of the new Assembly meeting for the first time – this should allow a Bill to be introduced in the period between the first meeting after Assembly elections and before the summer recess – since 1999 a period of 40–45 working days – so 30</p>

		working days allows some leeway regarding the future Assembly timetable (and also reflects the time limit set by the Scottish Parliament).
<u>26A.147</u>	<u>Any objections submitted during the previous Assembly must be treated as objections to the Private Bill introduced in the next Assembly and any decision of the Private Bill Committee taken during the previous Assembly in respect of those objections must apply. There must be no further objection period for the Private Bill introduced in the next Assembly in addition to the objection period for the Private Bill in the previous Assembly.</u>	<p>Insert New Standing Order</p> <p>This proposal follows on from the new Standing Order above regarding handling of objections.</p>
<u>26A.148</u>	<u>Subject to Standing Order 26A.149, if at the date of dissolution the Stage that the Private Bill was at had not been completed, the proceedings on the Private Bill introduced in the next Assembly must usually commence at the beginning of that Stage.</u>	<p>Insert New Standing Order</p> <p>This proposal follows on and is in line with procedure elsewhere.</p>

<p><u>26A.149</u></p>	<p><u>Proceedings may commence at a later point during Detailed Committee Consideration Stage if:</u> <u>(i) The promoter and each person who had given oral evidence to the Private Bill Committee established in the previous Assembly either;</u> <u>(ii) gives that evidence orally to the Private Bill Committee established in the next Assembly (“the new Committee”); or</u> <u>(iii) agrees that the members of the new Committee may instead view a recording or read a transcript of all the evidence that was given.</u></p>	<p>Insert New Standing Order</p> <p>This proposal follows on – it would not be necessary to return to the start of Detailed Committee Consideration if everyone involved is content. It mirrors the provisions in Standing Order 26A.35 regarding the hearing of oral evidence in Committee.</p>
<p><u>26A.150</u></p>	<p><u>Where an assessor has been appointed but not reported before the Assembly is dissolved, the assessor’s report must be considered by the Private Bill Committee established in the next Assembly.</u></p>	<p>Insert New Standing Order</p> <p>This proposal follows on if a Private Bill is re-introduced in the next Assembly.</p>

26A.124 26A.151	A Private Bill may be withdrawn at any time by the Promoter.	Retain this Standing Order
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Annex B

STANDING ORDER 26A – Private Acts of the Assembly

Private Bills

26A.1 For the purposes of Standing Order 26A, a Private Bill is a Bill introduced for the purpose of obtaining for an individual person, body corporate or unincorporated association of persons (“the promoter”) particular powers or benefits in excess of, or in conflict with, the general law, and includes a Bill relating to the estate, property, status or style, or otherwise relating to the private interests, of the promoter.

26A.2 A Private Bill to which Standing Order 26A.2 applies is a Private Bill which seeks to authorise or facilitate any construction works or to authorise the compulsory acquisition of any estate or interest in or over land.

Permission to Introduce a Private Bill

26A.3 Prior to introduction in accordance with Standing Order 26A.8, a Private Bill and the accompanying documents required by Standing Orders 26A.13 to 26A.15 must be submitted by the promoter to the Presiding Officer for a decision on whether to grant permission to introduce the Bill.

26A.4 The Presiding Officer must notify the promoter of his or her decision under Standing Order 26A.3 and, where permission is not given, must give the promoter reasons for that decision.

26A.5 A Private Bill must not be introduced without the prior agreement of the Presiding Officer.

Fees

26A.6 The Commission may determine fees payable by promoters on introduction of Private Bills and in respect of the stages of their

consideration set out in Standing Order 26A. The Commission may waive or reduce a fee that would otherwise be payable.

Form and Introduction of Private Bills

- 26A.7 A Private Bill may be introduced on a working day in a sitting week.
- 26A.8 A Private Bill must be introduced by being laid by or on behalf of the promoter.
- 26A.9 A Private Bill must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.
- 26A.10 A Private Bill must on its introduction be accompanied by a statement in English and Welsh by the Presiding Officer which must:
- (i) indicate whether or not the provisions of the Bill would be, in his or her opinion, within the legislative competence of the Assembly; and
 - (ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Assembly and the reasons for that opinion.
- 26A.11 A Private Bill must be introduced in both English and Welsh except when not doing so is in accordance with any determinations made by the Presiding Officer under Standing Order 26A.9.
- 26A.12 A Private Bill to which Standing Order 26A.2 applies must not be introduced unless the promoter has carried out any consultation or notification required by legislation, and complied with any other statutory requirements, along with any additional consultation or notification requirements of any determination(s) made by the Presiding Officer.

Documentation to Accompany a Private Bill

26A.13 At the same time as the promoter introduces a Private Bill, he or she must also lay an Explanatory Memorandum, in English and Welsh, which must:

- (i) state that, in the view of the promoter, the provisions of the Private Bill would be within the legislative competence of the Assembly;
- (ii) set out the reasons why the provisions of the Bill make it appropriate for it to proceed as a Private Bill, having particular regard to the criteria in Standing Order 26A.45;
- (iii) set out the objectives of the Private Bill;
- (iv) set out whether alternative ways of achieving the objectives were considered and, if so, why the approach taken in the Private Bill was adopted;
- (v) set out the consultation that was undertaken on:
 - (a) the objectives of the Private Bill and the ways of achieving them;
 - (b) the detail of the Private Bill, and
 - (c) a draft Bill, either in full or in part (and if in part, which parts);
- (vi) set out a summary of the outcome of that consultation, including how and why the Bill has been amended;
- (vii) if the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision;
- (viii) summarise objectively what each provision of the Private Bill is intended to do (to the extent that it requires

explanation or comment) and give other information necessary to explain the effect of the Bill.

26A.14 In the case of a Private Bill to which Standing Order 26A.2 applies the Explanatory Memorandum must also include:

- (i) full details of how the requirements set out in Standing Order 26A.12 have been complied with;
- (ii) an Estimate of Expense and Funding Statement setting out the estimated total cost of the project proposed by the Private Bill and anticipated sources of funding to meet the cost of the project and such other financial details as the Presiding Officer may determine;
- (iii) such maps, plans, sections and books of references as may be required by legislation or required by any determination(s) made by the Presiding Officer; and
- (iv) an Environmental Statement setting out such information on the anticipated environmental impact of the Bill as may be required by legislation and any determination(s) made by the Presiding Officer.

26A.14A The Explanatory Memorandum to the Bill must state precisely where each of the requirements of Standing Order 26A.13 and Standing Order 26A.14, where relevant, can be found within it, by means of an index or otherwise.

26A.14B Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.

26A.14C Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied

by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.

26A.15 The explanatory memorandum must also be accompanied by a Promoter's Statement that sets out:

- (i) in the case of a Private Bill that contains provision which will affect the property, estate or interest in land, or other contractual rights or duties of any person other than the promoter, details of any notification of the proposed provision given by the promoter to such persons or classes of person whose property, estate or interest in land, or other contractual rights or duties will be affected and of any response received;
- (ii) in the case of a Private Bill where the promoter is a body corporate or an unincorporated association of persons, particulars of the formal decision of that body or association to promote the Private Bill and confirmation that the decision in question was made in accordance with the constitution of that body or association;
- (iii) in the case of a Private Bill that contains provision to confer powers upon or modify the constitution of any body corporate or unincorporated association of persons, other than the promoter, details of any notification of the proposed provision given by the promoter to that body corporate or unincorporated association of persons and of any response received;
- (iv) a statement listing the premises where any accompanying documents which are relevant to the Private Bill, but are not accompanying documents published by the Assembly, may be inspected or purchased;

- (v) an undertaking to send a copy of the Private Bill and all relevant accompanying documents to the premises referred to in Standing Order 26A.15(iv) and, in the case of a Private Bill to which Standing Order 26A.2 applies, to those required to be consulted or notified in accordance with Standing Order 26A.12.
- (vi) an undertaking to pay any costs that may be incurred by the Commission during the passage of the Private Bill in respect of such matters as the Commission may determine;
- (vii) where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.

Notification of the Introduction of a Private Bill

26A.16 As soon as a Private Bill has been introduced, the promoter must publish a notice stating:

- (i) the general effect of the Private Bill;
- (ii) that the Private Bill and all accompanying documentation may be inspected at the Assembly and at one or more other places in Wales including, in the case of a Private Bill that affects only one area of Wales, a place within that area;
- (iii) that persons who believe their interests would be adversely affected by the Private Bill can make an objection to the Presiding Officer within the period of 40 working days beginning on the day when the notice is first published in a newspaper (“the objection period”);

- (iv) how to submit an objection and the information to be included in that objection, having regard to Standing Order 26A.23;
- (v) that an objection may either request that the Private Bill not be approved or that changes be made to the Private Bill before it is approved;
- (vi) that the person making an objection must comply with any determination(s) made by the Presiding Officer in relation to making an objection.

26A.17 In calculating the objection period under Standing Order 26.16(iii), no account shall be taken of any period beginning on the day of dissolution of the Assembly and ending on the date of re-introduction of a Private Bill in the next Assembly.

26A.18 A notice under Standing Order 26A.16 must be published:

- (i) in at least one newspaper circulating throughout Wales (or, if the Private Bill affects only one area of Wales, throughout that area); and
- (ii) by whatever other means are appropriate, in accordance with any determination(s) made by the Presiding Officer, for bringing it to the attention of those whose interests are likely to be affected by the Private Bill.

26A.19 As soon as the promoter has complied with the requirements of Standing Order 26A.16, the promoter must give written notice of that fact to the Presiding Officer, giving particulars of:

- (i) how those requirements were complied with; and
- (ii) the arrangements made by the promoter for ensuring that the Private Bill was able to be inspected (other than at the Assembly) in accordance with Standing Order 26A.13 ~~16~~16(ii).

Objections

26A.20 An individual person who, or a body corporate or unincorporated association of persons that, considers that their interests would be adversely affected by a Private Bill introduced in the Assembly (an “objector”) may make an objection to the Presiding Officer in writing, in accordance with notice given under Standing Order 26A.16, during the objection period specified in Standing Order 26A.16(iii).

26A.21 For the purpose of Standing Order 26A.20, a member of the government may also be an objector.

26A.22 The Presiding Officer must rule on whether an objection is admissible.

26A.23 An objection is admissible only if it:

- (i) complies with any determination(s) made by the Presiding Officer in relation to making an objection;
- (ii) sets out the nature of the objection;
- (iii) identifies the provisions of the Private Bill that give rise to the objection;
- (iv) specifies how the objector’s interests would be adversely affected by the Private Bill.

26A.24 The Presiding Officer must notify the objector of his or her decision under Standing Order 26A.22 and, where an objection is ruled inadmissible, must give the objector reasons for that decision.

26A.25 After the objection period has expired, the Clerk must publish all admissible objections.

26A.26 If the Presiding Officer receives an objection after the expiry of the objection period but before the first meeting of Detailed Committee Consideration, and that objection is accompanied by a statement by the objector explaining the delay in submitting the objection, the Presiding Officer must decide whether he or she is satisfied that:

- (i) the objection is admissible, in accordance with Standing Order 26A.23;
- (ii) the objector had good reason for not making the objection within the objection period;
- (iii) the objector has made the objection as soon as reasonably practicable after the expiry of that period; and
- (iv) consideration of such an objection would not be unreasonable having regard to the rights and interests of objectors and the promoter.

26A.27 If the Presiding Officer is so satisfied:

- (i) he or she must notify the objector of his or her decision;
- (ii) the Clerk must publish the objection; and
- (iii) the committee established in accordance with Standing Order 26A.32 must give consideration to the objection.

26A.28 If the Presiding Officer is not so satisfied, he or she must:

- (i) notify the objector of his or her decision, and
- (ii) give the objector reasons for that decision.

26A.29 An objection may be withdrawn by the objector, in accordance with any determination(s) made by the Presiding Officer.

Statements in relation to consultation

- 26A.30 Any person who was, or should have been, consulted or notified in accordance with Standing Order 26A.12 may, during the objection period, raise any defect in the consultation or notification process with the Presiding Officer by submitting a statement in writing.
- 26A.31 Such a statement may not be treated as an objection under Standing Order 26A.20 but may be considered by a Private Bill Committee in accordance with SO26A.45(ii).

Private Bill Committees

- 26A.32 After a Private Bill has been introduced, the Assembly must consider a motion to establish a Private Bill Committee, in accordance with Standing Order 16.5.
- 26A.33 Standing Orders 17.3 and 17.7 apply to a Private Bill Committee except that it must consist of no fewer than four members.
- 26A.34 Any Member who has, or may be expecting to have, or to the Member's knowledge, the Member's partner or any dependent child has, or may be expecting to have, an interest required to be registered by Standing Order 2 that may be seen to prejudice the impartial consideration of a Private Bill, must not be a member of the committee established to consider that Bill.
- 26A.35 Any Member whose name is proposed for membership of a Private Bill Committee must inform the Business Committee of any interest of the kind referred to in Standing Order 26A.34 and also of any other relevant personal, constituency or regional interest, that the Member, or to their knowledge, a family member, has or is expecting to have which might reasonably be thought by others to prejudice the impartial consideration of the Private Bill.

- 26A.36 For the purpose of Standing Orders 26A.34, the meanings of “partner” and “dependent child” are as defined in paragraph 4 of the Annex to Standing Order 2.
- 26A.37 Any information provided in accordance with Standing Order 26A.35 in relation to a Member whose name is proposed for membership of a Private Bill Committee must be published at the same time as the motion to establish that committee.
- 26A.38 Each member of a Private Bill Committee must, before the first meeting of that committee, have completed a course of relevant training as determined by the Presiding Officer.
- 26A.39 Each member of a Private Bill Committee must, at the first meeting of that committee, agree to act impartially, in that Member’s capacity as a member of that committee, and to base decisions solely on the evidence and other information provided to that committee.
- 26A.40 Members of a Private Bill Committee must, other than in exceptional circumstances, attend all meetings of a Private Bill Committee.
- 26A.41 A member of a Private Bill Committee may not participate in any proceedings on a Private Bill unless:
- (i) all evidence relating to that Private Bill given orally during proceedings of the committee has been given in the presence of the Member, or
 - (ii) with the agreement of the promoter and any objector to whom that evidence relates, that Member has viewed a recording or read a transcript of all evidence that was not given in the presence of the Member.
- 26A.42 Standing Orders 17.12, 17.17 and 17.48 do not apply to a Private Bill Committee.

26A.43 Standing Order 17.49 does not apply to a Private Bill Committee, except when the committee is considering proceedings on amendments.

Initial Consideration

26A.44 Once the objection period specified in Standing Order 26A.16(iii) has ended, the Private Bill Committee established in accordance with Standing Order 26A.32 (“the committee”), must consider and report on whether the Bill should proceed as a Private Bill.

26A.45 In considering whether a Bill should proceed as a Private Bill, the committee must consider whether:

- (i) the accompanying documents laid in accordance with Standing Orders 26A.13 to 15 are, in the opinion of the committee, adequate to allow proper scrutiny of the Bill;
- (ii) adequate consultation was undertaken by the promoter prior to introduction of the Bill;
- (iii) the provisions of the Bill make it appropriate for it to be considered as a Private Bill in accordance with Standing Order 26A, having particular regard to:
 - (a) the extent to which its provisions affect issues of public policy;
 - (b) the extent to which its provisions amend or repeal other legislation;
 - (c) the size of the area which it affects;
 - (d) the number and nature of the interests that it affects.

26A.46 If it appears to the committee that the accompanying documents are not adequate to enable the committee to report in accordance

with Standing Order 26A.44, it may, before reporting on whether the Bill should proceed as a Private Bill, allow the promoter such reasonable period as the committee considers appropriate to provide any further information the committee considers necessary (“supplementary accompanying documents”).

26A.47 Any supplementary accompanying documents must be laid.

26A.48 Once the committee has reported, the Business Committee may table a motion that the Assembly agrees that the Bill should proceed as a Private Bill.

