

GUIDANCE ON ASSEMBLY QUESTIONS

Presiding Office, April 2002

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GUIDANCE ON ASSEMBLY QUESTIONS

INTRODUCTION

1.1 Section 56(7) of the Government of Wales Act 1998 and Standing Order 6 provide for Assembly Members to ask oral and written questions of the First Minister about the exercise of functions by the Assembly Cabinet; and of Assembly Ministers and the House Committee about the functions in their field of allocated responsibility (see para 3.1).

1.2 This Guidance sets out the purpose, related procedures and form and content of Assembly questions as agreed by the Assembly on 16th April 2002.

Purpose

1.3 The purpose of tabling questions to Assembly Ministers is to obtain information or press for action.

1.4 Assembly questions and answers are published in the Assembly's official Record of Proceedings and are therefore important ways in which Members can hold Assembly Ministers and the House Committee to account. However, Members should only need to use these mechanisms when they wish to put issues into the public domain or to have a clear statement of policy on the record. The culture of the Assembly is to encourage a free flow of information between the Cabinet and other Assembly Members, so that formal mechanisms are not needed simply to acquire factual information. The Intranet and the Library, which is able to offer a factual briefing service, can sometimes be the most appropriate, and quickest, ways of obtaining factual information.

Categories of Questions

1.5 Standing Order 6 provides three avenues for obtaining answers to questions:

- **questions for oral answer** which are tabled with the intention that they should be given an oral answer in the Assembly during designated Question Time in Plenary meetings;
- **questions for written answer** to which the answers are not given orally in the Assembly but are instead sent in written form directly to the Assembly Member;
- **questions for urgent answer** which can only be asked if the matter is judged by the Presiding Officer to be urgent and a matter of public importance. Urgent Questions are answered orally in the Assembly at any Plenary.

PROCEDURES

Role of the Presiding Officer and Table Office

2.1 The process by which Members submit questions to Ministers and the House Committee for official answer is known as “tabling”. The Presiding Officer is responsible for facilitating tabling and has discretion as to the admissibility, content and length of questions (see section 3). In practice the Presiding Officer has delegated these functions to Clerks in the Table Office, though he remains the final authority on such matters (see para 3.9).

2.2 Assembly Members are responsible for drafting, tabling and the form and content of their questions [minor points of grammar and drafting will be corrected by the Table Office if necessary]. Table Office Clerks are available to offer help and advice on such matters, and where a question has been ruled unacceptable, will explain the reasons why it was ruled out of order, and where possible, provide assistance with amendments to bring the question in order.

Tabling

2.3 Questions may be tabled in either English or Welsh.

2.4 A form is available on the Intranet (and from the Table Office) to make tabling questions easy. Members can either table the question in person at the Table Office or email the form to the Table Office. Members can authorise a member of their staff or another Member to table questions on their behalf by signing and dating the completed form or, by giving notice in advance, either in person, writing or email to the Table Office of the nominated person. Members are reminded that they are responsible for all material that is sent from their personal computers and should ensure that their password etc. is kept secure.

2.5 Question forms must be clearly marked whether they are for written, oral or urgent answer and to whom the question is addressed.

2.6 Members are required to declare any relevant interest when tabling and before asking an oral or urgent question, and the question will be annotated with an [R] on the Order Paper to draw attention to the interest. Members should refer to the *Guidance on Registration and Declaration of Members' Interests* available on the intranet at:-

[http://assembly/aegis/AssemblyGuidance/New%20Structure/General%20Guidance/Guidance%20on%20Members'%20Interests%20\(adopted%2013.02.01\).html](http://assembly/aegis/AssemblyGuidance/New%20Structure/General%20Guidance/Guidance%20on%20Members'%20Interests%20(adopted%2013.02.01).html)] for information about the declaration of interests. Table Office Clerks will also be able to provide advice.

Questions for Oral and Written Answer

2.7 Questions for **written answer** can be tabled at any time during Table Office opening hours[<http://assembly/aegis/AssemblyServices/TableOffice.htm>]. In accordance with SO 6.34, a question must be tabled at least 5 days before it is due to

be answered. This does not prevent more notice being given - for example, if a Member wishes an answer to be given on a particular day. Where Members do not express a preferred date for answer, or express a preference for too early a date, the Table Office will put the question down for answer 5 days after the day of tabling. In the case of a question tabled less than 8 days before it is due to be answered, it is sometimes impossible for an answer to be given on the due day. In such cases, ministers have undertaken that an answer will be given within 8 days. This may in rare cases be a "holding" answer."

