

**STANDING ORDERS OF THE  
NATIONAL ASSEMBLY FOR WALES**

**This version takes into account amendments made between May 1999 and May 2006. Changes are not tracked.**

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## INTERPRETATION

In these Standing Orders

“**the Act**” means the Government of Wales Act 1998;

“**Assembly Cabinet**” means the executive committee established under section 56(1) of the Act;

“**Assembly Order**” means Assembly general subordinate legislation as defined in section 58(6) of the Act and which is made under Standing Order 24 and section 2 of Standing Order 25;

“**Business Minister**” means the member of the Assembly Cabinet designated in accordance with Standing Order 2.5 to have particular responsibility for the management of the Assembly’s business;

“**Clerk**” means the member of the Assembly’s staff appointed to be the Clerk to the Assembly and administrative head of the Assembly Parliamentary Service;

“**Deputy**” means the Deputy Presiding Officer elected under section 52(1)(b) of the Act;

“**Finance Minister**” means the member of the Assembly Cabinet designated in accordance with Standing Order 2.5 to have particular responsibility for the Assembly’s finances;

“**First Minister**” means the Member elected under section 53(1) of the Act;

“**Member**” means an Assembly Member returned either for an Assembly constituency or for an Assembly electoral region;

“**Minister**” means a member of the Assembly Cabinet (including the First Minister);

“**Permanent Secretary**” means the member of the Assembly’s staff referred to in section 63(2) of the Act;

**“political group”** means a registered political party having at least three Members in the Assembly, or three or more Members who, not being members of such a party, have notified the Presiding Officer of their wish to be regarded as a political group for the purposes of Standing Orders;

**“proceedings of the Assembly”** includes the proceedings of a committee of the Assembly or those of a sub-committee of such a committee;

**“subordinate legislation”** means Orders in Council, orders, rules, regulations, schemes, warrants, bye-laws and other instruments made or to be made under any Act;

**“working day”** means any day unless it is:

- (i) a Saturday or a Sunday;
- (ii) Christmas Eve, Christmas Day, Maundy Thursday or Good Friday;
- (iii) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971; or
- (iv) a day appointed for public thanksgiving or mourning.

## **STANDING ORDER 1 - Presiding Officer and Deputy**

### **Election of Presiding Officer and Deputy**

1.1 At its first meeting after an ordinary election, the Assembly shall elect a Presiding Officer and a Deputy.

1.2 Until the Presiding Officer is elected, the Assembly shall be chaired by the Clerk.

1.3 At the election of a Presiding Officer or a Deputy, the chair shall invite nominations. A nomination shall in the first instance be valid only if seconded by a Member who is not a member of the political group to which the nominating Member belongs. If it appears that no Member is likely to be nominated and seconded by members of different political groups, the chair shall adjourn the meeting and may, on its resumption, accept nominations which are seconded by members of the same political group as the nominating Members.

1.4 If there is only one nomination, the chair shall propose that the Member nominated be elected as Presiding Officer (or Deputy as the case may be). If that is opposed, or if there are two or more nominations, the chair shall make arrangements for an election to take place by secret ballot.

1.5 If two Members have been nominated, the chair shall declare elected the Member who has secured the greater number of votes in the ballot.

1.6 If more than two Members have been nominated and no Member receives more than half of the votes cast in a ballot, the candidate who has received the smallest number of votes shall be excluded and further ballots held until one candidate obtains more than half of the votes cast; and if there is an equality of votes between the two remaining candidates (or the only two candidates) a further ballot shall take place.

1.7 The Member elected as Presiding Officer shall immediately take the chair.

1.8 The Presiding Officer and Deputy may not represent the same party.

### **Duties and Powers of Presiding Officer and Deputy**

1.9 The duties and powers of the Presiding Officer are those set out in the Act and the Standing Orders. The Presiding Officer shall preside at plenary meetings of the Assembly, and shall fulfil the responsibilities specified in the Act and Standing Orders. The Presiding Officer shall determine any questions as to the interpretation or application of Standing Orders, and such determinations shall be final.