26A.49 If a motion under Standing Order 26A.48 is agreed, the Bill proceeds to Detailed Committee Consideration.

26A.50 If a motion under Standing Order 26A.48 is not agreed, the Bill falls.

26A.51 Initial Consideration is completed when the Assembly has agreed that the Bill should proceed as a Private Bill or the Bill falls as part of Initial Consideration.

Detailed Committee Consideration

26A.52 Detailed Committee Consideration starts on the first working day after Initial Consideration is completed.

26A.53 Proceedings at Detailed Committee Consideration must be considered by the Private Bill Committee established under Standing Order 26A.32.

26A.54 At Detailed Committee Consideration, the committee must:

- (i) consider and report on the general principles of the Private Bill;

- (ii) consider and report on any admissible objections, other than any objection that, in the opinion of the committee, does not have substantial grounds; and
- (iii) consider the detail of the Private Bill in accordance with Standing Orders 26A.65 to 26A.80 (including any admissible amendments).

26A.55 The following persons are entitled to be heard before the committee in person, or may be represented:

- (i) the promoter;
- (ii) any objector (subject to Standing Order 26A.62) who has submitted an admissible objection that the committee considers has substantial grounds;
- (iii) a member of the government;

and may participate in proceedings in accordance with any rulings of the Chair.

26A.56 Where a Committee established to consider a Private Bill considers it appropriate, it may appoint an assessor, or assessors, to consider objections.

26A.57 The assessor, or assessors, may report to the Private Bill Committee on:

- i) whether there are substantial grounds for admissible objections;
- ii) recommendations on the grouping of objections;
- iii) selection of witnesses and whether evidence should be invited from those witnesses orally or in writing;

and may perform any other functions at Detailed Committee Consideration Stage as the Committee may determine.

26A.58 The Chair may, when ruling on the way in which an objector (or other person) may participate in proceedings, take into account the nature of the objection or other representation and the extent to which the nature of that participation is necessary in order to enable the committee to consider and report on the objection.

26A.59 The committee may invite such other persons to give evidence as it considers appropriate.

26A.60 The Private Bill Committee must consider the merits of the objections in the light of—

- (i) any evidence given to it; or
- (ii) any report prepared by any assessor(s) appointed in accordance with Standing Order 26A.56.

26A.61 The Private Bill Committee may accept or reject—

- (i) the whole or any part of any objection;
- (ii) the whole or any part of an assessor's report.

26A.62 Where the committee considers that two or more objections are the same or similar, it may group those objections together and choose one or more objectors from that group to give evidence and otherwise to participate in relation to those objections.

26A.63 If the committee, in preparing its report under Standing Order 26A.54(i) and (ii), intends to recommend a change to the Private Bill and such a change, if made, would, in the opinion of the committee, affect the interests of other persons referred to in Standing Order 26A.64, the committee may take such action as it considers appropriate in order to ensure that those other persons have a reasonable opportunity to make representations to the committee in relation to that recommendation.

26A.64 For the purpose of Standing Order 26A.63, "other persons" means:

- (i) persons whose interests were not affected by the Private Bill as introduced but whose interests would be affected if the proposed changes were made to the Private Bill, or
- (ii) existing objectors whose interests would be affected to a greater extent or in new ways if the proposed changes were made to the Private Bill, giving rise to new substantial grounds for objection.

26A.65A Private Bill may be amended at Detailed Committee Consideration.

26A.66 At least 25 working days must elapse between the day on which the report under Standing Order 26A.4854(i) and (ii) is laid and the date of the first meeting at which the committee considers the detail of the Private Bill in accordance with Standing Order 26A.4854(iii).

26A.67 No later than five working days after the committee's report is laid, any Member may table a motion that the Private Bill does not proceed any further.

26A.68 If no motion is tabled under Standing Order 26A.67, or if such a motion is tabled but not agreed, the general principles of the Private Bill are to be deemed agreed by the Assembly and the committee must proceed to dispose of amendments to the Private Bill, in accordance with Standing Order 26A.54(iii).

26A.69 Time must be made available for a motion tabled under Standing Order 26A.67 to be debated within 10 working days of the date that the motion was tabled (not counting working days in a non-sitting week).

26A.70 If a motion tabled under Standing Order 26A.67 is agreed, the Private Bill falls.

- 26A.71 Amendments to be considered at Detailed Committee Consideration may be tabled no earlier than the first working day after the day on which the committee laid its report under Standing Order 26A.54(i) and (ii).
- 26A.72 The Chair of the committee may in exceptional circumstances accept an amendment at Detailed Committee Consideration of which less notice has been given than is required under Standing Order 26A.118. Such an amendment is referred to as a “late amendment”.
- 26A.73 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Private Bill, unless the committee has decided otherwise.
- 26A.74 Only a Member who is a member of the committee may participate in proceedings of that committee for the purpose of:
- (i) moving or seeking agreement to withdraw an amendment; or
 - (ii) voting.
- 26A.75 An amendment tabled by a Member who is not a member of the committee may be moved by a member of the committee.
- 26A.76 Where any amendment is tabled to a section of or schedule to the Private Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the committee for the purpose of Detailed Committee Consideration proceedings.
- 26A.77 If no amendment is tabled to a section of or schedule to the Private Bill, that section or schedule is deemed agreed by the committee for the purpose of Detailed Committee Consideration.

26A.78 Detailed Committee Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.

26A.79 If a Private Bill is amended at Detailed Committee Consideration the promoter must prepare a revised Explanatory Memorandum, unless the committee resolves that no revised Explanatory Memorandum is required.

26A.80 Any revised Explanatory Memorandum prepared under Standing Order 26A.79 must be laid at least five working days before the date of the first meeting of the Assembly that considers Detailed Assembly Consideration proceedings.

Detailed Assembly Consideration

26A.81 Detailed Assembly Consideration starts on the first working day after Detailed Committee Consideration is completed.

26A.82 At least 15 working days must elapse between the day on which Detailed Assembly Consideration starts and the date of the first meeting of the Assembly that considers Detailed Assembly Consideration proceedings.

26A.83 Detailed Assembly Consideration must be considered by the Assembly in plenary.

26A.84 A Private Bill may be amended at Detailed Assembly Consideration.

26A.85 Amendments to be considered at Detailed Assembly Consideration may be tabled by any Member from the first day on which the stage starts.

26A.86 The Presiding Officer may select those amendments which are to be taken at Detailed Assembly Consideration.

26A.87 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Private

Bill, unless the Assembly has decided otherwise on a motion of the Business Committee.

26A.88 The Assembly may, on a motion without notice of the Business Committee, agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).

26A.89 If a motion under Standing Order 26A.88 is agreed to, debates on those groups of amendments must be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer:

- (i) as a consequence of the non-moving of an amendment leading to a change in the order in which groups are debated; or
- (ii) to prevent any debate on a group of amendments that has already begun when a time-limit is reached from being unreasonably curtailed.

26A.90 Amendments at Detailed Assembly Consideration are only admissible if, in addition to the criteria in Standing Order 26A.120, they are for the purpose of:

- (i) clarifying the wording of a provision of a Private Bill (including removing inconsistencies in or between the English and Welsh texts), or
- (ii) giving effect to commitments given on behalf of the promoter at the Detailed Committee Consideration Stage, or
- (iii) giving effect to any recommendations made by the committee in its report under Standing Order 26A.54(i) and (ii).

- 26A.91 Where any amendment is tabled to a section of or schedule to the Private Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the Assembly for the purpose of Detailed Assembly Consideration.
- 26A.92 If no amendment is tabled to a section or schedule, that section or schedule is deemed agreed by the Assembly for the purpose of Detailed Assembly Consideration proceedings.
- 26A.93 Detailed Assembly Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.

Further Detailed Committee Consideration

- 26A.94 When all amendments selected at Detailed Assembly Consideration proceedings have been disposed of in accordance with Standing Order 26A.93, any Member may, with the agreement of the Presiding Officer, move a motion without notice that any part of the Private Bill specified in the motion be referred back to the Private Bill Committee for further Detailed Committee Consideration.
- 26A.95 Standing Orders 26A.65 and 26A.71 to 26A.80 apply to Further Detailed Committee Consideration. References to “Detailed Committee Consideration” should be construed as references to “Further Detailed Committee Consideration” accordingly.
- 26A.96 At Further Detailed Committee Consideration the committee may invite such other persons to give evidence as it considers appropriate.
- 26A.97 Further Detailed Committee Consideration starts on the first working day after the motion under Standing Order 26A.94 is agreed.

26A.98 Amendments to be considered at Further Detailed Committee Consideration may be tabled no earlier than the first working day after the day on which Further Detailed Committee Consideration starts.

26A.99 Amendments at Further Detailed Committee Consideration are only admissible if, in addition to the criteria in Standing Order 26A.120, they are to the provisions which were referred back to the Private Bill Committee, or would be necessary in consequence of any amendments tabled at the Further Detailed Committee Consideration stage proceedings being agreed.

Further Detailed Assembly Consideration

26A.100 Once Detailed Assembly Consideration is completed in accordance with Standing Order 26A.93, or Further Detailed Committee Consideration is completed in accordance with Standing Order 26A.78 where undertaken, any Member may, without notice, move that the Assembly consider amendments at a Further Detailed Assembly Consideration Stage. Such a motion may be debated but not amended.

26A.100A Further Detailed Assembly Consideration Stage starts on the first working day after a motion under Standing Order 26A.100 is agreed by the Assembly.

26A.101 Standing Orders 26A.82 to 26A.93 apply to Further Detailed Assembly Consideration proceedings. References to "Detailed Assembly Consideration" should be construed as references to "Further Detailed Assembly Consideration".

Final Stage

26A.102 The Final Stage of a Private Bill must be taken by the Assembly in plenary.

26A.103 Subject to Standing Order 26A.107, not earlier than five working days after the completion of Detailed Assembly Consideration, or Further Detailed Committee Consideration or Further Detailed Assembly Consideration where undertaken, any Member may table a motion that the Private Bill be passed.

26A.104 A motion under Standing Order 26A.103 must be tabled at least one working day before it is debated.

26A.105 Subject to Standing Order 26A.107, immediately after the completion of Detailed Assembly Consideration, or Further Detailed Assembly Consideration where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Private Bill be passed.

26A.106 A motion that a Private Bill be passed may not be amended.

26A.107 No motion that a Private Bill be passed may be moved unless the text of the Private Bill is available in both English and Welsh.

26A.108 No motion under Standing Order 12.31(ii) may be moved in any Final Stage proceedings.

Reconsideration of Private Bills Passed

26A.109 In accordance with section 113 of the Act, any Member may, after the Private Bill is passed, by motion propose that the Assembly reconsider the Private Bill, or any provision of it, if:

(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.

26A.109A If a motion under Standing Order 26A.109 is agreed to by the Assembly, the Clerk must notify the Counsel General and the Attorney General of that fact.

26A.109B If the Assembly 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.

26A.110

Any Member may by motion propose that the Assembly 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 Assembly; or
- (ii) an order is made in relation to the Private Bill under section 114 of the Act.

26A.111 If the Assembly 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 Assembly.

26A.112 Standing Orders 26A.82 to 26A.93 and 26A.100 to 26A.101 apply to Reconsideration Stage proceedings. References to "Detailed Assembly Consideration" and "Further Detailed Assembly 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) the reference for a preliminary ruling;
- (ii) the decision of the Supreme Court; or
- (iii) the Order under section 114 of the Act.

26A.114 Unless the Assembly has decided, on a motion of the Business Committee, the order in which amendments are to be disposed of, they must be disposed of in the order in which the provisions to which they relate arise in the Private Bill.

26A.115 Immediately after the completion of Reconsideration Stage proceedings, any Member may without notice move that the Assembly approves a Private Bill amended on reconsideration. Such a motion may not be amended.

Amendments to Private Bills

26A.116 Standing Orders 26A.117 to 26A.125 apply to amendments in Detailed Committee Consideration proceedings, Detailed Assembly Consideration proceedings and Reconsideration Stage proceedings.

26A.117 The Presiding Officer must determine the proper form of amendments to a Private Bill.

26A.118 No amendment, other than a late amendment, may be considered unless it has been tabled at least five working days before it is considered.

26A.119 Any Member may add his or her name to an amendment (other than a late amendment) by notifying the Clerk at any time until

the end of the working day before the amendment is due to be considered.

26A.120 An amendment is not admissible if:

- (i) it is not in its proper form in accordance with Standing Order 26A.117;
- (ii) it is not relevant to the Private Bill or the provisions of the Private Bill which it would amend;
- (iii) it is inconsistent with the general principles as reported on by the committee and deemed agreed by the Assembly; or
- (iv) it is inconsistent with a decision already taken at the stage at which the amendment is proposed.

26A.121 An amendment may be tabled to an amendment and, if selected, must be disposed of before the amendment which it would amend and Standing Orders 26A.117 to 26A.125 must apply accordingly.

26A.122 Subject to Standing Order 26A.74, an amendment (other than a late amendment) may be withdrawn by the Member who tabled it at any time before the day on which it is considered but only with the unanimous agreement of any Members who have added their names to the amendment. If such agreement is not obtained, the amendment becomes an amendment in the name of the Member who first added his or her name to the amendment and who does not agree to the amendment being withdrawn.

26A.123 The Chair of the committee or the Presiding Officer, as the case may be, may group amendments for the purpose of debate as he or she sees fit. An amendment debated as part of a group may not be debated again when it comes to be disposed of.

26A.124 If a Member who tabled an amendment does not move the amendment when that amendment comes to be debated, the amendment may be moved:

- (i) in the committee at Detailed Committee Consideration, by a member of the committee; or
- (ii) in Detailed Assembly Consideration or Reconsideration proceedings, by any other Member.

26A.125 An amendment which has been moved may be withdrawn by the Member who moved it, but only:

- (i) in the committee at Detailed Committee Consideration, if no member of the committee objects; or
- (ii) in Detailed Assembly Consideration or Reconsideration proceedings, if no Member objects.

Change of Promoter

26A.126 Standing Orders 26A.127 to 26A.132 apply where, before completion of Detailed Committee Consideration, the promoter no longer wishes or is no longer able to obtain the powers or benefits conferred by that Bill, and another individual, body corporate or unincorporated association of persons (“the new promoter”) wishes to obtain those powers or benefits.

26A.127 The new promoter must, as soon as reasonably practicable, lay a memorandum setting out the reasons for, and the circumstances of, the change of promoter.

26A.128 The committee must, taking account of the memorandum laid under Standing Order 26A.127 and any further information from the new promoter that it may require, consider the implications

of the change of promoter for the rights and interests of the objectors, other persons and for the progress of the Private Bill.

26A.129 The committee may, if it considers it appropriate in order to protect the rights or interests of objectors or other persons, or to ensure the proper scrutiny of the Private Bill:

- (i) require the new promoter to lay supplementary accompanying documents;
- (ii) require the new promoter to give such undertakings as the committee considers appropriate;
- (iii) require proceedings on the Private Bill at Detailed Committee Consideration, or part of those proceedings, to begin again;
- (iv) report to the Assembly on the implications of the change of promoter, with a recommendation that the Private Bill should not proceed with the new promoter.

26A.130 A report under Standing Order 26A.129(iv) must be considered by the Assembly on a motion of the Chair of the committee.

26A.131 If a motion under Standing Order 26A.130 is agreed to, the Private Bill falls.

26A.132 If a motion under Standing Order 26A.130 is not agreed to, the committee or the Assembly must continue its consideration of the Private Bill.

Her Majesty's and Duke of Cornwall's Consent

26A.133 If a Private Bill contains provision, or is amended so as to include any provision, that would, if the Private Bill were a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Assembly must not debate

the question whether the Private Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government at a meeting of the Assembly.

Financial Resolutions

26A.134 The Presiding Officer must decide in every case whether a resolution is required for a Private Bill under Standing Orders 26A.135 to 26A.140.