2.8 Standing Order 6.27 requires Members to provide questions for **oral answer** to the Table Office at least 5 working days but not more than ten working days before they are to be answered. Questions for oral answer will receive a response in Plenary meetings. The effect of Standing Order 6.3 is that oral questions to

- the First Minister to be taken at least once a week and for at least 15 minutes;
- each Assembly Minister on their relevant portfolios are to be taken at least once every four weeks, and for at least 15 minutes.

2.9 Questions to the First Minister are usually taken in the first Plenary meeting of the week, and to the relevant Assembly Ministers in the following meeting. The Assembly Minister for Business will include the dates and times of questions to each Assembly Minister in the Business Statement to the Assembly.

2.10 The Clerks in the Table Office will consider the Business Minister's statement on forthcoming plenary business and then publish a notice on the Intranet informing Members of the days when they are able to table questions to Ministers. [<http://assembly/plenary/Plenary/Tabling%20Schedule/Weekly%20Tabling%20Schedule.htm>]

2.11 The notice period between tabling and answer allows time for the preparation of the answers.

2.12 Tabling days take place during the recess so that oral questions can be answered in the first two weeks following a recess. The Table Office will produce a list of dates and times that has been agreed with the Business Committee. The list will be emailed to Members, and published on the Intranet.

Number and order of questions

2.13 There is no limit on the number of questions for written answer.

2.14 Standing Order 6 limits the number of questions for oral answer that a Member can ask each Assembly Minister to two per question time; except for the First Minister where the limit is no more than one per question time.

2.15 Standing Order 6 also specifies how the order in which oral questions are answered is determined. All accepted questions received by the published deadline on

the first day on which they may be tabled, go into a random selection process (known as the shuffle) to determine their order. Questions received after the published deadline will be taken in the order in which they are received. The result of this process will be published in the Assembly's Business Papers on the Intranet and Internet the following morning. Only the first 15 questions are published. All other questions fall and will not receive an answer.

Procedure for Oral Questions in Plenary

2.16 The Presiding Officer starts Question Time by calling the name of the Assembly Member whose question is first on the list. The Assembly Member reads the question, which should not differ from the version that was tabled in the Table Office. The Presiding Officer then invites the First Minister or Assembly Minister, as appropriate, to give an answer.

2.17 The Presiding Officer has ruled [plenary 22 March 2001] that answers must be succinct. They should not be expanded into statements. Exceptionally, the answer to a question requiring a lengthy answer may be published in the Record of Proceedings instead of being given orally, but those answering should endeavour to provide a helpful short oral answer which refers to the substantive reply being sent to the Member, as well as being made available in the Record.

2.18 An Assembly Member who is not present to ask his or her question receives a written answer unless they have withdrawn the question (see para 2.25). In such circumstances, the Presiding Officer calls the next question on the agenda. If an Assembly Member knows in advance that they are going to be unable to attend a plenary meeting to ask a question they have tabled they should either withdraw the question or convert it for a written answer by informing the Table Office.

2.19 Following an answer, the Presiding Officer invites the Assembly Member who asked the original question to ask a follow up question (a supplementary question). When the first supplementary question has been answered the Presiding Officer may call other Assembly Members to put related supplementary questions. Decisions on who is called to ask supplementary questions are entirely at the discretion of the Presiding Officer and cannot be challenged.

2.20 Answers and any supplementary questions must relate only to the original question. In the interest of ensuring that all Assembly Members have a reasonable opportunity for their questions to be called, it is important that replies and supplementary questions are kept as short and succinct as possible, without debate or elaborate comment.

2.21 When the Presiding Officer decides that an oral question, and any such supplementary questions that are allowed, have been answered sufficiently, the name of the Member who is to ask the next question on the list will be called. This process will continue until the available time for questions is exhausted. Any oral questions that have not been answered at the end of this period will receive a written answer on the same day. If all questions are answered before the allocated time is complete, the Presiding Officer will call for the next item on the agenda.

Grouping of Questions

2.22 Sometimes the First Minister or Assembly Minister will choose to give a single reply to more than one question where they are on the same or on a closely related topic.

2.23 The responsibility for grouping questions for written answer is a matter for the appropriate person answering, though only questions from the same Assembly Member can be grouped.