1.10 In the absence of the Presiding Officer or at his or her request, the Deputy shall perform the duties of the Presiding Officer and may exercise his or her powers. The

Deputy shall fulfil the responsibilities attributed to that office in these Standing Orders. In the absence of, or at the request of, the Deputy the Presiding Officer may perform any function allocated to the Deputy, by the Standing Orders. Where the Presiding Officer has a duty or power under the Standing Orders relating to any matter in which he or she has any direct or indirect personal or financial interest registered under Standing Order 4, he or she shall request that the duty be performed or the power exercised instead by the Deputy. Where the Deputy has a duty or power under the Standing Orders relating to any matter in which he or she has a financial interest registered under Standing Order 4, he or she shall request that the duty be performed or the power exercised instead by the Presiding Officer.

1.11. Any Member other than a member of the Assembly Cabinet may, at the request of the Presiding Officer or Deputy when either is presiding at a plenary meeting of the Assembly, temporarily preside for not more than a quarter of an hour on any one occasion; but a Member so presiding shall not perform any of the duties or exercise any of the powers of the Presiding Officer or Deputy except those contained in Standing Order 7 (Order in Plenary Meetings) except that if the Member so presiding believes that the conduct of a Member is such as to warrant his or her withdrawal, the Member presiding shall suspend the meeting until the Presiding Officer or Deputy shall have returned.

1.12 When presiding at plenary meetings, the Presiding Officer or Deputy may vote only by the exercise of a casting vote. Where there is an equality of votes a casting vote shall be given

(i) in the affirmative where further discussion of the matter before the Assembly is possible; and

(ii) in the negative where further discussion is not possible or where there is a vote on an amendment.

1.13 If both the Presiding Officer and Deputy are temporarily unable to serve (other than under the provisions of Standing Order 1.11), the Clerk shall take the chair solely in order to arrange for the election of a Member to act as Presiding Officer and a person so elected shall perform the duties and may exercise the powers of the Presiding Officer or Deputy until either the Presiding Officer or Deputy becomes able to serve.

### **Resignation of Presiding Officer or Deputy**

1.14 The Presiding Officer or the Deputy may resign by giving notice in writing to the Clerk. If the Assembly resolves that it has no confidence in its Presiding Officer or its Deputy, that Officer shall immediately give notice of resignation by writing to the Clerk.

### **Vacancies**

1.15 If either the office of Presiding Officer or that of the Deputy becomes vacant the Assembly shall as soon as may be elect a Member to fill the vacancy. Any such election of a Presiding Officer shall take precedence over all other business, and shall be conducted in accordance with this Standing Order.

## **STANDING ORDER 2 - First Minister and Assembly Cabinet**

### **Election of and Responsibilities of First Minister**

2.1 As soon as may be after the election of the Presiding Officer and the Deputy under Standing Order 1.1, or after the office becomes vacant, the Assembly shall elect a First Minister.

2.2 The Presiding Officer shall invite nominations. If only one nomination is made, the Presiding Officer shall declare the Member nominated to be elected as First Minister. If more than one nomination is made, the Presiding Officer shall by roll call in alphabetical order of the membership invite each Member present to vote for a candidate (except that neither the Presiding Officer nor the Deputy may vote). If two Members have been nominated, the Presiding Officer shall declare elected the candidate who has received the greater number of votes cast.

2.3 If more than two Members have been nominated and no Member receives more than half of the votes cast by roll call, the candidate who has received the smallest number of votes shall be excluded and further votes by roll call taken until one candidate obtains more than half of the votes cast; and the Presiding Officer shall declare that Member elected. If there is an equality of votes between the two remaining candidates (or the only two candidates) a further vote by roll call shall take place.