26A.135 If a Private Bill contains a provision:

- (i) which charges expenditure on the Welsh Consolidated Fund, or
- (ii) the likely effect of which would be to:
 - (a) increase significantly expenditure charged on that Fund;
 - (b) give rise to significant expenditure payable out of that Fund for a new service or purpose; or
 - (c) increase significantly expenditure payable out of that Fund for an existing service or purpose,

no proceedings may be taken on the Private Bill at any Stage after the Private Bill Committee has reported in accordance with Standing Order 26A.54(i) and (ii) unless the Assembly has by financial resolution agreed to the expenditure or the increase in expenditure being charged on or, as the case may be, payable out of that Fund.

26A.136 If:

- (i) a Private Bill contains any provision which imposes or increases (or confers a power to impose or increase) any charge, or otherwise requires (or confers a power to require) any payment to be made; and
- (ii) the person to whom the charge or payment is payable is required, by or under section 120(1) of the Act, to pay sums received into the Welsh Consolidated Fund (or would be so required but for any provision made by or under section 120(2)),

no proceedings may be taken on the Private Bill at any Stage after the Private Bill Committee has reported in accordance with Standing Order 26A.54(i) and (ii) unless the Assembly has by financial resolution agreed to the charge, increase or payment.

26A.137 Standing Order 26A.136:

- (i) applies only where the charge, increase in charge or payment is significant; and
- (ii) does not apply where the charge, increase in charge or payment is:
 - (a) in respect of the provision of goods and is reasonable in relation to the goods provided; or
 - (b) wholly or largely directed to the recovery of the cost of providing any service for which the charge is imposed or the payment requires to be made.

26A.138 Where the effect of an amendment (or amendments) to a Private Bill, if agreed to, would be that the Private Bill would require a financial resolution which it would not otherwise require, no proceedings may be taken on the amendment (or amendments) unless the Assembly has agreed to a motion for such a financial resolution.

26A.139 Only a member of the government may move a motion for a financial resolution. Such a motion cannot be amended.

26A.140 Unless:

(i) notice of a motion for any financial resolution required in relation to a Private Bill by Standing Orders 26A.135 or 26A.136 is tabled within 6 months of the date on which the Private Bill Committee has reported in accordance with Standing Order 26A.54(i) and (ii); and

(ii) the motion is agreed to,

the Private Bill falls.

Notification of Royal Assent to Private Acts of the Assembly

26A.141 The Clerk must notify the Assembly of the date of Royal Assent to a Private Act of the Assembly.

Fall, Rejection or Withdrawal of Private Bills

26A.142 If a Private Bill falls or is rejected by the Assembly, no further proceedings may be taken on that Private Bill and a Private Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the Private Bill fell or was rejected.

26A.143 A Private Bill falls if it has not been passed or approved by the Assembly before the end of the Assembly in which it was introduced.

26A.144 Where a Private Bill falls under Standing Order 26A.143, the promoter may introduce a Private Bill in the same terms in the next Assembly. The text of the Private Bill introduced must be

the version that was under consideration by the previous Assembly at the date of dissolution.

26A.145 Those documents to accompany the Bill in the previous Assembly that had been published or laid in accordance with Standing Order 15 up to the date of dissolution must be used for the purposes of the Private Bill on re-introduction in the next Assembly.

26A.146 A promoter may only introduce a Private Bill under Standing Order 26A.144 during the period commencing with the date of the first meeting of the next Assembly and ending on the thirtieth working day after that date.

26A.147 Any objections submitted during the previous Assembly must be treated as objections to the Private Bill introduced in the next Assembly and any decision of the Private Bill Committee taken during the previous Assembly in respect of those objections must apply. There must be no further objection period for the Private Bill introduced in the next Assembly in addition to the objection period for the Private Bill in the previous Assembly.

26A.148 Subject to Standing Order 26A.149, if at the date of dissolution the Stage that the Private Bill was at had not been completed, the proceedings on the Private Bill introduced in the next Assembly must usually commence at the beginning of that Stage.

26A.149 Proceedings may commence at a later point during Detailed Committee Consideration Stage if:

- (i) The promoter and each person who had given oral evidence to the Private Bill Committee established in the previous Assembly either;

(ii) gives that evidence orally to the Private Bill Committee established in the next Assembly (“the new Committee”); or

(iii) agrees that the members of the new Committee may instead view a recording or read a transcript of all the evidence that was given.

26A.150 Where an assessor has been appointed but not reported before the Assembly is dissolved, the assessor’s report must be considered by the Private Bill Committee established in the next Assembly.

26A.151 A Private Bill may be withdrawn at any time by the Promoter.

Annex C

STANDING ORDER 26B – Hybrid Acts of the Assembly

Hybrid Bills		
26B.1	<p><u>For the purposes of Standing Order 26B, a Hybrid Bill is a Public Bill introduced by a member of the Welsh Government which affects a particular private interest of an individual or body in a manner different to the private interests of other individuals or bodies of the same category or class.</u></p>	<p>Proposed definition, similar to that used by the Scottish Parliament but without the word ‘<i>adversely</i>’ [affects a particular interest] as this might be considered a subjective term. In line with the definition of a Private Bill in Standing Order 26A.</p>
26B.2	<p><u>A Hybrid Bill to which Standing Order 26B.2 applies is one which seeks to authorise or facilitate any construction works or to authorise the compulsory acquisition of any estate or interest in or over land.</u></p>	<p>The same approach as taken with the draft Private Bill Standing Order to have a separate section relating to a “Works” Hybrid Bill, as there are specific requirements relating to this type of Bill (e.g. for certain individuals or bodies to be consulted by the Member in charge) – these requirements have been added to the relevant sections below, referring back to this Standing Order.</p>

	<u>Form and Introduction of Hybrid Bills</u>	
<u>26B.3</u>	<u>A Hybrid Bill may be introduced on a working day in a sitting week.</u>	Amended version of Standing Order 26.1 / Standing Order 26A.7.
<u>26B.4</u>	<u>A Hybrid Bill must be introduced by being laid by the Member in charge.</u>	Amended version of Standing Order 26.2 / Standing Order 26A.8.
<u>26B.5</u>	<u>A Hybrid Bill must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.</u>	Amended version of Standing Order 26.3 / Standing Order 26A.9.
<u>26B.6</u>	<p><u>A Hybrid Bill must on its introduction be accompanied by a statement in English and Welsh by the Presiding Officer which must:</u></p> <p><u>(i) indicate whether or not the provisions of the Bill would be, in his or her opinion, within the legislative competence of the Assembly; and</u></p> <p><u>(ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Assembly and the reasons for that opinion.</u></p>	Amended version of Standing Order 26.4 / Standing Order 26A.10.

26B.7	<p><u>A Hybrid Bill must be introduced in both English and Welsh except when not doing so is in accordance with any determinations made by the Presiding Officer under Standing Order 26B.5.</u></p>	<p>Amended version of Standing Order 26.5 / Standing Order 26A.11.</p>
26B.8	<p><u>A Hybrid Bill to which Standing Order 26B.2 applies must not be introduced unless the Member in charge has carried out any consultation or notification required by legislation, and complied with any other statutory requirements, along with any additional consultation or notification requirements of any determination(s) made by the Presiding Officer.</u></p>	<p>* In line with Standing Order 26A.12.</p> <p>This would provide for consultation, notification and other statutory requirements for Hybrid Bills under Standing Order 26A.2 that relate to construction works/compulsory acquisition of land, as required by legislation. The proposed change mirrors the proposed changes to Standing Order 26A. The detail of consultation and notification requirements would be included in the Presiding Officer's determination(s) for Hybrid Bills, and amended as necessary in line with any changes in legislation.</p>
	<p><u>Documentation to Accompany a Hybrid Bill</u></p>	
26B.9	<p><u>At the same time as the Member in charge introduces a Hybrid Bill, he or she must also lay an Explanatory Memorandum, in</u></p>	<p>This proposed Standing Order covers the additional requirements for inclusion in the</p>

<p><u>English and Welsh, which must:</u></p> <p><u>(i) state that, in his or her view, the provisions of the Hybrid Bill would be within the legislative competence of the Assembly;</u></p> <p><u>(ii) set out the reasons why the provisions of the Bill make it appropriate for it to proceed as a Hybrid Bill, having particular regard to the criteria in Standing Order 26B.43;</u></p> <p><u>(iii) set out the objectives of the Hybrid Bill;</u></p> <p><u>(iv) set out whether alternative ways of achieving the objectives were considered and, if so, why the approach taken in the Hybrid Bill was adopted;</u></p> <p><u>(v) set out the consultation that was undertaken on:</u></p> <p><u>(a) the objectives of the Hybrid Bill and the ways of achieving them; and</u></p>	<p>Explanatory Memorandum of a Hybrid Bill for construction/compulsory acquisition of land. This includes requirements set out in primary and secondary legislation and/or planning regulations applicable in Wales. The Presiding Officer's guidance will determine the information required to be provided by the Member in charge of the Hybrid Bill.</p> <p>Most of the proposed additions are the same as those set out in the re-drafted Standing Order 26A as required for a Private Bill.</p> <p>The wording of (v) and (vi) matches proposed changes to Standing Order 26 to implement the CLA 'Making Laws in Wales' Report Recommendation 4- for a Bill that is introduced by the Government.</p>
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(b) the detail of the Hybrid Bill, and

(c) a draft Bill, either in full or in part (and if in part, which parts);

vi) set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended;

(vii) if the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision;

(viii) summarise objectively what each provision of the Hybrid Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill;

(ix) In the case of a Bill to which Standing Order 26B.2 does not apply, set out the best estimates of:

(a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;

(viii) is taken from the Public Bill Standing Order (26.6) – for a Hybrid Bill which is not a ‘Works’ Hybrid Bill. The wording matches proposed changes to Standing Order 26 to implement the CLA ‘Making Laws in Wales’ Report Recommendation 19(iii).

For a Hybrid Bill which is a ‘Works’ Bill the proposed requirements for the financial memorandum are set out in Standing Order 26B.10 below and are taken from the Draft

- (b) the administrative savings arising from the Bill;
- (c) net administrative costs of the Bill's provisions;
- (d) the timescales over which all such costs and savings would be expected to arise; and
- (e) on whom the costs would fall;

(x) any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially.

(xi) where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:

(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;

(b) why it is considered appropriate to delegate the

Private Bill Standing Order 26A.

(This reflects the approach in Scottish Parliament Rules which have two different requirements for the Financial Memorandum to accompany the Bill, depending on whether or not it is a 'Works' Hybrid Bill.)

(x) - this is the same wording as in Standing Order 26 for Public Bills, for powers in a Hybrid Bill to make subordinate legislation.

power; and

(c) the Assembly procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it

subject to that procedure (and not to make it subject to any other procedure); and

(xii) where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.

(xi) This proposal mirrors the requirement in Standing Order 26.6(xi) for a Public Bill Explanatory Memorandum to include the Auditor General's view on the appropriateness of any charge on the Welsh Consolidated Fund. The reason for the Auditor General for Wales' report in such cases is to provide the Assembly with an independent expert view on whether such a charge is appropriate – an important safeguard in such circumstances.

26B.10	<p><u>In the case of a Hybrid Bill to which Standing Order 26B.2 applies the Explanatory Memorandum must also include:</u></p> <p><u>(i) Full details of how the requirements set out in Standing Order 26B.8 have been complied with;</u></p> <p><u>(ii) an Estimate of Expense and Funding Statement setting out the estimated total cost of the project proposed by the Hybrid Bill and anticipated sources of funding to meet the cost of the project and such other financial details as the Presiding Officer may determine;</u></p> <p><u>(iii) such maps, plans, sections and books of references as may be required by legislation or required by any determination(s) made by the Presiding Officer; and</u></p> <p><u>(iv) an Environmental Statement setting out such information on the anticipated environmental impact of the Bill as may be required by legislation, and any determination(s) made by the</u></p>	<p>This Standing Order covers the specific additional requirements for inclusion in the Explanatory Memorandum for a “Works” Hybrid Bill.</p> <p>This would include consultation requirements required by legislation (e.g. planning consent/compulsory purchase). As for Private Bills, the presumption is one of consultation having been carried out, rather than using the wording of Standing Order 26 for Public Bills: ‘consultation, <i>if any</i>, which was undertaken....’</p>

	<u>Presiding Officer.</u>	
<u>26B.11</u>	<u>The Explanatory Memorandum to the Bill must state precisely where each of the requirements of Standing Order 26B.9 and Standing Order 26B.10, if relevant, can be found within it, by means of an index or otherwise.</u>	This proposal would implement the CLA 'Making Laws In Wales' Report Recommendation 19(i): <i>including a requirement that the Member in charge signposts where precisely in the Explanatory Memorandum the Standing Order requirements can be found (for example, by means of an appropriate index);</i>
<u>26B.12</u>	<u>Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.</u>	This proposal would implement the CLA 'Making Laws in Wales' Report Recommendation 19 (iv): <i>including a requirement that the Member in charge of a Bill provides a table of derivations.</i>
<u>26B.13</u>	<u>Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.</u>	This proposal would implement the CLA 'Making Laws in Wales' Report Recommendation 20: <i>To amend the Assembly's Standing Orders to require Keeling Schedules to accompany a Bill on</i>

		<p><i>introduction (where it proposes to amend existing primary legislation).</i></p>
<p>26B.14</p>	<p><u>The explanatory memorandum laid in accordance with Standing Order 26B.9 must also be accompanied by a Statement from the Member in charge that sets out:</u></p> <p><u>(i) in the case of a Hybrid Bill that contains provision which will affect the property, estate or interest in land, or the other contractual rights or duties of an individual or body in a manner different to the private interests of other individuals or bodies of the same category or class, details of any notification of the proposed provision given by the Member in charge to such persons or classes of person whose property, estate or interest in land, or other contractual rights or duties will be affected and of any response received;</u></p> <p><u>(ii) in the case of a Hybrid Bill that contains provision to confer powers upon or modify the constitution of any body corporate or unincorporated association of persons, details of any notification of the proposed provision given by the Member in</u></p>	<p>(a) It is proposed that the Standing Order covers all types of property and rights that might be affected by a Hybrid Bill.</p> <p>(b) This is the same requirement as is proposed for the Standing Order on Private Bills, for the Member in charge to confirm in</p>

charge to that body corporate or unincorporated association of persons and of any response received;

(iii) a statement listing the premises where any accompanying documents which are relevant to the Hybrid Bill, but are not accompanying documents published by the Assembly, may be inspected or purchased;

iv) an undertaking to send a copy of the Hybrid Bill and all relevant accompanying documents to the premises referred to in Standing Order 26B.14(c) and in the case of a Hybrid Bill to which Standing Order 26B.2 applies, to those required to be consulted or notified in accordance with Standing Order 26B.8.

(v) an undertaking to pay any costs, as the Commission may determine, that may be incurred by the Commission during the passage of the Hybrid Bill in connection with the appointment and use of an assessor in accordance with Standing Order 26B.54 and 26B.55.

the accompanying documents that they have made the relevant notification of powers conferred etc of another body corporate.