2.24 The grouping of oral questions is a matter for the person answering the questions to propose in the first instance, but ultimately for the Presiding Officer to agree. If it is proposed that questions be grouped, the Presiding Officer's Private Secretary and the Members concerned should be advised before the start of that day's Question Time. In Plenary, the Presiding Officer will call in numerical order those Assembly Members whose questions have been answered together, for each to put their supplementary questions.

Withdrawal and Conversion of questions

2.25 Questions for written answer may be withdrawn at any time during Table Office opening hours before the day they are due for answer. Written questions cannot be converted for oral answer.

2.26 An oral question may be withdrawn or converted to a written question at any time before the start of the Plenary meeting in which it is due to be answered.

2.27 Assembly Members (or their support staff with the Member's consent) must advise the Table Office, either in person, by telephone or by e-mail, of the decision to withdraw or convert a question. To enable speedy processing of withdrawals and conversions emails must be addressed to the Table Office, and not sent to individual Clerks.

2.28 On receiving notice of the withdrawal or conversion of a question, the Table Office will confirm receipt to the sender, and notify Cabinet Secretariat, Chamber Secretariat, Record of Proceedings and for oral questions, the Private Secretary to the Presiding Officer.

2.29 If the question is withdrawn or converted before the day on which it is to be answered, the question will be shown as being withdrawn/converted on the published list.

Transfer of questions

2.30 If officials supporting the Cabinet/House Committee consider that a question has been addressed to the wrong Minister they will notify the Member if it is to be transferred and explain why. The decision is not taken in the Table Office. If an oral

question is transferred the Assembly Member will receive a written reply, and loses the chance of receiving an oral answer on the day they had chosen. Questions cannot be transferred after 5pm, 2 working days before they are due for answer.

2.31 When a question is transferred, a formal notice is sent by officials supporting the Minister/House Committee to whom it was addressed to the Member and also to the Table Office who will use the information as a precedent to avoid future transfers.

Publication of question and answer

2.32 Questions are given a unique reference number by the Table Office. All questions that are tabled and accepted are published in the order that they are to be answered in the Assembly Questions section on Intranet and Internet on the day after they were received. The answers are published in the Record of Proceedings on the day following the day they are answered.

Amendments to tabled questions

2.33 Members may make minor typographical amendments to questions tabled for written or oral answer up to one day before the question is due to be answered. Significant amendments that would alter the subject matter or nature of the question will not be accepted.

Holding replies

2.34 Occasionally, when a written question requires a lengthy answer, or when some research is required, or for some other reason it takes some time for an answer to be provided, the Member can receive a reply which says "I will write to the Member". The holding reply is not published but is referred to when the substantive reply is published in the Record of Proceedings.

Cost

2.35 Substantive answers to questions may not be provided where the cost of doing so would be disproportionate and the advisory limit would be exceeded. The current cost limit for written answers is £500. The Member will be informed if this is the case (and this will also be published in the Record).

Questions for Urgent answer

2.36 Standing Order 6.31 provides for Members to ask questions for which notice has not been given. The Presiding Officer will decide whether, and at what time, urgent questions may be asked. A Member who wishes to make an application for an urgent question should contact the Presiding Officer (or the Private Secretary to the Presiding Officer) at least two hours before the relevant Plenary meeting. The Presiding Officer's Private Secretary will immediately notify the Minister concerned and the Table Office that such an application has been made.

2.37 If the Presiding Officer is satisfied that the application meets the dual criteria of urgency and public importance, and decides to allow the Member to put the question at the next available Plenary meeting, the Member should complete a question form and send it to the Table Office. The Table Office Clerks are able to assist Members in drafting the text of urgent questions that have been accepted in principle by the Presiding Officer.

2.38 Decisions on whether or not to accept such requests are entirely at the discretion of the Presiding Officer. The Presiding Officer may consult the appropriate Minister on the issue of urgency/public importance but is not required to do so. Urgent questions are subject to the same rules as to form, content and order as all Assembly questions.

2.39 When an urgent question is allowed, the Private Secretary to the Presiding Officer informs the Member, Cabinet Secretariat, the Table Office and Party Business Managers immediately. The text of the question will appear on the Chamber Website and, where there is sufficient time to do so, a notice will also be published in the Assembly Questions section of the Intranet and Internet.