### **Assembly Cabinet**

2.4 As soon as possible after being elected the First Minister shall appoint Ministers and allocate responsibilities and accountability to them. The First Minister shall notify the Assembly of the membership of the Assembly Cabinet and of each member's responsibilities and accountability, and shall also notify the Assembly of any changes as soon as possible after they have been made.

2.5 There shall be no more than nine members of the Assembly Cabinet, including the First Minister; and the maximum number of Ministers who are not members of Subject Committees under section 57(4) of the Act shall be two. The First Minister shall designate one of the members of the Assembly Cabinet to have particular responsibility for the proper management of the Assembly's business, and one such member to have particular responsibility for its finances.



2.6. The Assembly Cabinet may meet in private or in public as it determines and shall determine its own procedure. Standing Order 8 shall not apply to the Assembly Cabinet.

2.7 The First Minister shall prepare, and submit to the Assembly for its approval, guidance for Ministers on the proper discharge of their responsibilities and accountability. The First Minister shall issue a copy of the guidance to each Minister following his or her appointment, and shall seek to ensure that each Minister complies with it.

2.8 In the exercise of his or her responsibilities a Minister shall not make any decision or determination on any matter where a particular decision or determination might result in a direct financial advantage to the Minister, or to the Minister's knowledge, the Minister's partner or any dependent child of the Minister (as respectively defined in paragraphs III(i) and III(ii) in the General introduction to the Annex to Standing Order 4) greater than that which might accrue to persons affected by the decision generally; but shall refer the matter to the First Minister. If the First Minister is precluded from acting, he or she shall designate another Minister to perform the function.

### **Resignation of First Minister**

2.9 A First Minister may resign by giving notice in writing to the Presiding Officer. If the Assembly resolves that it has no confidence in its First Minister, he or she shall give such notice immediately.

2.10 Where a First Minister has resigned (or if the office otherwise becomes vacant), other Ministers shall remain in office until the Assembly elects a new First Minister; and the Assembly Cabinet shall elect one of its members to chair its meetings and discharge the First Minister's responsibilities until the Assembly elects a new First Minister.

## **STANDING ORDER 3 - Members**

### **Determinations on Salaries, Allowances and Pensions**

3.1 The Assembly shall make determinations under sections 16, 18 and 34A of the Act on motions proposed by a member of the House Committee. The Presiding Officer shall make arrangements for the publication of any determination made by the Assembly under this Standing Order.

3.2. Determinations made under Standing Order 3.1 may provide for higher levels of salary to be payable to the Presiding Officer, the Deputy, the First Minister, other Ministers, the leader of the largest political group in the Assembly which is not represented in the Assembly Cabinet and Chairs of Subject Committees established in accordance with section 57 of the Act and the Chair of the Audit Committee established in accordance with section 60 of the Act. If the two largest political groups not represented in the Assembly Cabinet have the same number of members, the Assembly's determinations may provide for higher levels of salary to be payable to the leader of each group.

3.3 The Presiding Officer shall make arrangements for the publication of information for each financial year about the total of sums paid by the Assembly to its current Members and its former Members following determinations made under Standing Order 3.1. The Presiding Officer shall also publish a list of the offices in the Assembly the holders of which receive salaries or allowances greater than the salaries or allowances received by Members in general, together with the salary or allowances each such office-holder is entitled to receive.

3.4 The Assembly shall elect Trustees to the National Assembly for Wales Members' Pension Scheme in accordance with the Scheme Rules on a motion proposed by a member of the House Committee.

### **Resignations and Vacancies**

3.5 A Member may resign his or her seat in the Assembly by giving notice in writing to the Presiding Officer.

3.6 For the purposes of sections 8 and 9 of the Act, a vacancy shall be taken to have occurred either when the Presiding Officer receives a notice of resignation in accordance with Standing Order 3.5, or when the Presiding Officer declares that the seat has become vacant.

## **STANDING ORDER 4 - Financial and Other Interests of Members**

### **Registration of Financial and Other Interests**

4.1 The Presiding Officer shall maintain and publish a Register of Interests of Members and copies shall be available for inspection by Members and by the public.