(c) and (d) are proposed to ensure that the Member in charge makes all relevant documents available for inspection or purchase, and in the case of those required to be consulted under legislation, to provide copies of those documents to them. This requirement will be detailed in the Presiding Officer's determination(s)

(e) this proposal allows for recouping of administrative costs arising from the passage of a Hybrid Bill, in respect of the appointment

	<p><u>(vi) where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.</u></p>	<p>of an assessor to handle objections, from the Welsh Government. As is the case in Westminster and Scotland, the Government will reimburse the Commission for the cost of the assessor(s), and the costs for appointing the assessor(s) to deal with objections to the Hybrid Bill. This, and the expected arrangements for reimbursement/cost coverage will be noted in the Presiding Officer's determination.</p> <p>(f) this proposal is the same as for Public Bills and Private Bills.</p>
	<p><u>Notification of the Introduction of a Hybrid Bill</u></p>	
<p><u>26B.15</u></p>	<p><u>As soon as a Hybrid Bill has been introduced, the Member in charge must publish a notice stating:</u></p> <p><u>(i) the general effect of the Hybrid Bill;</u></p> <p><u>(ii) that the Hybrid Bill and all accompanying documentation may be inspected at the Assembly and at one or more other places in Wales including, in the case of a Hybrid Bill that affects only one area of Wales, a place within that area;</u></p> <p><u>(iii) that persons who believe their interests would be</u></p>	<p>The notification and process for objections would be expected to be the same as for a Private Bill.</p>

	<p><u>adversely affected by the Hybrid Bill can make an objection to the Presiding Officer within the period of 40 working days beginning on the day when the notice is first published in a newspaper (“the objection period”);</u></p> <p><u>(iv) how to submit an objection and the information to be included in that objection, having regard to Standing Order 26B.21;</u></p> <p><u>(v) that an objection may either request that the Hybrid Bill not be approved or that changes be made to the Hybrid Bill before it is approved;</u></p> <p><u>(vi) that the person making an objection must comply with any determination(s) made by the Presiding Officer in relation to making an objection.</u></p>	
26B.16	<p><u>In calculating the objection period under Standing Order 26B.15(iii), no account shall be taken of any period beginning on the day of dissolution of the Assembly and ending on the date of re-introduction of a Hybrid Bill in the next Assembly.</u></p>	<p>The proposed amended Private Bill procedure includes allowing a Private Bill to be reintroduced in the same terms in the next Assembly and for proceedings to pick up where they left off. This amendment excludes the period of dissolution from being counted for the purposes of the objection period.</p>

<p><u>26B.17</u></p>	<p><u>A notice under Standing Order 26B.15 must be published:</u></p> <p><u>(i) in at least one newspaper circulating throughout Wales (or, if the Hybrid Bill affects only one area of Wales, throughout that area); and</u></p> <p><u>(ii) by whatever other means are appropriate, in accordance with any determination(s) made by the Presiding Officer, for bringing it to the attention of those whose interests are likely to be affected by the Hybrid Bill.</u></p>	<p>Amended version of current Standing Order 26A.14</p>
<p><u>26B.18</u></p>	<p><u>As soon as the Member in charge has complied with the requirements of Standing Order 26B.15, they must give written notice of that fact to the Presiding Officer, giving particulars of:</u></p> <p><u>(i) how those requirements were complied with; and</u></p> <p><u>(ii) the arrangements made by the Member in charge for ensuring that the Hybrid Bill was able to be inspected (other than at the Assembly) in accordance with Standing Order 26B.15(ii).</u></p>	<p>Amended version of current Standing Order 26A.15</p>
	<p><u>Objections</u></p>	

26B.19	<u>An individual person who, or a body corporate or unincorporated association of persons that, considers that their interests would be adversely affected by a Hybrid Bill introduced in the Assembly (an “objector”) may make an objection to the Presiding Officer in writing, in accordance with notice given under Standing Order 26B.15, during the objection period specified in Standing Order 26B.15(iii).</u>	Amended version of current Standing Order 26A.16
26B.20	<u>The Presiding Officer must rule on whether an objection is admissible.</u>	This is the same as proposed for the Private Bill Standing Order 26A.
26B.21	<u>An objection is admissible only if it:</u> <u>(i) complies with any determination(s) made by the Presiding Officer in relation to making an objection;</u> <u>(ii) sets out the nature of the objection;</u> <u>(iii) identifies the provisions of the Hybrid Bill that give rise to the objection;</u> <u>(iv) specifies how the objector’s interests would be adversely affected by the Hybrid Bill.</u>	This is the same as for the Private Bill Standing Order 26A.
26B.22	<u>The Presiding Officer must notify the objector of his or her decision under Standing Order 26B.20 and, where an objection is ruled inadmissible, must give the objector reasons</u>	This is the same as Standing Order 26A.20.

	<u>for that decision.</u>	
<u>26B.23</u>	<u>After the objection period has expired, the Clerk must publish all admissible objections.</u>	This is the same as for the Private Bill Standing Order 26A.
<u>26B.24</u>	<p><u>If the Presiding Officer receives an objection after the expiry of the objection period but before the first meeting of Detailed Committee Consideration, and that objection is accompanied by a statement by the objector explaining the delay in submitting the objection, the Presiding Officer must decide whether he or she is satisfied that:</u></p> <p><u>(i) the objection is admissible, in accordance with Standing Order 26B.21;</u></p> <p><u>(ii) the objector had good reason for not making the objection within the objection period;</u></p> <p><u>(iii) the objector has made the objection as soon as reasonably practicable after the expiry of that period; and</u></p> <p><u>(iv) consideration of such an objection would not be unreasonable having regard to the rights and interests of</u></p>	This is the same as for the Private Bill Standing Order except that 'promoter' is replaced by 'Welsh Government'.

	<u>objectors and the Welsh Government.</u>	
<u>26B.25</u>	<p><u>If the Presiding Officer is so satisfied:</u></p> <p><u>(i) he or she must notify the objector of his or her decision;</u></p> <p><u>(ii) the Clerk must publish the objection; and</u></p> <p><u>(iii) the committee established in accordance with Standing Order 26B.30 must give consideration to the objection.</u></p>	This is the same as the Private Bill Standing Order.
<u>26B.26</u>	<p><u>If the Presiding Officer is not so satisfied, he or she must:</u></p> <p><u>(i) notify the objector of his or her decision, and</u></p> <p><u>(ii) give the objector reasons for that decision.</u></p>	This is the same as for the Private Bill Standing Order.
<u>26B.27</u>	<u>An objection may be withdrawn by the objector, in accordance with any determination made by the Presiding Officer.</u>	This is the same as for the Private Bill Standing Order.
	<u>Statements in relation to consultation</u>	
<u>26B.28</u>	<u>Any person who was, or should have been, consulted or notified in accordance with Standing Order 26B.8 may, during the objection period, raise any defect in the consultation or notification process with the Presiding Officer by submitting a statement in writing.</u>	This is the same as the proposed addition to the Private Bill Standing Order.

<u>26B.29</u>	<u>Such a statement may not be treated as an objection under Standing Order 26B.19 but may be considered by a Hybrid Bill Committee in accordance with Standing Order 26B.43(ii).</u>	This is the same as the proposed addition to the Private Bill Standing Order.
	<u>Hybrid Bill Committees</u>	
<u>26B.30</u>	<u>After a Hybrid Bill has been introduced, the Assembly must consider a motion to establish a Hybrid Bill Committee, in accordance with Standing Order 16.5.</u>	This is the same as for the Private Bill Standing Order.
<u>26B.31</u>	<u>Standing Orders 17.3 and 17.7 apply to a Hybrid Bill Committee except that it must consist of no fewer than four members.</u>	This is the same approach as is proposed for establishing a Private Bill Committee.
<u>26B.32</u>	<u>Any Member who has, or may be expecting to have, or to the Member's knowledge, the Member's partner or any dependent child has, or may be expecting to have, an interest required to be registered by Standing Order 2 that may be seen to prejudice the impartial consideration of a Hybrid Bill, must not be a member of the committee established to consider that Bill.</u>	This is the same as for the Private Bill Standing Order.
<u>26B.33</u>	<u>Any Member whose name is proposed for membership of a Hybrid Bill Committee must inform the Business Committee of any interest of the kind referred to in Standing Order 26B.32</u>	This is the same as the proposed addition to the Private Bill Standing Order and consistent with changes made to Standing Orders on

	<u>and also of any other relevant personal, constituency or regional interest, that the Member, or to their knowledge, a family member, has or is expecting to have which might reasonably be thought by others to prejudice the impartial consideration of the Hybrid Bill.</u>	Members' interests in May 2015, including the new requirement to declare a 'family interest' in proceedings.
<u>26B.34</u>	<u>For the purpose of Standing Order 26B.32, the meanings of "partner" and "dependent child" are as defined in paragraph 4 of the Annex to Standing Order 2.</u>	This is the same as for the Private Bill Standing Order.
<u>26B.35</u>	<u>Any information provided in accordance with Standing Order 26B.32 in relation to a Member whose name is proposed for membership of a Hybrid Bill Committee must be published at the same time as the motion to establish that committee.</u>	This is the same as for the Private Bill Standing Order.
<u>26B.36</u>	<u>Each member of a Hybrid Bill Committee must, before the first meeting of that committee, have completed a course of relevant training as determined by the Presiding Officer.</u>	This is the same as for the Private Bill Standing Order.
<u>26B.37</u>	<u>Each member of a Hybrid Bill Committee must, at the first meeting of that committee, agree to act impartially, in that Member's capacity as a member of that committee, and to base decisions solely on the evidence and other information provided to that committee.</u>	This is the same as for the Private Bill Standing Order.

26B.38	<u>Members of a Hybrid Bill Committee must, other than in exceptional circumstances, attend all meetings of a Hybrid Bill Committee.</u>	This is the same as for the Private Bill Standing Order.
26B.39	<p><u>A member of a Hybrid Bill Committee may not participate in any proceedings on a Hybrid Bill unless:</u></p> <p><u>(i) all evidence relating to that Hybrid Bill given orally during proceedings of the committee has been given in the presence of the Member, or</u></p> <p><u>(ii) with the agreement of the Member in charge and any objector to whom that evidence relates, that Member has viewed a recording or read a transcript of all evidence that was not given in the presence of the Member.</u></p>	This is the same as for the Private Bill Standing Order.
26B.40	<u>Standing Orders 17.12, 17.17 and 17.48 do not apply to a Hybrid Bill Committee.</u>	This is the same as for the Private Bill Standing Order.
26B.41	<u>Standing Order 17.49 does not apply to a Hybrid Bill Committee, except when the committee is considering proceedings on amendments.</u>	This is the same as for the Private Bill Standing Order.
	<u>Initial Consideration</u>	
26B.42	<u>Once the objection period specified in Standing Order 26B.15(iii) has ended, the Hybrid Bill Committee established in</u>	This is the same as for the Private Bill Standing Order.

	<p><u>accordance with Standing Order 26B.30 (“the committee”), must consider and report on whether the Bill should proceed as a Hybrid Bill.</u></p>	
<p>26B.43</p>	<p><u>In considering whether a Bill should proceed as a Hybrid Bill, the committee must consider whether:</u></p> <p><u>(i) the accompanying documents laid in accordance with Standing Orders 26B.9 to 26B.14 are, in the opinion of the committee, adequate to allow proper scrutiny of the Bill;</u></p> <p><u>(ii) adequate consultation was undertaken by the Member in charge prior to introduction of the Bill;</u></p> <p><u>(iii) the provisions of the Bill make it appropriate for it to be considered as a Hybrid Bill in accordance with Standing Order 26B, having particular regard to:</u></p> <p><u>(a) the extent to which its provisions affect issues of public policy;</u></p> <p><u>(b) the extent to which its provisions amend or repeal other legislation;</u></p> <p><u>(c) the size of the area which it affects;</u></p> <p><u>(d) the number and nature of the interests that it affects.</u></p>	<p>This is the same as for the Private Bill Standing Order.</p>

26B.44	<u>If it appears to the committee that the accompanying documents are not adequate to enable the committee to report in accordance with Standing Order 26B.42, it may, before reporting on whether the Bill should proceed as a Hybrid Bill, allow the Member in charge such reasonable period as the committee considers appropriate to provide any further information the committee considers necessary (“supplementary accompanying documents”).</u>	This is the same as for the Private Bill Standing Order.
26B.45	<u>Any supplementary accompanying documents must be laid.</u>	This is the same as for the Private Bill Standing Order.
26B.46	<u>Once the committee has reported, the Member in charge of the Hybrid Bill may table a motion that the Assembly agrees that the Bill should proceed as a Hybrid Bill.</u>	This is the same as for the Private Bill Standing Order.
26B.47	<u>If a motion under Standing Order 26B.46 is agreed, the Bill proceeds to Detailed Committee Consideration.</u>	This is the same as for the Private Bill Standing Order.
26B.48	<u>If a motion under Standing Order 26B.46 is not agreed, the Bill falls.</u>	This is the same as for the Private Bill Standing Order.
26B.49	<u>Initial Consideration is completed when the Assembly has agreed that the Bill should proceed as a Hybrid Bill or the Bill falls as part of Initial Consideration.</u>	This is the same as for the Private Bill Standing Order.

	<u>Detailed Committee Consideration</u>	
<u>26B.50</u>	<u>Detailed Committee Consideration starts on the first working day after Initial Consideration is completed.</u>	This is the same as for the Private Bill Standing Order.
<u>26B.51</u>	<u>Proceedings at Detailed Committee Consideration must be considered by the Hybrid Bill Committee established under Standing Order 26B.30.</u>	This is the same as for the Private Bill Standing Order.
<u>26B.52</u>	<p><u>At Detailed Committee Consideration, the committee must:</u></p> <p><u>(i) consider and report on the general principles of the Hybrid Bill;</u></p> <p><u>(ii) consider and report on any admissible objections, other than any objection that, in the opinion of the committee, does not have substantial grounds;</u></p> <p><u>iii) where appropriate, consider and report on any provision conferring power to make subordinate legislation that is set out in the Explanatory Memorandum to the Bill; and</u></p> <p><u>(iv) consider the detail of the Hybrid Bill in accordance with Standing Orders 26B.63 to 26B.78 (including any admissible amendments).</u></p>	It is proposed that the Hybrid Bill Standing Order includes the requirement at 26B.52(iii), as there is no <u>requirement</u> on the Constitutional and Legislative Affairs Committee to scrutinise the conferring of powers to make subordinate legislation within a Hybrid Bill brought forward by the Welsh Government. Although it is likely that a committee with the function of scrutinising subordinate legislation would consider such elements of the Hybrid Bill, a requirement on the Hybrid Bill Committee to do so would ensure that there is no deficit in the scrutiny of this aspect of the Bill.
<u>26B.53</u>	<u>The following persons are entitled to be heard before the</u>	This proposal is in line with Standing Order

	<p><u>committee in person, or may be represented:</u></p> <p><u>(i) the Member in charge and any other member of the government;</u></p> <p><u>(ii) any objector (subject to Standing Order 26B.60) who has submitted an admissible objection that the committee considers has substantial grounds;</u></p> <p><u>and may participate in proceedings in accordance with any rulings of the Chair.</u></p>	26 and 26A.
	<u>Appointing an assessor to consider objections</u>	
<u>26B.54</u>	<u>Where a Committee established to consider a Hybrid Bill considers it appropriate, it may appoint an assessor, or assessors, to consider objections.</u>	This is the same as the proposed addition to the Private Bill Standing Order 26A.
<u>26B.55</u>	<p><u>The assessor, or assessors, may report to the Hybrid Bill Committee on:</u></p> <p>i) <u>whether there are substantial grounds for admissible objections;</u></p> <p>ii) <u>recommendations on the grouping of objections;</u></p> <p>iii) <u>selection of witnesses and whether evidence should be invited from those witnesses orally or in writing;</u></p>	This is the same as the proposed addition to the Private Bill Standing Order 26A.

	<u>and may perform any other functions at Detailed Committee Consideration Stage as the Committee may determine.</u>	
26B.56	<u>The Chair may, when ruling on the way in which an objector (or other person) may participate in proceedings, take into account the nature of the objection or other representation and the extent to which the nature of that participation is necessary in order to enable the committee to consider and report on the objection.</u>	This is the same as for the Private Bill Standing Order.
26B.57	<u>The committee may invite such other persons to give evidence as it considers appropriate.</u>	This is the same as for the Private Bill Standing Order.
26B.58	<u>The Hybrid Bill Committee must consider the merits of the objections in the light of:</u> <u>(i) any evidence given to it; or</u> <u>(ii) any report prepared by any assessor(s) appointed in accordance with Standing Order 26B.54.</u>	This is the same as the proposed addition to the Private Bill Standing Order.
26B.59	<u>The Hybrid Bill Committee may accept or reject—</u> <u>(i) the whole or any part of any objection;</u> <u>(ii) the whole or any part of an assessor’s report.</u>	This is the same as the proposed addition to the Private Bill Standing Order.