Answers

2.40 Answers to questions cannot be insisted upon. Neither, can a question that has been refused an answer be addressed to another Minister or the House Committee. If an answer has been refused, the Presiding Officer may refuse supplementary questions for oral or urgent questions.

FORM AND CONTENT OF ASSEMBLY QUESTIONS

Delegated Responsibilities

3.1 Section 56(7) of the Government of Wales Act 1998 and Standing Order 6 provide for Assembly Members to ask oral and written questions of the First Minister about the exercise of functions by the Assembly Cabinet; and of Assembly Ministers and the House Committee about the functions in their field of allocated responsibility. The First Minister may answer questions relating to matters of policy co-ordination or questions that have implications for the First Minister's own role in leading the Cabinet. However, where there are clearly delegated responsibilities, questions on detailed policy issues relating to those responsibilities must be directed to the appropriate person. The Presiding Officer's ruling in Plenary on 20th July 1999 clarifies that:-

"where functions have been delegated clearly, it is quite appropriate for the First Minister not to answer questions on detailed policy issues relevant to these responsibilities. They should be referred to the appropriate Assembly Minister. Questions on issues of policy, co-ordination or implications for the First Minister's role in leading the Cabinet and the Assembly are permitted. From now on, the Table Office will work in accordance with this conclusion."

3.2 Questions can ask for statements of policy or intentions on matters, or for administrative or legislative action. It is also permissible to table questions about any public statements outside the Assembly, in whatever form, made by the Assembly First Minister or an Assembly Minister in an official capacity.

3.3 Guidance on the areas in which individual Assembly Ministers and the First Minister are responsible will be circulated by the Cabinet and published on the Intranet/Internet. The remit of the House Committee is set out in Standing Order 28 [http://assembly/aegis/AssemblyGuidance/Standing%20Orders/standing_orders_contents.htm]

Equal opportunities

3.4 When tabling questions, Members should have regard for the provisions of the Government of Wales Act 1998, in particular section 48:

“The Assembly shall make appropriate arrangements with a view to securing that its business is conducted with due regard to the principle that there should be equality of opportunity for all people.”

3.5 Questions containing language considered by the Presiding Officer to be racist, sexist or otherwise discriminatory will not be accepted. A Code of Conduct for Assembly Members is available on the Intranet and Members should have regard to this when composing their questions.

Other Considerations

3.7 In addition to having regard for delegated responsibilities and equal opportunities, questions must also observe the following criteria:-

- *Purpose* - see paras 1.3 & 1.4.
- *Length* - Questions should be drafted as concisely as possible (no more than 50 words).
- *Scope* - Questions should be worded as to indicate a particular subject matter. Questions are inadmissible that:-
 - seek the solution to hypothetical propositions, or
 - raise policy issues too large to be dealt with in an answer to a question, or
 - seek information on matters of past history for the purposes of argument , or
 - are multiplied with slight variations on the same point, or
 - are trivial, vague or meaningless.

- *Open-ended oral questions* (such as asking about the First Minister's engagements for the day) will not be accepted (*Presiding Officer's 1st Ruling* - <http://assembly/aegis/AssemblyGuidance/Archive/Presiding%20Officer's%20rulings/Ruling%201.htm>).
- *Argument and disorderly expressions* - Questions that seek an expression of opinion, primarily convey information, suggest their own answers, or express a particular point of view or opinion are not acceptable. Similarly, inferences or imputations, unnecessary epithets or rhetorical, conversational, ironical or offensive expressions are not in order.
- *Factual basis* - Extracts from newspapers or books and paraphrases of or quotations from speeches etc. are not admissible but the facts on which a question is based may be briefly set out within the framework of a question, provided the Member asking it makes him or herself responsible for the accuracy of such facts.
- *Accuracy of statements* - questions cannot query whether statements made in the press, or by private individuals, or unofficial bodies are accurate or asking for comment on statements made by persons in other countries. However, questions that refer to the content of messages from another government to the Assembly are admissible.
- *Official duties*- Questions, must relate to the official duties of the Minister or the House Committee. Official duties do not include party responsibilities or conduct as a constituency or regional member, nor is it permissible to reflect on the conduct of other persons outside any relevant official or public capacity.
- *Personal reflections* - Questions must not reflect on the character or conduct of an Assembly Member. A question is not admissible if it introduces names of persons in any way unless leaving out such details would render the question unintelligible, for example, questions asking about the First Minister's, Assembly Minister's, Presiding Officer's or Deputy Presiding Officer's personal views or habits, or interests outside of their official responsibilities will not be accepted.
- *Answered Questions* - Questions that have previously been answered, or which renew, or repeat in substance one that have been answered, or have been refused an answer in that session of the Assembly may not be asked again for answer until an interval of three months. However, questions that seek monthly updates on statistical information (for example, questions about hospital waiting times), are acceptable.

