

DRAFT PROTOCOL FOR THE DEALINGS OF THE SECRETARY OF STATE FOR WALES WITH THE ASSEMBLY

Statutory background

1 Under s31 of the Government of Wales Act 1998 (the Act), the Secretary of State for Wales has a duty to consult the Assembly about the Government's legislative programme as soon as is reasonably practicable after the beginning of each session of Parliament and in the way that appears to him/her appropriate. However, this must include attendance at and participation in a plenary session of the Assembly at least once a year. He or she must also consult separately on legislation which is introduced later in the session if consultation has not already taken place. He or she has discretion not to consult about a particular bill if he or she considers it inappropriate to do so.

2 Under s76 of the Act, the Secretary of State for Wales is entitled to attend and participate in any plenary proceedings of the Assembly but may not vote, He or she has no statutory right to attend committee sessions. He or she must also receive copies of the record and of all documents which are made available to Assembly members at the same time as they are made so available.

3 This document sets out the protocols to be observed by the Secretary of State and the Assembly in respect of these sections of the Government of Wales Act.

Attendance at plenary sessions of the Assembly.

4 The Secretary of State will notify the Presiding Officer as soon as is practicable of his or her intention to attend a particular session and whether he or she wishes to speak in a debate.

5 At the same time as he or she notifies the Presiding Officer, he or she will inform the First Secretary of his or her intention.

6 The Secretary of State will observe Standing Orders 6 and 7 relating to the conduct of business in plenary sessions

7 The Secretary of State will be called to speak in any debate by prior arrangement with the Presiding Officer, who will normally give priority to any such request to do so from the Secretary of State. On his or her part, unless otherwise agreed by the Business Committee or at the discretion of the Presiding Officer, the Secretary of State will observe any time limit on speeches for Assembly Members.

8 Arrangements for the statutory debate on the Government's legislative programme will be

agreed by the Presiding Officer, the Secretary of State and the First Secretary. The Trefnydd will keep the Business Committee informed of these arrangements, as for other Assembly business. They will also agree whether there should be debates on other bills to be introduced into Parliament. On these occasions only, the Secretary of State will open and reply to the debate.

9 If the Secretary of State is prevented from attending an arranged debate on the legislative programme, another Minister from the Office of the Secretary of State for Wales may represent him/her with the agreement of the Presiding Officer and the First Secretary. However, no other Minister can exercise the right of the Secretary of State to attend and participate in any plenary session although he or she may do so by prior agreement with the Presiding Officer and the First Secretary

10 The Secretary of State will normally communicate with the Assembly as a corporate body by means of documents. However if, exceptionally, He or she judges it appropriate to communicate by means of an oral statement to the Assembly, he or she will discuss the matter with the Presiding Officer and the First Secretary and will take part in accordance with the procedures for statements by Assembly Secretaries.

11 If the Presiding Officer or the First Secretary believes that the Assembly would find it helpful for the Secretary of State to attend a particular plenary session of the Assembly either to participate in a debate or to make a statement, they will invite him/her to do so as far in advance as is practicable. He or she will not be obliged to accept such an invitation, but if he or she does the Business Secretary will seek to arrange for the matter to be taken during a normal plenary session at the time most convenient to the Secretary of State. In these circumstances, the Secretary of State will observe the same time limit on his or her speech as Assembly Cabinet Members, unless otherwise agreed by the Business Committee or by the Presiding Officer.

12 If the Secretary of State wishes to attend a session of any committee he may do so by prior arrangement with the Presiding Officer and the First Secretary.

13 Any Committee of the Assembly may invite the Secretary of State or another Minister or an official from the Office of the Secretary of State to attend a meeting or to give evidence to it. . They will not be obliged to accept such an invitation but will normally do so when the issue relates to the Secretary of State's functions. If he or she provides written evidence, it will be in English and Welsh.

Provision of Documents

14. The Secretary of State will have access to the Assembly Intranet. He or she will be deemed to have received documents if they are published on the Intranet.

15. When the Secretary of State wishes to communicate with the Assembly as a corporate body by means of a document, he or she will inform the Presiding Officer that he or she is publishing a document on the Intranet. The document will normally be available in both English and Welsh.