<p><u>26B.60</u></p>	<p><u>Where the committee considers that two or more objections are the same or similar, it may group those objections together and choose one or more objectors from that group to give evidence and otherwise to participate in relation to those objections.</u></p>	<p>This is the same as the Private Bill Standing Order.</p>
<p><u>26B.61</u></p>	<p><u>If the committee, in preparing its report under Standing Order 26B.52(i), (ii) and (iii), intends to recommend a change to the Hybrid Bill and such a change, if made, would, in the opinion of the committee, affect the interests of other persons referred to in Standing Order 26B.62, the committee may take such action as it considers appropriate in order to ensure that those other persons have a reasonable opportunity to make representations to the committee in relation to that recommendation.</u></p>	<p>This is the same as the Private Bill Standing Order.</p>
<p><u>26B.62</u></p>	<p><u>For the purpose of Standing Order 26B.61, “other persons” means:</u></p> <p><u>(i) persons whose interests were not affected by the Hybrid Bill as introduced but whose interests would be affected if the proposed changes were made to the Hybrid Bill, or</u></p> <p><u>(ii) existing objectors whose interests would be affected to a greater extent or in new ways if the proposed changes</u></p>	<p>This is the same as the Private Bill Standing Order.</p>

	<u>were made to the Hybrid Bill, giving rise to new substantial grounds for objection.</u>	
<u>26B.63</u>	<u>A Hybrid Bill may be amended at Detailed Committee Consideration.</u>	This is the same as the Private Bill Standing Order.
<u>26B.64</u>	<u>At least 25 working days must elapse between the day on which the report under Standing Order 26B.52(i), (ii) and (iii) is laid and the date of the first meeting at which the committee considers the detail of the Hybrid Bill in accordance with Standing Order 26B.52(iv).</u>	This is the same as the Private Bill Standing Order. (Consideration of conferring of powers to make subordinate legislation within a Hybrid Bill brought forward by the Welsh Government is considered later, after consideration of the General Principles/objections)
<u>26B.65</u>	<u>No later than five working days after the committee's report is laid, any Member may table a motion that the Hybrid Bill does not proceed any further.</u>	This is the same as the Private Bill Standing Order, as essentially this is a Private Bill being brought forward by Welsh Government.
<u>26B.66</u>	<u>If no motion is tabled under Standing Order 26B.65, or if such a motion is tabled but not agreed, the general principles of the Hybrid Bill are to be deemed agreed by the Assembly and the committee must proceed to dispose of amendments to the</u>	This is the same as the Private Bill Standing Order.

	<u>Hybrid Bill, in accordance with Standing Order 26B.52(iv).</u>	
<u>26B.67</u>	<u>Time must be made available for a motion tabled under Standing Order 26B.65 to be debated within 10 working days of the date that the motion was tabled (not counting working days in a non-sitting week).</u>	This is the same as the Private Bill Standing Order.
<u>26B.68</u>	<u>If a motion tabled under Standing Order 26B.65 is agreed, the Hybrid Bill falls.</u>	This is the same as the Private Bill Standing Order.
<u>26B.69</u>	<u>Amendments to be considered at Detailed Committee Consideration may be tabled no earlier than the first working day after the day on which the committee laid its report under Standing Order 26B.52(i), (ii) and (iii).</u>	This is the same as the Private Bill Standing Order.
<u>26B.70</u>	<u>The Chair of the committee may in exceptional circumstances accept an amendment at Detailed Committee Consideration of which less notice has been given than is required under Standing Order 26B.120. Such an amendment is referred to as a “late amendment”.</u>	This is the same as for Standing Order 26 and Standing Order 26A.
<u>26B.71</u>	<u>Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Hybrid Bill, unless the committee has decided otherwise.</u>	This is the same as the Private Bill Standing Order.

26B.72	<p><u>Only a Member who is a member of the committee may participate in proceedings of that committee for the purpose of:</u></p> <p><u>(i) moving or seeking agreement to withdraw an amendment;</u></p> <p><u>or</u></p> <p><u>(ii) voting.</u></p>	<p>This is the same as the Private Bill Standing Order.</p>
26B.73	<p><u>An amendment tabled by a Member who is not a member of the committee may be moved by a member of the committee.</u></p>	<p>This is the same as the Private Bill Standing Order.</p>
26B.74	<p><u>Where any amendment is tabled to a section of or schedule to the Hybrid Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the committee for the purpose of Detailed Committee Consideration proceedings.</u></p>	<p>This is the same as the proposed amendment to Standing Orders 26 and 26A.</p> <p>For clarity. Current wording of 26/26A suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.</p>
26B.75	<p><u>If no amendment is tabled to a section of or schedule to the Hybrid Bill, that section or schedule is deemed agreed by the committee for the purpose of Detailed Committee Consideration.</u></p>	<p>This is the same as the proposed amendment to Standing Orders 26 and 26A.</p> <p>For clarity. Current wording of 26/26A</p>

		suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.
<u>26B.76</u>	<u>Detailed Committee Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.</u>	This is the same as the proposed amendment to Standing Orders 26 and 26A. For clarity. Current wording of 26/26A suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.
<u>26B.77</u>	<u>If a Hybrid Bill is amended at Detailed Committee Consideration the Member in charge must prepare a revised Explanatory Memorandum, unless the committee resolves that no revised Explanatory Memorandum is required.</u>	This is in line with changes to Standing Order 26 agreed in Plenary on 1 October 2014.
<u>26B.78</u>	<u>Any revised Explanatory Memorandum prepared under Standing Order 26B.77 must be laid at least five working days before the date of the first meeting of the Assembly that considers Detailed Assembly Consideration proceedings.</u>	This is in line with changes to Standing Order 26 agreed in Plenary on 1 October 2014.
	<u>Detailed Assembly Consideration</u>	
<u>26B.79</u>	<u>Detailed Assembly Consideration starts on the first working</u>	This is the same as for Standing Order 26A

	<u>day after Detailed Committee Consideration is completed.</u>	
26B.80	<u>At least 15 working days must elapse between the day on which Detailed Assembly Consideration starts and the date of the first meeting of the Assembly that considers Detailed Assembly Consideration proceedings.</u>	The timeframe between Stages 2 and 3 is the same as for Public and Private Bills.
26B.81	<u>Detailed Assembly Consideration must be considered by the Assembly in plenary.</u>	This is the same as for the Private Bill Standing Order.
26B.82	<u>A Hybrid Bill may be amended at Detailed Assembly Consideration.</u>	This is the same as for the Private Bill Standing Order.
26B.83	<u>Amendments to be considered at Detailed Assembly Consideration may be tabled by any Member from the first day on which the stage starts.</u>	This is the same as for the Private Bill Standing Order.
26B.84	<u>The Presiding Officer may select those amendments which are to be taken at Detailed Assembly Consideration.</u>	This is the same as for the Private Bill Standing Order.
26B.85	<u>Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Hybrid Bill, unless the Assembly has decided otherwise on a motion tabled by the Minister with responsibility for government business.</u>	Hybrid Bills will always be Government Bills and so this will be a matter for the Minister responsible for Government Business.
26B.86	<u>The Assembly may, on a motion without notice tabled by the</u>	Hybrid Bills will always be Government Bills

	<u>Minister with responsibility for government business, agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).</u>	and so this will be a matter for the Minister responsible for Government Business.
<u>26B.87</u>	<p><u>If a motion under Standing Order 26B.86 is agreed to, debates on those groups of amendments must be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer:</u></p> <p><u>(i) as a consequence of the non-moving of an amendment leading to a change in the order in which groups are debated;</u> <u>or</u></p> <p><u>(ii) to prevent any debate on a group of amendments that has already begun when a time-limit is reached from being unreasonably curtailed.</u></p>	This is the same as for the Private Bill Standing Order.
<u>26B.88</u>	<p><u>Amendments at Detailed Assembly Consideration are only admissible if, in addition to the criteria in Standing Order 26B.122, they are for the purpose of:</u></p> <p><u>(i) clarifying the wording of a provision of a Hybrid Bill (including removing inconsistencies in or between the English and Welsh texts), or</u></p> <p><u>(ii) giving effect to commitments given on behalf of the</u></p>	This is the same as for the Private Bill Standing Order.

	<p><u>Member in charge at the Detailed Committee Consideration Stage, or</u></p> <p><u>(iii) giving effect to any recommendations made by the committee in its report under Standing Order 26B.52(i) and (ii).</u></p>	
26B.89	<p><u>Where any amendment is tabled to a section of or schedule to the Hybrid Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the Assembly for the purpose of Detailed Assembly Consideration.</u></p>	<p>This is the same as for the proposed additions to Standing Order 26 and 26A.</p> <p>For clarity. Current wording of 26/26A suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.</p>
26B.90	<p><u>If no amendment is tabled to a section or schedule, that section or schedule is deemed agreed by the Assembly for the purpose of Detailed Assembly Consideration proceedings.</u></p>	<p>. This is the same as for the proposed additions to Standing Order 26 and 26A.</p> <p>For clarity. Current wording of 26/26A suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.</p>

26B.91	<u>Detailed Assembly Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.</u>	<p>This is the same as for the proposed additions to Standing Order 26 and 26A.</p> <p>For clarity. Current wording of 26/26A suggests a decision that is still to be taken by the Committee, but in practice the agreement has already been reached.</p>
	<u>Further Detailed Committee Consideration</u>	
26B.92	<u>When all amendments selected at Detailed Assembly Consideration proceedings have been disposed of in accordance with Standing Order 26B.91, any Member may, with the agreement of the Presiding Officer, move a motion without notice that any part of the Hybrid Bill specified in the motion be referred back to the Hybrid Bill Committee for further Detailed Committee Consideration.</u>	<p>This mirrors the proposal for Private Bills to allow referral back to the Hybrid Bill Committee for consideration, and disposal of, amendments brought forward in the course of Stage 3 proceedings and/or further scrutiny. Including the option to refer a Bill back to the Committee during Stage 3 may be considered a useful tool in the case of a Hybrid Bill, particularly given the special quasi-judicial procedures for its consideration.</p>
26B.93	<u>Standing Orders 26B.63 and 26B.69 to 26B.78 apply to Further Detailed Committee Consideration. References to</u>	<p>This is the same as for the Private Bill Standing Order</p>

	<u>“Detailed Committee Consideration” should be construed as references to “Further Detailed Committee Consideration” accordingly.</u>	
<u>26B.94</u>	<u>Further Detailed Committee Consideration starts on the first working day after the motion under Standing Order 26B.92 is agreed.</u>	This is the same as for the Private Bill Standing Order
<u>26B.95</u>	<u>At Further Detailed Committee Consideration the committee may invite such other persons to give evidence as it considers appropriate.</u>	This is the same as for the Private Bill Standing Order
<u>26B.96</u>	<u>Amendments to be considered at Further Detailed Committee Consideration may be tabled no earlier than the first working day after the day on which Further Detailed Committee Consideration starts.</u>	This is the same as for the Private Bill Standing Order
<u>26B.97</u>	<u>Amendments at Further Detailed Committee Consideration are only admissible if, in addition to the criteria in Standing Order 26B.122, they are to the provisions which were referred back to the Hybrid Bill Committee, or would be necessary in consequence of any amendments tabled at the Further Detailed Committee Consideration stage proceedings being agreed.</u>	This is the same as for the Private Bill Standing Order
	<u>Further Detailed Assembly Consideration</u>	

<p><u>26B.98</u></p>	<p><u>Once Detailed Assembly Consideration is completed in accordance with Standing Order 26B.91, or Further Detailed Committee Consideration is completed in accordance with Standing Order 26B.76 where undertaken, the Member in charge may, without notice, move that the Assembly consider amendments at a Further Detailed Assembly Consideration Stage. Such a motion may be debated but not amended.</u></p>	<p>This mirrors the proposed enabling provision for Private Bills for further Stage 3 proceedings, in the same way that there is provision for a Report Stage in Standing Order 26. It is proposed that the motion may be debated but not amended, in line with a Report Stage motion under Standing Order 26.45.</p>
<p><u>26B.99</u></p>	<p><u>Further Detailed Assembly Consideration Stage starts on the first working day after a motion under Standing Order 26B.98 is agreed by the Assembly.</u></p>	<p>This proposed change would provide clarity regarding when Further Detailed Assembly Consideration Stage starts, where the Assembly agrees to have one.</p>
<p><u>26B.100</u></p>	<p><u>Standing Orders 26B.80 to 26B.91 apply to Further Detailed Assembly Consideration proceedings. References to “Detailed Assembly Consideration” should be construed as references to “Further Detailed Assembly Consideration”, and references to “Detailed Committee Consideration” should be construed as references to “Detailed Assembly Consideration” accordingly.</u></p>	<p>This is a proposed consequential amendment – the wording is consistent with that for Report Stage under Standing Order 26. The scope of any amendments would be limited, in accordance with Standing Order 26B.88.</p>

	<u>Final Stage</u>	
<u>26B.101</u>	<u>The Final Stage of a Hybrid Bill must be taken by the Assembly in plenary.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.
<u>26B.102</u>	<u>Subject to Standing Order 26B.106, not earlier than five working days after the completion of Detailed Assembly Consideration, or Further Detailed Committee Consideration or Further Detailed Assembly Consideration where undertaken, any Member may table a motion that the Hybrid Bill be passed.</u>	This is consequential to introducing the provisions above for a Further Detailed Assembly Consideration stage, and/or for re-committal of the Hybrid Bill to the Hybrid Bill Committee before Final Stage.
<u>26B.103</u>	<u>A motion under Standing Order 26B.102 must be tabled at least one working day before it is debated.</u>	This is consistent with changes to Standing Order 26 agreed in Plenary on 1 October 2014.
<u>26B.104</u>	<u>Subject to Standing Order 26B.106, immediately after the completion of Detailed Assembly Consideration, or Further Detailed Assembly Consideration where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Hybrid Bill be passed.</u>	This is consistent with changes to Standing Order 26 agreed in Plenary on 1 October 2014.
<u>26B.105</u>	<u>A motion that a Hybrid Bill be passed may not be amended.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.

26B.106	<u>No motion that a Hybrid Bill be passed may be moved unless the text of the Hybrid Bill is available in both English and Welsh.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.
26B.107	<u>No motion under Standing Order 12.31(ii) may be moved in any Final Stage proceedings.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.
<u>Reconsideration of Hybrid Bills Passed</u>		
26B.108	<p><u>In accordance with section 113 of the Act, any Member may, after the Hybrid Bill is passed, by motion propose that the Assembly reconsider the Hybrid Bill, or any provision of it, if:</u></p> <p><u>(i) a question in relation to the Hybrid Bill has been referred to the Supreme Court under section 112 of the Act;</u></p> <p><u>(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</u></p> <p><u>(iii) neither of those references has been decided or otherwise disposed of.</u></p>	<p>This is the same as for the proposed amendments to the Public Bill and Private Bill Standing Orders.</p> <p>In accordance with Section 111(6)(b) of the Act, there are three circumstances in which a Bill may be reconsidered after its passing. The first of these is covered by Standing Order 26A.109 – in the case of a Bill referred to the Supreme Court that is subsequently referred on to the European Court of Justice for a preliminary ruling. In this case Reconsideration Stage can only start once the Clerk has notified the Counsel General and</p>

		<p>Attorney General that the Assembly intends to reconsider the Bill – see proposed new 26B.108 below – and once the person who initially referred the Bill has withdrawn that reference – see Standing Order 26B.110 below.</p> <p>Not all the provisions of the Act are accurately reflected in the current Standing Orders, and the draft amendments seek to rectify those omissions.</p> <p>Reconsideration may also take place if the Supreme Court has ruled on a reference that the Bill or any provision within it is not within competence, or if an order is made in relation to the Bill by the Secretary of State under Section 114. These two circumstances are covered by SO26B.111 and 26B.112 below.</p>
26B.109	<p><u>If a motion under Standing Order 26B.108 is agreed to by the Assembly, the Clerk must notify the Counsel General and the</u></p>	<p>This wording mirrors proposed changes to</p>

	<u>Attorney General of that fact.</u>	Standing Orders 26 and 26A as it better reflects the provisions of the Act, for clarity.
<u>26B.110</u>	<u>If the Assembly 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.</u>	As for the proposal above at 26B.109 – In the circumstances of SO26A.108, Reconsideration Stage can only start in accordance with the provisions of the Act.
<u>26B.111</u>	<p><u>Any Member may by motion propose that the Assembly reconsider the Hybrid Bill if:</u></p> <p><u>(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 Assembly; or</u></p> <p><u>(ii) an order is made in relation to the Hybrid Bill under section 114 of the Act.</u></p>	<p>This is the same as for the Public Bill and Private Bill Standing Orders.</p> <p>As above – these are the 2nd and 3rd circumstances in which Reconsideration Stage can be taken.</p>
<u>26B.112</u>	<u>If the Assembly 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 Assembly.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.