- *Royal family, Heads of State* - No question can be put which brings the name of the Sovereign or the influence of the Crown directly before the Assembly, or which casts reflections upon the Sovereign or the Royal Family. Questions may refer to The Queen's Speech at the opening of each session of Parliament in order to obtain information about the matters that affect Wales. Discourteous references to a foreign country, or the Head of State of such a country, may also be ruled inadmissible.
- *Local authority / statutory body issues* - questions
 - asking for action to deal with operational matters under the control of other governments, local authorities, health authorities or other statutory authorities which the First Minister, Assembly Ministers or House Committee have no power to perform; or
 - seeking information about the activities of such persons or bodies which the First Minister, Assembly Ministers or House Committee have no power to obtain; or
 - about bodies or persons not responsible to the Assembly such as; banks, the Stock Exchange, companies, employers' organisations and trade unions,

are inadmissible. However, questions may be asked about the Minister's, or House Committee's dealings with such bodies, or about the information that the Assembly collects on such bodies.

- *Nationalised industries* - questions relating to nationalised industries and other analogous public bodies, including the regulators of former nationalised industries other than OFWAT, should be restricted to those matters for which the First Minister, Assembly Ministers or House Committee is made responsible by statute, or by other legislation, as detailed in the responsibilities of the National Assembly for Wales (see para 3.1).
- *Committees* - questions that refer to the evidence of witnesses or other matters before a National Assembly committee, a Royal Commission, a Public Enquiry, a UK Parliamentary Committee; or deal with matters within the jurisdiction of the chair of a subject or any other committee of the Assembly, are unacceptable. No question can be asked about proceedings in a committee that have not been placed before the Assembly by a report from the committee.
- *Legal Opinion* - Questions seeking an expression of opinion on a question of law, such as the interpretation of a statute, or of an international document, or of an Assembly Minister's own powers etc, may not be accepted. Questions may, however, be asked by what statutory authority the First Minister, Assembly Ministers or House Committee have acted in a particular instance, and the First Minister may be asked to define an Assembly Minister's responsibilities.

- *Sub-judice* - Questions may not be asked about matters in respect of which court proceedings have been initiated, or where notice of appeal has been given, until the time when judgement has been given (Standing Order 7.13 refers). If the subject matter of a question is found to be, or becomes, sub-judice after the question has been tabled, the Assembly Member will be asked to withdraw it, or the Presiding Officer may direct the Table Office to remove it from the agenda for the day or refuse to allow it to be asked.
- *Questions which reflect on the decision of a court of law* are not acceptable. Questions relating to the sentence passed by a judge or which criticise the judiciary are inadmissible (Standing Order 7.14 refers).
- *Questions suggesting detailed amendments to legislation* before the Assembly, or in committee, are inadmissible. Questions seeking information on the effects of proposed legislation may however be asked.
- *Readily available information* - Questions seeking information that the Assembly Member can easily obtain of their own accord or through another source are not admissible (see Para 1.4).
- *Influence* - Members may not ask the First Minister, Assembly Ministers or House Committee to influence one another, an Assembly committee or the Presiding Officer.
- *Opposition party policies* - questions relating to opposition party policies (see para 3.1) are inadmissible.
- *Decisions/Procedures of the Assembly* - Questions about the decisions of the Assembly, or procedures during Plenary, or about procedural matters generally (such as questions referring to the time taken by individual speeches) may not be asked and are matters for the Presiding Officer.

Appeals Procedures

3.8 Each question is considered on its merits. Questions cannot be insisted upon. Neither, can a question that has been refused be addressed to another Minister or the House Committee.

3.9 When a question has been refused by the Table Office, and the Assembly Member wishes to take the matter further, he or she may speak to the Head of the Table Office or the Clerk to the Assembly. If the Member remains dissatisfied he or she should write to the Presiding Officer and not raise the matter as a point of order in the Assembly. The Presiding Officer is the final authority as to the admissibility of questions.

Presiding Office, March 2002

Adopted in Plenary on XX March/April 2002 following consultation with Business Committee and Assembly Members.