4.2 The interests set out in the Annex to this Standing Order shall be registered in the Register of Interests by completion of a form prescribed by the Presiding Officer.

4.3 Within eight weeks of a Member taking the oath of allegiance or making the corresponding affirmation, he or she shall complete the form prescribed by the Presiding Officer, setting out all the particulars of the interests required to be registered by this Standing Order; and shall sign the form and deliver it to the Table Office.

4.4 Within four weeks of any change occurring, a Member shall notify the Presiding Officer of the change in his or her registered interests by completing the form prescribed by the Presiding Officer and shall sign the form and deliver it to the Table Office.

4.5 A Member may deliver the form referred to in Standing Order 4.3 or 4.4 by taking it to the Table Office or arranging for another person to do so or by post but the form shall not be regarded as having been delivered until it is received by the Table Office.

### **Declaration by a Member of an Interest Before Taking Part in Any Proceedings of the Assembly**

4.6 In the circumstances specified in this Standing Order, before taking part in any proceedings of the Assembly, a Member shall make an oral declaration of any financial interest which he or she has, or may be expecting to have, or which, to the Member's knowledge, the Member's partner or any dependent child of the Member has, or may be expecting to have in any matter arising in those proceedings. Such an oral declaration shall be made in relation to any interest which is specified in paragraphs (i)-(x) of the Annex to this Standing Order if a particular decision in those proceedings might result in a direct financial advantage to the Member, or, to the Member's knowledge, the Member's partner or any dependent child of the Member, greater than that which might accrue to persons affected by the decision generally.

### **Prohibition of Paid Advocacy**

4.7 A Member shall not advocate or initiate any cause or matter on behalf of any body or individual in any proceedings of the Assembly, or urge any other Member to advocate or initiate any cause or matter in any such proceedings, in return for any payment or benefit in kind, direct or indirect, which the Member, or to the Member's knowledge his or her partner or any dependent child of the Member, has received or expects to receive.

## **Prohibition of Voting**

4.8 Where a Member is required under Standing Order 4.6 to declare an interest in a matter before taking part in any proceedings of the Assembly, that Member shall not vote on any proposal relating to that matter in those proceedings.

## **Exclusion of Members and Withdrawal of Rights and Privileges**

4.9 After consideration of any report put before it by the Committee on Standards of Conduct relating to a Member's compliance with this Standing Order, the Assembly may, on a motion proposed by a member of the Committee, resolve to exclude that Member from any proceedings of the Assembly for a period specified in the motion.

4.10 During the period of a Member's exclusion he or she shall not be entitled to receive any salary from the Assembly and shall not be permitted to attend any proceedings of the Assembly.

## **Employment Agreements**

4.11 Any Member who has, or who proposes to enter into, an agreement involving the provision of services in the Member's capacity as an Assembly Member shall ensure that the agreement

- (i) is not in breach of Standing Order 4.7;
- (ii) is in writing;
- (iii) indicates the nature of the services to be provided; and
- (iv) specifies the payment or benefit to be received.

As soon as may be after entering into such an agreement, and in any event within four weeks of that date, the Member shall provide the Presiding Officer with a copy of the agreement, and the copy shall be open to inspection by other Members and by the public.

## **Standing Order 4 - Annex**

### **The interests which are to be registered in the Register of Interests of Assembly Members and which for the purposes of Standing Order 4.6 are to be declared before taking part in any Assembly proceedings**

*[Note: Members should, in listing their registrable interests, have regard to any relevant resolutions, Codes of Practice or Guidance Notes which the Assembly may have adopted on this matter.]*

#### **General**

I. Any remunerated activity in the areas of public relations, and political advice and consultancy relating to the functions of the Assembly shall be included in that part of the register relating to remunerated employment, office or profession. Such activity includes any action connected with any proceedings of the Assembly, sponsoring of functions in the Assembly buildings, and making representations to the Assembly Cabinet or any of its Members.