26B.113	<u>At least fifteen working days must elapse between the start of Reconsideration Stage and the date of the first meeting of the Assembly that considers Reconsideration Stage proceedings.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.
26B.114	<u>Proceedings at Reconsideration Stage must be considered by the Assembly in plenary.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.
26B.115	<p><u>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:</u></p> <p><u>(i) the reference for a preliminary ruling;</u></p> <p><u>(ii) the decision of the Supreme Court; or</u></p> <p><u>(iii) the Order under section 114 of the Act.</u></p>	This is the same as for the Public Bill and Private Bill Standing Orders.
26B.116	<u>Unless the Assembly has decided, on a motion of the Business Committee, the order in which amendments are to be disposed of, they must be disposed of in the order in which the provisions to which they relate arise in the Hybrid Bill.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.
26B.117	<u>Immediately after the completion of Reconsideration Stage proceedings, any Member may without notice move that the Assembly approves a Hybrid Bill amended on reconsideration.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.

	<u>Such a motion may not be amended.</u>	
	<u>Amendments to Hybrid Bills</u>	
<u>26B.118</u>	<u>Standing Orders 26B.119 to 26B.127 apply to amendments in Detailed Committee Consideration proceedings, Detailed Assembly Consideration proceedings and Reconsideration Stage proceedings.</u>	This is the same as for the Public Bill and Private Bill Standing Order.
<u>26B.119</u>	<u>The Presiding Officer must determine the proper form of amendments to a Hybrid Bill.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.
<u>26B.120</u>	<u>No amendment, other than a late amendment, may be considered unless it has been tabled at least five working days before it is considered.</u>	This is the same as the proposed amendment to Standing Orders 26 and 26A.
<u>26B.121</u>	<u>Any Member may add his or her name to an amendment (other than a late amendment) by notifying the Clerk at any time until the end of the working day before the amendment is due to be considered.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.

<p><u>26B.122</u></p>	<p><u>An amendment is not admissible if:</u></p> <p><u>(i) it is not in its proper form in accordance with Standing Order 26B.119;</u></p> <p><u>(ii) it is not relevant to the Hybrid Bill or the provisions of the Hybrid Bill which it would amend;</u></p> <p><u>(iii) it is inconsistent with the general principles as reported on by the committee and deemed agreed by the Assembly; or</u></p> <p><u>(iv) it is inconsistent with a decision already taken at the stage at which the amendment is proposed.</u></p>	<p>This is the same as for the Public Bill Standing Order (26.61).</p>
<p><u>26B.123</u></p>	<p><u>An amendment may be tabled to an amendment and, if selected, must be disposed of before the amendment which it would amend and Standing Orders 26B.119 to 26B.127 must apply accordingly.</u></p>	<p>This is the same as for the Public Bill Standing Order (26.62).</p>
<p><u>26B.124</u></p>	<p><u>Subject to Standing Order 26B.72, an amendment (other than a late amendment) may be withdrawn by the Member who tabled it at any time before the day on which it is considered but only with the unanimous agreement of any Members who have added their names to the amendment. If such agreement is not obtained, the amendment becomes an amendment in the name of the Member who first added his or her name to the amendment and who does not agree to the amendment</u></p>	<p>This is the same as for the Public Bill Standing Order (26.63)</p>

	<u>being withdrawn.</u>	
<u>26B.125</u>	<u>The Chair of the committee or the Presiding Officer, as the case may be, may group amendments for the purpose of debate as he or she sees fit. An amendment debated as part of a group may not be debated again when it comes to be disposed of.</u>	This is the same as for the Public Bill Standing Order (26.64).
<u>26B.126</u>	<u>If a Member who tabled an amendment does not move the amendment when that amendment comes to be debated, the amendment may be moved:</u> <u>(i) in the committee at Detailed Committee Consideration, by a member of the committee; or</u> <u>(ii) in Detailed Assembly Consideration or Reconsideration proceedings, by any other Member.</u>	This is the same as the Public Bill Standing Order (26.65).
<u>26B.127</u>	<u>An amendment which has been moved may be withdrawn by the Member who moved it, but only:</u> <u>(i) in the committee at Detailed Committee Consideration, if no member of the committee objects; or</u> <u>(ii) in Detailed Assembly Consideration or Reconsideration proceedings, if no Member objects.</u>	This is the same as the Public Bill Standing Order (26.66).

	<u>Her Majesty's and Duke of Cornwall's Consent</u>	
<u>26B.128</u>	<u>If a Hybrid Bill contains provision, or is amended so as to include any provision, that would, if the Hybrid Bill were a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Assembly must not debate the question whether the Hybrid Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government at a meeting of the Assembly.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.
	<u>Financial Resolutions</u>	
<u>26B.129</u>	<u>The Presiding Officer must decide in every case whether a resolution is required for a Hybrid Bill under Standing Orders 26B.130 to 26B.135.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.
<u>26B.130</u>	<u>If a Hybrid Bill contains a provision:</u> <u>(i) which charges expenditure on the Welsh Consolidated Fund, or</u> <u>(ii) the likely effect of which would be to:</u> <u>(a) increase significantly expenditure charged on that Fund;</u> <u>(b) give rise to significant expenditure payable out of that</u>	This is the same as for the Public Bill and Private Bill Standing Orders.

	<p><u>Fund for a new service or purpose; or</u></p> <p><u>(c) increase significantly expenditure payable out of that Fund for an existing service or purpose;</u></p> <p><u>no proceedings may be taken on the Hybrid Bill at any Stage after the Hybrid Bill Committee has reported in accordance with Standing Order 26B.52(i), (ii) and (iii) unless the Assembly has by financial resolution agreed to the expenditure or the increase in expenditure being charged on or, as the case may be, payable out of that Fund.</u></p>	
<p><u>26B.131</u></p>	<p><u>If:</u></p> <p><u>(i) a Hybrid Bill contains any provision which imposes or increases (or confers a power to impose or increase) any charge, or otherwise requires (or confers a power to require) any payment to be made; and</u></p> <p><u>(ii) the person to whom the charge or payment is payable is required, by or under section 120(1) of the Act, to pay sums received into the Welsh Consolidated Fund (or would be so required but for any provision made by or under section 120(2));</u></p> <p><u>no proceedings may be taken on the Hybrid Bill at any Stage after the Hybrid Bill Committee has reported in accordance</u></p>	<p>This is the same as for the Public Bill and Private Bill Standing Orders.</p>

	<u>with Standing Order 26B.52(i), (ii) and (iii) unless the Assembly has by financial resolution agreed to the charge, increase or payment.</u>	
26B.132	<p><u>Standing Order 26B.131:</u></p> <p><u>(i) applies only where the charge, increase in charge or payment is significant; and</u></p> <p><u>(ii) does not apply where the charge, increase in charge or payment is:</u></p> <p><u>(a) in respect of the provision of goods and is reasonable in relation to the goods provided; or</u></p> <p><u>(b) wholly or largely directed to the recovery of the cost of providing any service for which the charge is imposed or the payment requires to be made.</u></p>	This is the same as for the Public Bill and Private Bill Standing Orders.
26B.133	<u>Where the effect of an amendment (or amendments) to a Hybrid Bill, if agreed to, would be that the Hybrid Bill would require a financial resolution which it would not otherwise require, no proceedings may be taken on the amendment (or amendments) unless the Assembly has agreed to a motion for such a financial resolution.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.
26B.134	<u>Only a member of the government may move a motion for a</u>	This is the same as for the Public Bill

	<u>financial resolution. Such a motion cannot be amended.</u>	Standing Order.
26B.135	<p><u>Unless:</u></p> <p><u>(i) notice of a motion for any financial resolution required in relation to a Hybrid Bill by Standing Orders 26B.130 or 26B.131 is tabled within 6 months of the date on which the Hybrid Bill Committee has reported in accordance with Standing Order 26B.52(i), (ii) and (iii); and</u></p> <p><u>(ii) the motion is agreed to;</u></p> <p><u>the Hybrid Bill falls.</u></p>	This is the same as for the Public Bill and Private Bill Standing Orders.
<u>Notification of Royal Assent to Hybrid Acts of the Assembly</u>		
26B.136	<u>The Clerk must notify the Assembly of the date of Royal Assent to a Hybrid Act of the Assembly.</u>	This is the same as for the Public Bill and Private Bill Standing Orders.
<u>Fall, Rejection or Withdrawal of Hybrid Bills</u>		
26B.137	<u>If a Hybrid Bill falls or is rejected by the Assembly, no further proceedings may be taken on that Hybrid Bill and a Hybrid Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the Hybrid Bill fell or was rejected.</u>	This is the same as Standing Order 26.76.

<p><u>26B.138</u></p>	<p><u>A Hybrid Bill falls if it has not been passed or approved by the Assembly before the end of the Assembly in which it was introduced.</u></p>	<p>This is the same as Standing Order 26.77.</p>
<p><u>26B.139</u></p>	<p><u>Where a Hybrid Bill falls under Standing Order 26B.138, a member of the government may introduce a Hybrid Bill in the same terms in the next Assembly. The text of the Hybrid Bill introduced must be the version that was under consideration by the previous Assembly at the date of dissolution.</u></p>	<p>This is the same as the proposed addition to Standing Order 26A for Private Bills.</p> <p>House of Commons Standing Orders allow for the Suspension or Revival of a Private Bill – allowing the promoter to re-table the Private Bill with an undertaking that it is exactly the same as that previously tabled, to allow the Bill to continue its passage from one session or parliament to the next, without having to repeat stages of proceedings already disposed of, but with provision to deal with any outstanding petitions (objections) to the Bill. Similar Rules exist in the Scottish Parliament. Such a provision would allow a Hybrid Bill likely to span more than one Assembly, for example for a large infrastructure project, to be re-introduced.</p>

26B.140	<p><u>Those documents to accompany the Bill in the previous Assembly that had been published or laid in accordance with Standing Order 15 up to the date of dissolution must be used for the purposes of the Hybrid Bill on re-introduction in the next Assembly.</u></p>	<p>This follows on from the proposal at 26B.139 above. It would include all documents up to the point of dissolution, not just those required on introduction, and all those published by the Committee/Member in charge, whether required to be laid or not.</p>
26B.141	<p><u>A Hybrid Bill under Standing Order 26B.139 may only be introduced during the period commencing with the date of the first meeting of the next Assembly and ending on the thirtieth working day after that date.</u></p>	<p>This follows on from the proposal at 26B.139 above regarding the time limit: it should allow a Hybrid Bill to be introduced in the period between the first meeting after Assembly elections and before the summer recess – since 1999 a period of 40–45 working days – so 30 working days (6 weeks) allows some leeway regarding the future Assembly timetable (and also reflects the time limit set by the Scottish Parliament).</p>
26B.142	<p><u>Any objections submitted during the previous Assembly must be treated as objections to the Hybrid Bill introduced in the next Assembly and any decision of the Hybrid Bill Committee taken during the previous Assembly in respect of those objections must apply. There must be no further objection period for the Hybrid Bill introduced in the next Assembly in addition to the objection period for the Hybrid Bill in the</u></p>	<p>This proposal follows on from the proposal at Standing Order 26B.139 above regarding the handling of objections.</p>

	<u>previous Assembly.</u>	
26B.143	<u>Subject to Standing Order 26B.144 if at the date of dissolution the Stage that the Hybrid Bill was at had not been completed, the proceedings on the Hybrid Bill introduced in the next Assembly must usually commence at the beginning of that Stage.</u>	This is the same as the proposed change to the Private Bill Standing Order.
26B.144	<u>Proceedings may commence at a later point during Detailed Committee Consideration Stage if:</u> <u>(i) The Member in charge and each person who had given oral evidence to the Hybrid Bill Committee established in the previous Assembly either:</u> <u>(a) gives that evidence orally to the Hybrid Bill Committee established in the next Assembly (“the new Committee”); or</u> <u>(b) agrees that the members of the new Committee may instead view a recording or read a transcript of all the evidence that was given.</u>	This proposal follows on from 26B.143 above – it would not be necessary to return to the start of Detailed Committee Consideration if everyone involved was content. It mirrors the provisions in the Private Bill Standing Order 26A.35 regarding the hearing of oral evidence in Committee.
26B.145	<u>Where an assessor has been appointed but not reported before the Assembly is dissolved, the assessor’s report must be considered by the Hybrid Bill Committee established in the next Assembly.</u>	This proposal follows on if a Hybrid Bill is re-introduced in the next Assembly.
26B.146	<u>A Hybrid Bill may be withdrawn at any time by the Member in charge but must not be withdrawn after completion of Initial</u>	This is the same as for Public Bills except that instead of Stage 1, the Assembly’s leave is

	<p><u>Consideration except with the agreement of the Assembly.</u></p>	<p>sought after Initial Consideration, i.e. once the Hybrid Bill Committee has considered objections and given leave for the Bill to proceed to consideration of general principles.</p>
	<p>Consequential Amendment to Standing Order 24</p>	
<p>24.2</p>	<p>In Standing Order 24 “legislation” means:</p> <p>(i) proposed Orders under Standing Order 25; or</p> <p>(ii) draft Orders under Standing Order 25; or</p> <p>(iii) Bills under Standing Order 26, <u>and 26B.</u></p>	<p>This is a consequential amendment to Standing Order 24 – Definition of a Member in Charge of Legislation – to include Hybrid Bills in the definition of ‘Legislation’. <i>(The proposed wording for SO26B.1 also makes it clear that the Welsh Government introduces the Hybrid Bill, therefore a member of the Government will be the Member in charge.)</i></p>

Annex D

STANDING ORDER 26B – Hybrid Acts of the Assembly

Hybrid Bills

26B.1 For the purposes of Standing Order 26B, a Hybrid Bill is a Public Bill introduced by a member of the Welsh Government which affects a particular private interest of an individual or body in a manner different to the private interests of other individuals or bodies of the same category or class.

26B.2 A Hybrid Bill to which Standing Order 26B.2 applies is one which seeks to authorise or facilitate any construction works or to authorise the compulsory acquisition of any estate or interest in or over land.

Form and Introduction of Hybrid Bills

26B.3 A Hybrid Bill may be introduced on a working day in a sitting week.

26B.4 A Hybrid Bill must be introduced by being laid by the Member in charge.

26B.5 A Hybrid Bill must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.

26B.6 A Hybrid Bill must on its introduction be accompanied by a statement in English and Welsh by the Presiding Officer which must:

- (i) indicate whether or not the provisions of the Bill would be, in his or her opinion, within the legislative competence of the Assembly; and
- (ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Assembly and the reasons for that opinion.

26B.7 A Hybrid Bill must be introduced in both English and Welsh except when not doing so is in accordance with any determinations made by the Presiding Officer under Standing Order 26B.5.

26B.8 A Hybrid Bill to which Standing Order 26B.2 applies must not be introduced unless the Member in charge has carried out any consultation or notification required by legislation, and complied with any other statutory requirements, along with any

additional consultation or notification requirements of any determination(s) made by the Presiding Officer.

