

Research Briefing **Emergency Bills**

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The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

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Research Briefing

Emergency Bills



Government Emergency Bills

What is an Emergency Bill?

An Emergency Bill is a Government Bill that needs to be enacted more quickly than the Assembly's usual legislative process allows. Standing Order 26.95 states that:

If it appears to a member of the government that an Emergency Bill is required, he or she may by motion propose that a government Bill, to be introduced in the Assembly, be treated as a government Emergency Bill.

Scrutiny of an Emergency Bill

As the purpose of introducing an Emergency Bill is to enable the quick enactment of urgent legal provisions, the Assembly's Standing Orders set out a streamlined version of the Assembly's usual legislative processes to avoid any time delays. This process is outlined below:

- Prior to the introduction of an Emergency Bill in the Assembly, the Member in charge (which in this instance has to be a member of the Welsh Government) must first propose a motion in accordance with Standing Order 26.95 asking for it to be treated by the Assembly as an Emergency Bill. In accordance with Standing Order 29.95A, that motion must be accompanied by a statement by the Member in charge which must explain:
 - why the Bill should be treated as an Emergency Bill; and
 - the estimated costs and other consequences of not doing so.
- The motion under Standing Order 26.95 may also propose that the Emergency Bill in question is introduced without an Explanatory Memorandum, as is normally required with non-emergency Assembly Bills. The motion must be agreed by the Assembly before an Emergency Bill can proceed.
- Upon its introduction in the Assembly, an Emergency Bill must be accompanied by a statement from the Member in charge stating that, in his or her view, the provisions of the Bill are within the Assembly's legislative powers. If at the time of introduction the Member in charge has laid an Explanatory Memorandum for the Bill, the relevant statement on legislative competence will be included within the EM under the provisions of Standing Order 26.6.
- If the Assembly agrees to a motion under Standing Order 26.95, the Member in charge must table a motion proposing a timetable for the consideration of Stages 1 to 4 of the Emergency Bill, which can be taken on a single working day in a sitting week. This is different to the usual process for establishing a timetable for the consideration of a non-emergency Bill, where it is decided by the Business Committee. The Member in charge may also make subsequent changes to the timetable, but must provide reasons to the Assembly for doing so.
- The way in which the Assembly considers an Emergency Bill broadly follows the usual four stage legislative process, but with some significant alterations to speed them up. These are outlined below:
 - At **Stage 1**, the Member in charge must table a motion proposing that the Assembly agree to the general principles of the Emergency Bill. No option exists for the Bill to be referred to an Assembly Committee for consideration of the general principles.

- **Stage 2** of an Emergency Bill must be considered by a Committee of the Whole Assembly (as opposed to an Assembly Committee), to be chaired by the Presiding Officer. A gap of 15 working days between Stages 1 and 2 is not required when considering an Emergency Bill. The Standing Order requirement that Stage 2 starts on the first working day after Stage 1 is completed is also disapplied. Stage 2 proceedings can therefore take place immediately following the completion of Stage 1.
- A gap of 15 working days between Stages 2 and 3 is not required when considering an Emergency Bill. The Standing Order requirement that Stage 3 starts on the first working day after Stage 2 is completed is also disapplied. **Stage 3** proceedings can therefore take place immediately following the completion of Stage 2.
- There can be no **report** stage during the consideration of an Emergency Bill.
- The usual requirement for amendments to be tabled at least five days before they are due to be considered is disapplied in relation to the consideration of Emergency Bills. Instead, the Presiding Officer is allowed discretion to determine the amount of notice an Assembly Member must give if he or she intends to table an amendment to an Emergency Bill.
- The text of an Emergency Bill does not have to be available in both English and Welsh for it to be passed by the Assembly at **Stage 4**.

Emergency Bills in the Assembly

There has been only one Emergency Bill up to January 2018. The Fourth Assembly passed the

***Agricultural Sector (Wales) Bill** which was introduced on 8 July 2013. The Stage 1 debate took place on 9 July and Stage 2, which comprised a Committee of the Whole Assembly, took place on the 16 July. Stages 3 and 4 took place on 17 July. The Bill was referred to the Supreme Court, which handed down judgment on 9 July 2014. Royal Assent was given on 30 July 2014.*

The Business Committee can also decide to **“fast track”** a Bill, which means agreeing that a Bill is not referred to a committee for scrutiny in advance of the Stage 1 Plenary debate. Two Bills have been fast-tracked in this way:

- **The Control of Horses (Wales) Bill** was introduced on 14 October 2013 and the Minister made a legislative statement on its introduction in Plenary on 15 October 2013. Stage 4 was on the 10 December and Royal Assent was granted on 27 January 2014. The Bill was fast-tracked given the level of scrutiny of the underlying policy undertaken by the Public Accounts Committee.
- **NHS Finance (Wales) Bill** was introduced on 30 September 2013. The Business Committee agreed not to refer the proposed Bill to a Committee for consideration of the general principles at Stage 1. A debate took place in Plenary on **8 October 2013**. Stage 2 consideration took place in Committee on **7 November 2013** and stages 3 and 4 took place on 3 December. Royal Assent was granted on 27 January 2014.