II The majority of the interests specified in the categories below include a reference to interests independently possessed by or given to the partner or any dependent child of the Member, and these must also be registered if such interests are known to the Member.

III. For the purposes of the registration and declaration of interests under Standing Order 4 specified in this Annex:-

i) a Member's partner means a spouse or one of a couple whether of the same sex or of the opposite sex who although not married to each other are living together and treat each other as spouses; and

ii) a dependent child is any person who, at the time of registration is under the age of sixteen or is under the age of nineteen and receiving full time education by attendance at a recognised educational establishment and is:-

(a) a child of the Member; or

(b) a step-child of the Member by marriage; or

(c) a child legally adopted by the Member, or

(d) a child whom the Member intends legally to adopt; or

(e) a child who, for at least the previous 6 calendar months has been financially supported by the Member.

## **The Registrable Interests**

The registrable interests are:

(i) Remunerated directorships held by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, in public and private companies including directorships which are individually unremunerated but where remuneration is paid through another company in the same group.

(ii) Employment, office, trade, profession or vocation (apart from membership of the Assembly) for which the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, is remunerated, or in which the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, has any pecuniary interest.

(iii) The names of clients when the interests referred to in paragraphs (i) and (ii) above include services by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, which arise out of, or are related in any manner to, his or her membership of the Assembly.

(iv) Gifts, hospitality, material benefits or advantage above a value specified in any resolution of the Assembly received by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, from any company, organisation or person which arise out of, or are related in any manner to, membership of the Assembly.

(v) Any remuneration or other material benefit which a Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, receives from any public or private company or other body which has tendered for, is tendering for, or has, a contract with the Assembly.

(vi) Financial sponsorship (a) as a candidate for election to the Assembly, where to the knowledge of the Member the sponsorship in any case exceeds 25 per cent of the candidate's election expenses, or (b) as a Member of the Assembly by any person or organisation. In registering such an interest, a Member must state whether any such sponsorship includes any payment to the Member or any material benefit or advantage.

(vii) Subject to any resolution of the Assembly, overseas visits made by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, which arise out of, or are related in any manner to, membership of the Assembly where the cost of any such visit has not been wholly borne by the Member or from funds payable by the Assembly or out of other funds provided by Parliament or any organisation of which the Assembly is a member.

(viii) Any land and property of the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, which has a substantial value as specified in any resolution of the Assembly or from which a substantial income is derived other than any home used for the personal residential purposes of the Member, the Member's partner or any dependent child of the Member.

(ix) The names of companies or other bodies in which the Member has, either alone or with or on behalf of the Member's partner or any dependent child of the Member, a beneficial interest, or in which, to the Member's knowledge, the Member's partner or a dependent child of the Member has a beneficial interest, in shareholdings of a nominal value greater than one per cent of the issued share capital, or less than one per cent but more than an amount specified in any resolution of the Assembly.

(x) Paid or unpaid membership or chairmanship by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, of any body funded in whole or in part by the Assembly.

## **STANDING ORDER 5 - Assembly Business**

### **Periodic Timetable Statements**

5.1 From time to time, the Business Minister shall table motions proposing outline timetables of plenary meetings (which shall normally be held on Tuesdays and Wednesdays), times available for committee meetings, meetings of political groups, and recesses. Such motions shall propose timetables for periods of not less than three months, and shall include dates for questions for oral answer by specific Ministers and a member of the House Committee answering on behalf of that Committee.

5.2 Motions under Standing Order 5.1 shall be tabled having regard to any advice offered by the Business Committee under Standing Order 13.1(i). Wherever possible, motions shall be framed having regard to the family and constituency or electoral region responsibilities of Members, and their likely travel arrangements; and in any event shall seek to avoid timetabling business before 9.00am or after 5.30pm on any working day.