Documentation to Accompany a Hybrid Bill

26B.9 At the same time as the Member in charge introduces a Hybrid Bill, he or she must also lay an Explanatory Memorandum, in English and Welsh, which must:

- (i) state that, in his or her view, the provisions of the Hybrid Bill would be within the legislative competence of the Assembly;
- (ii) set out the reasons why the provisions of the Bill make it appropriate for it to proceed as a Hybrid Bill, having particular regard to the criteria in Standing Order 26B.43;
- (iii) set out the objectives of the Hybrid Bill;
- (iv) set out whether alternative ways of achieving the objectives were considered and, if so, why the approach taken in the Hybrid Bill was adopted;
- (v) set out the consultation that was undertaken on:
 - (a) the objectives of the Hybrid Bill and the ways of achieving them; and
 - (b) the detail of the Hybrid Bill, and
 - (c) a draft Bill, either in full or in part (and if in part, which parts);
- (vi) set out a summary of the outcome of that consultation, including how and why the Bill has been amended;
- (vii) if the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision
- (viii) summarise objectively what each provision of the Hybrid Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill;

- (ix) In the case of a Bill to which Standing Order 26B.2 does not apply, set out the best estimates of:
- (a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;
 - (b) the administrative savings arising from the Bill;
 - (c) net administrative costs of the Bill's provisions;
 - (d) the timescales over which all such costs and savings would be expected to arise; and
 - (e) on whom the costs would fall;
- (x) any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially.
- (xi) where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:
- (a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;
 - (b) why it is considered appropriate to delegate the power; and
 - (c) the Assembly procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure); and
- (xii) where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.

26B.10 In the case of a Hybrid Bill to which Standing Order 26B.2 applies the Explanatory Memorandum must also include:

- (i) Full details of how the requirements set out in Standing Order 26B.8 have been complied with;
- (ii) an Estimate of Expense and Funding Statement setting out the estimated total cost of the project proposed by the Hybrid Bill and anticipated sources of funding to meet the cost of the project and such other financial details as the Presiding Officer may determine;
- (iii) such maps, plans, sections and books of references as may be required by legislation or required by any determination(s) made by the Presiding Officer; and
- (iv) an Environmental Statement setting out such information on the anticipated environmental impact of the Bill as may be required by legislation, and any determination(s) made by the Presiding Officer.

26B.11 The Explanatory Memorandum to the Bill must state precisely where each of the requirements of Standing Order 26B.9 and Standing Order 26B.10, if relevant, can be found within it, by means of an index or otherwise.

26B.12 Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.

26B.13 Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.

26B.14 The explanatory memorandum laid in accordance with Standing Order 26B.9 must also be accompanied by a Statement from the Member in charge that sets out:

- (i) in the case of a Hybrid Bill that contains provision which will affect the property, estate or interest in land, or the other contractual rights or duties of an individual or body in a manner different to the private interests of other individuals or bodies of the same

category or class, details of any notification of the proposed provision given by the Member in charge to such persons or classes of person whose property, estate or interest in land, or other contractual rights or duties will be affected and of any response received;

- (ii) in the case of a Hybrid Bill that contains provision to confer powers upon or modify the constitution of any body corporate or unincorporated association of persons, details of any notification of the proposed provision given by the Member in charge to that body corporate or unincorporated association of persons and of any response received;
- (iii) a statement listing the premises where any accompanying documents which are relevant to the Hybrid Bill, but are not accompanying documents published by the Assembly, may be inspected or purchased;
- (iv) an undertaking to send a copy of the Hybrid Bill and all relevant accompanying documents to the premises referred to in Standing Order 26B.14(c) and in the case of a Hybrid Bill to which Standing Order 26B.2 applies, to those required to be consulted or notified in accordance with Standing Order 26B.8.
- (v) an undertaking to pay any costs, as the Commission may determine, that may be incurred by the Commission during the passage of the Hybrid Bill in connection with the appointment and use of an assessor in accordance with Standing Order 26B.54 and 26B.55.
- (vi) where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.

Notification of the Introduction of a Hybrid Bill

26B.15 As soon as a Hybrid Bill has been introduced, the Member in charge must publish a notice stating:

- (i) the general effect of the Hybrid Bill;
- (ii) that the Hybrid Bill and all accompanying documentation may be inspected at the Assembly and at one or more other places in Wales including, in the case of a Hybrid Bill that affects only one area of Wales, a place within that area;
- (iii) that persons who believe their interests would be adversely affected by the Hybrid Bill can make an objection to the Presiding Officer within the period of 40 working days beginning on the day when the notice is first published in a newspaper (“the objection period”);
- (iv) how to submit an objection and the information to be included in that objection, having regard to Standing Order 26B.21;
- (v) that an objection may either request that the Hybrid Bill not be approved or that changes be made to the Hybrid Bill before it is approved;
- (vi) that the person making an objection must comply with any determination(s) made by the Presiding Officer in relation to making an objection.

26B.16 In calculating the objection period under Standing Order 26B.15(iii), no account shall be taken of any period beginning on the day of dissolution of the Assembly and ending on the date of re-introduction of a Hybrid Bill in the next Assembly.

26B.17 A notice under Standing Order 26B.15 must be published:

- (i) in at least one newspaper circulating throughout Wales (or, if the Hybrid Bill affects only one area of Wales, throughout that area); and
- (ii) by whatever other means are appropriate, in accordance with any determination(s) made by the Presiding Officer, for bringing it to the attention of those whose interests are likely to be affected by the Hybrid Bill.

26B.18 As soon as the Member in charge has complied with the requirements of Standing Order 26B.15, they must give written notice of that fact to the Presiding Officer, giving particulars of:

- (i) how those requirements were complied with; and
- (ii) the arrangements made by the Member in charge for ensuring that the Hybrid Bill was able to be inspected (other than at the Assembly) in accordance with Standing Order 26B.15(ii).

Objections

26B.19 An individual person who, or a body corporate or unincorporated association of persons that, considers that their interests would be adversely affected by a Hybrid Bill introduced in the Assembly (an “objector”) may make an objection to the Presiding Officer in writing, in accordance with notice given under Standing Order 26B.15, during the objection period specified in Standing Order 26B.15(iii).

26B.20 The Presiding Officer must rule on whether an objection is admissible.

26B.21 An objection is admissible only if it:

- (i) complies with any determination(s) made by the Presiding Officer in relation to making an objection;
- (ii) sets out the nature of the objection;
- (iii) identifies the provisions of the Hybrid Bill that give rise to the objection;
- (iv) specifies how the objector’s interests would be adversely affected by the Hybrid Bill.

26B.22 The Presiding Officer must notify the objector of his or her decision under Standing Order 26B.20 and, where an objection is ruled inadmissible, must give the objector reasons for that decision.

26B.23 After the objection period has expired, the Clerk must publish all admissible objections.

26B.24 If the Presiding Officer receives an objection after the expiry of the objection period but before the first meeting of Detailed Committee Consideration, and that objection is accompanied by a statement by the objector explaining the delay in submitting the objection, the Presiding Officer must decide whether he or she is satisfied that:

- (i) the objection is admissible, in accordance with Standing Order 26B.21;
- (ii) the objector had good reason for not making the objection within the objection period;
- (iii) the objector has made the objection as soon as reasonably practicable after the expiry of that period; and
- (iv) consideration of such an objection would not be unreasonable having regard to the rights and interests of objectors and the Welsh Government.

26B.25 If the Presiding Officer is so satisfied:

- (i) he or she must notify the objector of his or her decision;
- (ii) the Clerk must publish the objection; and
- (iii) the committee established in accordance with Standing Order 26B.30 must give consideration to the objection.

26B.26 If the Presiding Officer is not so satisfied, he or she must:

- (i) notify the objector of his or her decision, and
- (ii) give the objector reasons for that decision.

26B.27 An objection may be withdrawn by the objector, in accordance with any determination made by the Presiding Officer.

Statements in relation to consultation

26B.28 Any person who was, or should have been, consulted or notified in accordance with Standing Order 26B.8 may, during the objection period, raise any defect in the consultation or notification process with the Presiding Officer by submitting a statement in writing.

26B.29 Such a statement may not be treated as an objection under Standing Order 26B.19 but may be considered by a Hybrid Bill Committee in accordance with Standing Order 26B.43(ii).

Hybrid Bill Committees

26B.30 After a Hybrid Bill has been introduced, the Assembly must consider a motion to establish a Hybrid Bill Committee, in accordance with Standing Order 16.5.

26B.31 Standing Orders 17.3 and 17.7 apply to a Hybrid Bill Committee except that it must consist of no fewer than four members.

26B.32 Any Member who has, or may be expecting to have, or to the Member's knowledge, the Member's partner or any dependent child has, or may be expecting to have, an interest required to be registered by Standing Order 2 that may be seen to prejudice the impartial consideration of a Hybrid Bill, must not be a member of the committee established to consider that Bill.

26B.33 Any Member whose name is proposed for membership of a Hybrid Bill Committee must inform the Business Committee of any interest of the kind referred to in Standing Order 26B.32 and also of any other relevant personal, constituency or regional interest, that the Member, or to their knowledge, a family member, has or is expecting to have which might reasonably be thought by others to prejudice the impartial consideration of the Hybrid Bill.

26B.34 For the purpose of Standing Order 26B.32, the meanings of "partner" and "dependent child" are as defined in paragraph 4 of the Annex to Standing Order 2.

26B.35 Any information provided in accordance with Standing Order 26B.32 in relation to a Member whose name is proposed for membership of a Hybrid Bill Committee must be published at the same time as the motion to establish that committee.

26B.36 Each member of a Hybrid Bill Committee must, before the first meeting of that committee, have completed a course of relevant training as determined by the Presiding Officer.

- 26B.37 Each member of a Hybrid Bill Committee must, at the first meeting of that committee, agree to act impartially, in that Member's capacity as a member of that committee, and to base decisions solely on the evidence and other information provided to that committee.
- 26B.38 Members of a Hybrid Bill Committee must, other than in exceptional circumstances, attend all meetings of a Hybrid Bill Committee.
- 26B.39 A member of a Hybrid Bill Committee may not participate in any proceedings on a Hybrid Bill unless:
- (i) all evidence relating to that Hybrid Bill given orally during proceedings of the committee has been given in the presence of the Member, or
 - (ii) with the agreement of the Member in charge and any objector to whom that evidence relates, that Member has viewed a recording or read a transcript of all evidence that was not given in the presence of the Member.
- 26B.40 Standing Orders 17.12, 17.17 and 17.48 do not apply to a Hybrid Bill Committee.
- 26B.41 Standing Order 17.49 does not apply to a Hybrid Bill Committee, except when the committee is considering proceedings on amendments.

Initial Consideration

- 26B.42 Once the objection period specified in Standing Order 26B.15(iii) has ended, the Hybrid Bill Committee established in accordance with Standing Order 26B.30 ("the committee"), must consider and report on whether the Bill should proceed as a Hybrid Bill.
- 26B.43 In considering whether a Bill should proceed as a Hybrid Bill, the committee must consider whether:
- (i) the accompanying documents laid in accordance with Standing Orders 26B.9 to 26B.14 are, in the opinion of the committee, adequate to allow proper scrutiny of the Bill;

- (ii) adequate consultation was undertaken by the Member in charge prior to introduction of the Bill;
- (iii) the provisions of the Bill make it appropriate for it to be considered as a Hybrid Bill in accordance with Standing Order 26B, having particular regard to:
 - (a) the extent to which its provisions affect issues of public policy;
 - (b) the extent to which its provisions amend or repeal other legislation;
 - (c) the size of the area which it affects;
 - (d) the number and nature of the interests that it affects.

26B.44 If it appears to the committee that the accompanying documents are not adequate to enable the committee to report in accordance with Standing Order 26B.42, it may, before reporting on whether the Bill should proceed as a Hybrid Bill, allow the Member in charge such reasonable period as the committee considers appropriate to provide any further information the committee considers necessary (“supplementary accompanying documents”).

26B.45 Any supplementary accompanying documents must be laid.

26B.46 Once the committee has reported, the Member in charge of the Hybrid Bill may table a motion that the Assembly agrees that the Bill should proceed as a Hybrid Bill.

26B.47 If a motion under Standing Order 26B.46 is agreed, the Bill proceeds to Detailed Committee Consideration.

26B.48 If a motion under Standing Order 26B.46 is not agreed, the Bill falls.

26B.49 Initial Consideration is completed when the Assembly has agreed that the Bill should proceed as a Hybrid Bill or the Bill falls as part of Initial Consideration.

Detailed Committee Consideration

26B.50 Detailed Committee Consideration starts on the first working day after Initial Consideration is completed.

26B.51 Proceedings at Detailed Committee Consideration must be considered by the Hybrid Bill Committee established under Standing Order 26B.30.

26B.52 At Detailed Committee Consideration, the committee must:

- (i) consider and report on the general principles of the Hybrid Bill;
- (ii) consider and report on any admissible objections, other than any objection that, in the opinion of the committee, does not have substantial grounds;
- (iii) where appropriate, consider and report on any provision conferring power to make subordinate legislation that is set out in the Explanatory Memorandum to the Bill; and
- (iv) consider the detail of the Hybrid Bill in accordance with Standing Orders 26B.63 to 26B.78 (including any admissible amendments).

26B.53 The following persons are entitled to be heard before the committee in person, or may be represented:

- (i) the Member in charge and any other member of the government;
- (ii) any objector (subject to Standing Order 26B.60) who has submitted an admissible objection that the committee considers has substantial grounds;

and may participate in proceedings in accordance with any rulings of the Chair.

Appointing an assessor to consider objections

26B.54 Where a Committee established to consider a Hybrid Bill considers it appropriate, it may appoint an assessor, or assessors, to consider objections.

26B.55 The assessor, or assessors, may report to the Hybrid Bill Committee on:

- i) whether there are substantial grounds for admissible objections;
- ii) recommendations on the grouping of objections;
- iii) selection of witnesses and whether evidence should be invited from those witnesses orally or in writing;

and may perform any other functions at Detailed Committee Consideration Stage as the Committee may determine.

26B.56 The Chair may, when ruling on the way in which an objector (or other person) may participate in proceedings, take into account the nature of the objection or other representation and the extent to which the nature of that participation is necessary in order to enable the committee to consider and report on the objection.

26B.57 The committee may invite such other persons to give evidence as it considers appropriate.

26B.58 The Hybrid Bill Committee must consider the merits of the objections in the light of:

(i) any evidence given to it; or

(ii) any report prepared by any assessor(s) appointed in accordance with Standing Order 26B.54.

26B.59 The Hybrid Bill Committee may accept or reject—

(i) the whole or any part of any objection;

(ii) the whole or any part of an assessor's report.

26B.60 Where the committee considers that two or more objections are the same or similar, it may group those objections together and choose one or more objectors from that group to give evidence and otherwise to participate in relation to those objections.

26B.61 If the committee, in preparing its report under Standing Order 26B.52(i), (ii) and (iii), intends to recommend a change to the Hybrid Bill and such a change, if made, would, in the opinion of the committee, affect the interests of other persons referred to in Standing Order 26B.62, the committee may take such action as it considers appropriate in order to ensure that those other persons have a reasonable opportunity to make representations to the committee in relation to that recommendation.

26B.62 For the purpose of Standing Order 26B.61, "other persons" means:

- (i) persons whose interests were not affected by the Hybrid Bill as introduced but whose interests would be affected if the proposed changes were made to the Hybrid Bill, or
- (ii) existing objectors whose interests would be affected to a greater extent or in new ways if the proposed changes

were made to the Hybrid Bill, giving rise to new substantial grounds for objection.

26B.63 A Hybrid Bill may be amended at Detailed Committee Consideration.

26B.64 At least 25 working days must elapse between the day on which the report under Standing Order 26B.52(i), (ii) and (iii) is laid and the date of the first meeting at which the committee considers the detail of the Hybrid Bill in accordance with Standing Order 26B.52(iv).

26B.65 No later than five working days after the committee's report is laid, any Member may table a motion that the Hybrid Bill does not proceed any further.

26B.66 If no motion is tabled under Standing Order 26B.65, or if such a motion is tabled but not agreed, the general principles of the Hybrid Bill are to be deemed agreed by the Assembly and the committee must proceed to dispose of amendments to the Hybrid Bill, in accordance with Standing Order 26B.52(iv).

26B.67 Time must be made available for a motion tabled under Standing Order 26B.65 to be debated within 10 working days of the date that the motion was tabled (not counting working days in a non-sitting week).

26B.68 If a motion tabled under Standing Order 26B.65 is agreed, the Hybrid Bill falls.

26B.69 Amendments to be considered at Detailed Committee Consideration may be tabled no earlier than the first working day after the day on which the committee laid its report under Standing Order 26B.52(i), (ii) and (iii).

26B.70 The Chair of the committee may in exceptional circumstances accept an amendment at Detailed Committee Consideration of which less notice has been given than is required under Standing Order 26B.120. Such an amendment is referred to as a "late amendment".

26B.71 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Hybrid Bill, unless the committee has decided otherwise.

26B.72 Only a Member who is a member of the committee may participate in proceedings of that committee for the purpose of:

- (i) moving or seeking agreement to withdraw an amendment; or
- (ii) voting.

26B.73 An amendment tabled by a Member who is not a member of the committee may be moved by a member of the committee.

26B.74 Where any amendment is tabled to a section of or schedule to the Hybrid Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the committee for the purpose of Detailed Committee Consideration proceedings.

26B.75 If no amendment is tabled to a section of or schedule to the Hybrid Bill, that section or schedule is deemed agreed by the committee for the purpose of Detailed Committee Consideration.

26B.76 Detailed Committee Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.

26B.77 If a Hybrid Bill is amended at Detailed Committee Consideration the Member in charge must prepare a revised Explanatory Memorandum, unless the committee resolves that no revised Explanatory Memorandum is required.

26B.78 Any revised Explanatory Memorandum prepared under Standing Order 26B.77 must be laid at least five working days before the date of the first meeting of the Assembly that considers Detailed Assembly Consideration proceedings.

Detailed Assembly Consideration

26B.79 Detailed Assembly Consideration starts on the first working day after Detailed Committee Consideration is completed.

- 26B.80 At least 15 working days must elapse between the day on which Detailed Assembly Consideration starts and the date of the first meeting of the Assembly that considers Detailed Assembly Consideration proceedings.
- 26B.81 Detailed Assembly Consideration must be considered by the Assembly in plenary.
- 26B.82A Hybrid Bill may be amended at Detailed Assembly Consideration.
- 26B.83 Amendments to be considered at Detailed Assembly Consideration may be tabled by any Member from the first day on which the stage starts.
- 26B.84 The Presiding Officer may select those amendments which are to be taken at Detailed Assembly Consideration.
- 26B.85 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Hybrid Bill, unless the Assembly has decided otherwise on a motion tabled by the Minister with responsibility for government business.
- 26B.86 The Assembly may, on a motion without notice tabled by the Minister with responsibility for government business, agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).
- 26B.87 If a motion under Standing Order 26B.86 is agreed to, debates on those groups of amendments must be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer:
- (i) as a consequence of the non-moving of an amendment leading to a change in the order in which groups are debated; or
 - (ii) to prevent any debate on a group of amendments that has already begun when a time-limit is reached from being unreasonably curtailed.
- 26B.88 Amendments at Detailed Assembly Consideration are only admissible if, in addition to the criteria in Standing Order 26B.122, they are for the purpose of:

- (i) clarifying the wording of a provision of a Hybrid Bill (including removing inconsistencies in or between the English and Welsh texts), or
- (ii) giving effect to commitments given on behalf of the Member in charge at the Detailed Committee Consideration Stage, or
- (iii) giving effect to any recommendations made by the committee in its report under Standing Order 26B.52(i) and (ii).

26B.89 Where any amendment is tabled to a section of or schedule to the Hybrid Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the Assembly for the purpose of Detailed Assembly Consideration.

26B.90 If no amendment is tabled to a section or schedule, that section or schedule is deemed agreed by the Assembly for the purpose of Detailed Assembly Consideration proceedings.

26B.91 Detailed Assembly Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.

Further Detailed Committee Consideration

26B.92 When all amendments selected at Detailed Assembly Consideration proceedings have been disposed of in accordance with Standing Order 26B.91, any Member may, with the agreement of the Presiding Officer, move a motion without notice that any part of the Hybrid Bill specified in the motion be referred back to the Hybrid Bill Committee for further Detailed Committee Consideration.

26B.93 Standing Orders 26B.63 and 26B.69 to 26B.78 apply to Further Detailed Committee Consideration. References to “Detailed Committee Consideration” should be construed as references to “Further Detailed Committee Consideration” accordingly.

26B.94 Further Detailed Committee Consideration starts on the first working day after the motion under Standing Order 26B.92 is agreed.

26B.95 At Further Detailed Committee Consideration the committee may invite such other persons to give evidence as it considers appropriate.

26B.96 Amendments to be considered at Further Detailed Committee Consideration may be tabled no earlier than the first working day after the day on which Further Detailed Committee Consideration starts.

26B.97 Amendments at Further Detailed Committee Consideration are only admissible if, in addition to the criteria in Standing Order 26B.122, they are to the provisions which were referred back to the Hybrid Bill Committee, or would be necessary in consequence of any amendments tabled at the Further Detailed Committee Consideration stage proceedings being agreed.

Further Detailed Assembly Consideration

26B.98 Once Detailed Assembly Consideration is completed in accordance with Standing Order 26B.91, or Further Detailed Committee Consideration is completed in accordance with Standing Order 26B.76 where undertaken, the Member in charge may, without notice, move that the Assembly consider amendments at a Further Detailed Assembly Consideration Stage. Such a motion may be debated but not amended.

26B.99 Further Detailed Assembly Consideration Stage starts on the first working day after a motion under Standing Order 26B.98 is agreed by the Assembly.

26B.100 Standing Orders 26B.80 to 26B.91 apply to Further Detailed Assembly Consideration proceedings. References to "Detailed Assembly Consideration" should be construed as references to "Further Detailed Assembly Consideration", and references to "Detailed Committee Consideration" should be construed as references to "Detailed Assembly Consideration" accordingly.

Final Stage

26B.101 The Final Stage of a Hybrid Bill must be taken by the Assembly in plenary.

26B.102 Subject to Standing Order 26B.106, not earlier than five working days after the completion of Detailed Assembly Consideration, or Further Detailed Committee Consideration or Further Detailed Assembly Consideration where undertaken, any Member may table a motion that the Hybrid Bill be passed.

26B.103 A motion under Standing Order 26B.102 must be tabled at least one working day before it is debated.

26B.104 Subject to Standing Order 26B.106, immediately after the completion of Detailed Assembly Consideration, or Further Detailed Assembly Consideration where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Hybrid Bill be passed.

26B.105 A motion that a Hybrid Bill be passed may not be amended.

26B.106 No motion that a Hybrid Bill be passed may be moved unless the text of the Hybrid Bill is available in both English and Welsh.

26B.107 No motion under Standing Order 12.31(ii) may be moved in any Final Stage proceedings.

Reconsideration of Hybrid Bills Passed

26B.108 In accordance with section 113 of the Act, any Member may, after the Hybrid Bill is passed, by motion propose that the Assembly reconsider the Hybrid Bill, or any provision of it, if:

- (i) a question in relation to the Hybrid Bill has been referred to the Supreme Court under section 112 of the Act;
- (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.

26B.109 If a motion under Standing Order 26B.108 is agreed to by the Assembly, the Clerk must notify the Counsel General and the Attorney General of that fact.

26B.110 If the Assembly 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.

26B.111 Any Member may by motion propose that the Assembly 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 Assembly; or

(ii) an order is made in relation to the Hybrid Bill under section 114 of the Act.

26B.112 If the Assembly 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 Assembly.

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

26B.114 Proceedings at Reconsideration Stage must be considered by the Assembly 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) the reference for a preliminary ruling;

(ii) the decision of the Supreme Court; or

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

26B.116 Unless the Assembly has decided, on a motion of the Business Committee, the order in which amendments are to be disposed of, they must be disposed of in the order in which the provisions to which they relate arise in the Hybrid Bill.

26B.117 Immediately after the completion of Reconsideration Stage proceedings, any Member may without notice move that the Assembly approves a Hybrid Bill amended on reconsideration. Such a motion may not be amended.

Amendments to Hybrid Bills

26B.118 Standing Orders 26B.119 to 26B.127 apply to amendments in Detailed Committee Consideration proceedings, Detailed Assembly Consideration proceedings and Reconsideration Stage proceedings.

- 26B.119 The Presiding Officer must determine the proper form of amendments to a Hybrid Bill.
- 26B.120 No amendment, other than a late amendment, may be considered unless it has been tabled at least five working days before it is considered.
- 26B.121 Any Member may add his or her name to an amendment (other than a late amendment) by notifying the Clerk at any time until the end of the working day before the amendment is due to be considered.
- 26B.122 An amendment is not admissible if:
- (i) it is not in its proper form in accordance with Standing Order 26B.119;
 - (ii) it is not relevant to the Hybrid Bill or the provisions of the Hybrid Bill which it would amend;
 - (iii) it is inconsistent with the general principles as reported on by the committee and deemed agreed by the Assembly; or
 - (iv) it is inconsistent with a decision already taken at the stage at which the amendment is proposed.
- 26B.123 An amendment may be tabled to an amendment and, if selected, must be disposed of before the amendment which it would amend and Standing Orders 26B.119 to 26B.127 must apply accordingly.
- 26B.124 Subject to Standing Order 26B.72, an amendment (other than a late amendment) may be withdrawn by the Member who tabled it at any time before the day on which it is considered but only with the unanimous agreement of any Members who have added their names to the amendment. If such agreement is not obtained, the amendment becomes an amendment in the name of the Member who first added his or her name to the amendment and who does not agree to the amendment being withdrawn.
- 26B.125 The Chair of the committee or the Presiding Officer, as the case may be, may group amendments for the purpose of debate as he or she sees fit. An amendment debated as part of a group may not be debated again when it comes to be disposed of.

26B.126 If a Member who tabled an amendment does not move the amendment when that amendment comes to be debated, the amendment may be moved:

- (i) in the committee at Detailed Committee Consideration, by a member of the committee; or
- (ii) in Detailed Assembly Consideration or Reconsideration proceedings, by any other Member.

26B.127 An amendment which has been moved may be withdrawn by the Member who moved it, but only:

- (i) in the committee at Detailed Committee Consideration, if no member of the committee objects; or
- (ii) in Detailed Assembly Consideration or Reconsideration proceedings, if no Member objects.

Her Majesty's and Duke of Cornwall's Consent

26B.128 If a Hybrid Bill contains provision, or is amended so as to include any provision, that would, if the Hybrid Bill were a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Assembly must not debate the question whether the Hybrid Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government at a meeting of the Assembly.

Financial Resolutions

26B.129 The Presiding Officer must decide in every case whether a resolution is required for a Hybrid Bill under Standing Orders 26B.130 to 26B.135.

26B.130 If a Hybrid Bill contains a provision:

- (i) which charges expenditure on the Welsh Consolidated Fund, or
- (ii) the likely effect of which would be to:
 - (a) increase significantly expenditure charged on that Fund;

(b) give rise to significant expenditure payable out of that Fund for a new service or purpose; or

(c) increase significantly expenditure payable out of that Fund for an existing service or purpose;

no proceedings may be taken on the Hybrid Bill at any Stage after the Hybrid Bill Committee has reported in accordance with Standing Order 26B.52(i), (ii) and (iii) unless the Assembly has by financial resolution agreed to the expenditure or the increase in expenditure being charged on or, as the case may be, payable out of that Fund.

26B.131 If:

(i) a Hybrid Bill contains any provision which imposes or increases (or confers a power to impose or increase) any charge, or otherwise requires (or confers a power to require) any payment to be made; and

(ii) the person to whom the charge or payment is payable is required, by or under section 120(1) of the Act, to pay sums received into the Welsh Consolidated Fund (or would be so required but for any provision made by or under section 120(2));

no proceedings may be taken on the Hybrid Bill at any Stage after the Hybrid Bill Committee has reported in accordance with Standing Order 26B.52(i), (ii) and (iii) unless the Assembly has by financial resolution agreed to the charge, increase or payment.

26B.132 Standing Order 26B.131:

(i) applies only where the charge, increase in charge or payment is significant; and

(ii) does not apply where the charge, increase in charge or payment is:

(a) in respect of the provision of goods and is reasonable in relation to the goods provided; or

(b) wholly or largely directed to the recovery of the cost of providing any service for which the charge is imposed or the payment requires to be made.

26B.133 Where the effect of an amendment (or amendments) to a Hybrid Bill, if agreed to, would be that the Hybrid Bill would require a financial resolution which it would not otherwise require, no proceedings may be taken on the amendment (or amendments) unless the Assembly has agreed to a motion for such a financial resolution.

26B.134 Only a member of the government may move a motion for a financial resolution. Such a motion cannot be amended.

26B.135 Unless:

(i) notice of a motion for any financial resolution required in relation to a Hybrid Bill by Standing Orders 26B.130 or 26B.131 is tabled within 6 months of the date on which the Hybrid Bill Committee has reported in accordance with Standing Order 26B.52(i), (ii) and (iii); and

(ii) the motion is agreed to;

the Hybrid Bill falls.

Notification of Royal Assent to Hybrid Acts of the Assembly

26B.136 The Clerk must notify the Assembly of the date of Royal Assent to a Hybrid Act of the Assembly.

Fall, Rejection or Withdrawal of Hybrid Bills

26B.137 If a Hybrid Bill falls or is rejected by the Assembly, no further proceedings may be taken on that Hybrid Bill and a Hybrid Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the Hybrid Bill fell or was rejected.

26B.138 A Hybrid Bill falls if it has not been passed or approved by the Assembly before the end of the Assembly in which it was introduced.

- 26B.139 Where a Hybrid Bill falls under Standing Order 26B.138, a member of the government may introduce a Hybrid Bill in the same terms in the next Assembly. The text of the Hybrid Bill introduced must be the version that was under consideration by the previous Assembly at the date of dissolution.
- 26B.140 Those documents to accompany the Bill in the previous Assembly that had been published or laid in accordance with Standing Order 15 up to the date of dissolution must be used for the purposes of the Hybrid Bill on re-introduction in the next Assembly.
- 26B.141 A Hybrid Bill under Standing Order 26B.139 may only be introduced during the period commencing with the date of the first meeting of the next Assembly and ending on the thirtieth working day after that date.
- 26B.142 Any objections submitted during the previous Assembly must be treated as objections to the Hybrid Bill introduced in the next Assembly and any decision of the Hybrid Bill Committee taken during the previous Assembly in respect of those objections must apply. There must be no further objection period for the Hybrid Bill introduced in the next Assembly in addition to the objection period for the Hybrid Bill in the previous Assembly.
- 26B.143 Subject to Standing Order 26B.144 if at the date of dissolution the Stage that the Hybrid Bill was at had not been completed, the proceedings on the Hybrid Bill introduced in the next Assembly must usually commence at the beginning of that Stage.
- 26B.144 Proceedings may commence at a later point during Detailed Committee Consideration Stage if:
- (i) The Member in charge and each person who had given oral evidence to the Hybrid Bill Committee established in the previous Assembly either;
 - (a) gives that evidence orally to the Hybrid Bill Committee established in the next Assembly (“the new Committee”); or
 - (b) agrees that the members of the new Committee may instead view a recording or read a transcript of all the evidence that was given.

26B.145 Where an assessor has been appointed but not reported before the Assembly is dissolved, the assessor's report must be considered by the Hybrid Bill Committee established in the next Assembly.

26B.146 A Hybrid Bill may be withdrawn at any time by the Member in charge but must not be withdrawn after completion of Initial Consideration except with the agreement of the Assembly.

Consequential Amendment to Standing Order 24

24.2 In Standing Order 24 "legislation" means:

- (i) proposed Orders under Standing Order 25; or
- (ii) draft Orders under Standing Order 25; or
- (iii) Bills under Standing Order 26, and 26B.