### **Weekly Business Statements**

5.3 In each week that the Assembly meets in plenary, the Business Minister shall make a statement about the proposed organisation of its business for the first week after the week when the statement is made, together with the provisional organisation of business for the two subsequent weeks. The statement shall inform the Assembly of business to be considered in each plenary meeting and the timetable for such business (including the indicative period allocated to any individual item of business). The Business Minister shall seek to avoid changes to the provisional organisation of business unless there is compelling reason for such change.

5.4 The Business Minister's statement shall constitute the agreed timetable for Assembly business for the first week (and the Presiding Officer's notices of business circulated under Standing Order 6.8 shall be drafted accordingly) unless at least ten Members object. Where there is any such objection, the Presiding Officer shall allow the Business Minister to propose that the statement be adopted, and one Member from each political group to speak briefly in response; the Business Minister shall be entitled to reply and the Presiding Officer shall then put the proposition to the vote. If the proposition is rejected,



the Business Minister shall as soon as possible bring forward a revised statement (which shall be similarly subject to adoption by the Assembly).

5.5 Where no objection by at least ten Members has been made, the Presiding Officer may allow one Member from each political group to comment briefly on the Business Minister's statement and shall then allow the Business Minister to reply.

### **Revised Statements**

5.6 If it becomes necessary to amend the organisation of business for a subsequent plenary meeting, the Business Minister may bring forward a revised statement (which shall be subject to adoption in accordance with Standing Order 5.4).

### **Notification of Determinations on Consideration of Draft Orders**

5.7 As soon as may be after they have been made and notified to him or her, the Business Minister shall inform the Assembly of the Deputy's determinations made under Standing Order 24.6 about consideration of draft Orders by Subject Committees.

5.8. If the Deputy, after considering the advice of the Business Committee, has determined that a particular draft Order need not be considered by a Subject Committee but at least ten Members object to that determination, the Business Minister may propose (without prior notice) that the determination be endorsed. The Presiding Officer may permit one Member from each political group to speak briefly in response and the Business Minister to reply, and shall then put the proposition to the vote. Alternatively, when at least ten Members have objected to the determination, the Business Minister may propose (without prior notice) that the draft Order be referred to a Subject Committee; and the Presiding Officer may, at his or her discretion, seek the agreement of the Assembly to that proposition without a debate. If the Assembly resolves that the draft Order shall be subject to consideration by a Subject Committee, such consideration shall be in accordance with arrangements determined by the Deputy.

5.9. If the Deputy, after considering the advice of the Business Committee, has determined that a particular draft Order should be considered by a Subject Committee but at least ten Members object to that determination, the Business Minister may propose (without prior notice) that the determination be reversed. The Presiding Officer may permit one Member from each political group to speak briefly in response and the Business Minister to reply, and shall then put the proposition to the vote. Alternatively, when at least ten Members have objected to the determination, the Business Minister may propose (without prior notice) that the determination be endorsed; and the Presiding Officer may, at his or her discretion, seek the agreement of the Assembly to that proposition without a debate. If the Assembly resolves that the draft Order should be subject to consideration by a Subject Committee, such consideration shall be in accordance with arrangements determined by the Deputy.

## **STANDING ORDER 6 - Assembly Business in Plenary Meetings**

### **Plenary Meetings**

6.1. Plenary meetings of the Assembly shall take place in public; and broadcasting access shall be permitted in accordance with such arrangements as the Assembly shall from time to time agree.

6.2 The Assembly shall meet in plenary in accordance with decisions made under Standing Order 5.4. If no meeting is timetabled for a particular time the Presiding Officer may, at the request of the First Minister, summon the Assembly to consider a matter of urgent public importance.

6.3 Time shall be made available in plenary meetings for -

(i) the First Minister to answer oral questions once, and for at least 15 minutes, in each week that the Assembly meets in plenary;

(ii) the Finance Minister to answer oral questions related to this responsibility at least once, and for at least fifteen minutes, every four weeks that the Assembly meets in plenary;

(iii) the Business Minister to answer oral questions related to his or her responsibilities other than for business at least once, and for at least five minutes, every four weeks that the Assembly meets in plenary;

(iv) any Minister (including if appropriate the First Minister and the Finance Minister) to whom a field of accountability has been allocated under section 56(3) of the Act to answer oral questions in relation

(a) to that field, and

(b) to his or her other responsibilities if any (except so far as is covered by sub-paragraphs (ii) and (iii) above)

at least once, and for at least fifteen minutes, in every four weeks that the Assembly meets in plenary;

(v) a member of the House Committee to answer oral questions at least once, and for at least five minutes, in every four weeks that the Assembly meets in plenary;

(vi) one Member, other than a Minister, each week to propose a topic for the Assembly's consideration in a short debate.

6.4 Where it is not reasonably practicable for a Minister, including the First Minister, to answer oral questions on a day when the Minister would normally do so, another Minister

may, with the prior consent of the Presiding Officer, answer questions on behalf of that Minister.

6.5 If a motion of no confidence in the Presiding Officer, Deputy or First Minister, or a motion of censure of a Minister, is tabled by at least six Members, time shall be made available as soon as may be for the motion to be debated; and in any event such a debate shall take place within five working days of the motion having been tabled.

6.6 Time shall be made available in each twelve month period for the following categories of Assembly business -

- (i) debate on the annual report of the First Minister
- (ii) debates on the allocation of the Budget of the Assembly
- (iii) debates on motions proposed on behalf of political groups not represented in the Assembly Cabinet
- (iv) debate with the Secretary of State for Wales on the UK Government's legislative programme. The motion for that debate shall remit bills and proposals for bills of particular importance to Wales to the relevant Committees for further consideration and report
- (v) debates on reports submitted by Subject Committees, including reports on the outcome of consideration of bills remitted by plenary
- (vi) debate on reports laid before the Assembly in the previous twelve months by the Audit Committee
- (vii) debate on the annual report of the Committee on Standards
- (viii) debate on the annual report of the House Committee
- (ix) debate on the annual report on the equal opportunity arrangements
- (x) debate on the annual report on the local government scheme
- (xi) debate on the annual report on the voluntary sector scheme
- (xii) debate on the annual report on the sustainable development scheme
- (xiii) debate on the Assembly's arrangements for cooperation with business
- (xiv) debate on matters related to the European Union

- (xv) debate on the annual reports of the Welsh Administration Ombudsman and the Health Service Commissioner for Wales

At least eight plenary meetings in the 12 month period shall include time provided for motions proposed on behalf of political groups not represented in the Assembly Cabinet and these shall so far as possible be distributed in accordance with each group's representation in the Assembly. At least six plenary meetings in the period shall include time for debates on reports submitted by Subject Committees, in addition to time for debate on reports on the outcome of consideration of bills and proposals for bills remitted by plenary.

6.7. The Assembly shall ensure that time is made available in each 12-month period for consideration either in plenary meetings or in committee of the reports of the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission. On such occasions, consideration may also be given to reports from voluntary bodies in Wales concerned with these matters.

### **Notice of Business for Plenary Meetings**

6.8. The Presiding Officer shall circulate notice of the business for each plenary meeting in advance, together with other information about future business. So far as is appropriate in the circumstances and reasonably practicable, any documents relating to business taken in plenary shall be made available in English and Welsh; and copies of such documents shall be made available to the Secretary of State for Wales at the same time as they are to Members.

6.9. Business which may be taken at any plenary meeting without notice shall include:

- (i) introduction of new Members;
- (ii) obituary tributes to former Members and others;
- (iii) personal statements;
- (iv) statements by Ministers;
- (v) procedural motions, or points of order relating to the conduct of business.

6.10. At any plenary meeting, a Member may propose in a speech lasting no longer than three minutes that the Assembly should consider a particular matter, provided that :

- (i) the Member has notified the Presiding Officer of his or her wish to do so and of the matter at least one hour before the beginning of the meeting;

(ii) if a Member other than a Minister has given the notification, the Presiding Officer has given a Minister an opportunity to comment in private to him or her on the matter; and

(iii) the Presiding Officer is satisfied that the matter is of urgent public importance, and has informed the Member (and, if necessary, the Minister) accordingly.

If a Member other than a Minister makes the proposition, the Presiding Officer shall allow a Minister to reply in a speech lasting no longer than three minutes. The Presiding Officer shall put the proposition to the vote immediately after it has been made or, if a Minister replies, after that reply. If the Assembly resolves to consider the matter, it shall do so at that meeting or (if the Presiding Officer so decides) at the one immediately following, and the Presiding Officer shall adjust the timetable for business as he or she thinks appropriate. If the matter is within the responsibilities of the House Committee, then for "Minister" in Standing Order 6.10, there shall be substituted "a member of the House Committee answering on behalf of that Committee".

6.11 Business shall be called by the Presiding Officer and taken in the order in which it appears in the notice of business; but when an item of business is called, a motion to postpone it until a later time that day or a subsequent day may be proposed either by the Member in charge of it or, in the case of Assembly Cabinet business, by a Minister. Such postponement shall not be agreed if at least ten Members vote against. If the postponement is agreed, the Presiding Officer shall adjust the timetable for business as he or she thinks fit.

### **Order of Business**

6.12 Business shall be taken as necessary in the following order:

- (i) statements by the Presiding Officer
- (ii) introduction of new Assembly Members
- (iii) obituary tributes
- (iv) elections or appointments by the Assembly
- (v) personal statements
- (vi) oral questions
- (vii) any proposition by a Member under Standing Order 6.10
- (viii) statements by Ministers

- (ix) statements by a member of the House Committee about any matter coming within the responsibilities of that Committee
- (x) main plenary business
- (xi) Short Debates

## **Motions**

6.13 Except for oral questions, statements, introduction of new Members, obituary tributes, matters the Assembly resolves to consider under Standing Order 6.10 or where a Member proposes a topic for a Short Debate under Standing Order 6.38, business in plenary meetings shall proceed on the basis of motions proposed; and except where Standing Orders provide otherwise, any such motion shall be tabled at least five working days before it is to be debated. A motion so tabled may be proposed by any Member.

6.13A The Presiding Officer, having first consulted the Business Committee, may issue such guidance to Members on motions and on amendments to motions and on amendments to draft Assembly Legislation as he considers appropriate for the proper conduct of the business of the Assembly.

6.14 Except where Standing Orders provide otherwise, amendments may be proposed to any motion, and shall be tabled at least three working days before the motion is to be debated; but the Presiding Officer may:

- (i) group related amendments and require them to be proposed as a group;
- (ii) determine the order in which amendments which arise in the same place in the motion are taken; and
- (iii) decline to select an amendment where he or she considers that the proper conduct of the business of the Assembly makes it appropriate to do so.

6.15 Where a motion proposes only that the Assembly take note of a report submitted by a Subject Committee and the Committee on the Better Governance for Wales White Paper, no amendment may be tabled to that motion.

6.16 A motion or amendment which refers to any document may not be tabled unless the document is available to all Members before or at the time of tabling. A document is available to all Members if Members have access to it by electronic means, or if a hard copy has been made available to Members or (where the size of the document means that it is not reasonably practicable to make it available by other means) if a copy has been deposited in the Library. A Member tabling a motion or amendment to which this Standing Order relates shall state whether and by what means any document referred to has been made available to Members. If it appears to the Presiding Officer that a motion or amendment has been tabled in breach of the requirements of this Standing Order, the

Presiding Officer shall not permit it to be debated until the document has been made available to all Members and such further time has elapsed as the Presiding Officer considers appropriate.

6.17 Subject to Standing Orders 6.20 and 6.21, at the conclusion of any debate or when the Presiding Officer (having regard to the indicative period allocated to the business) determines that no further time is available for the debate, the Presiding Officer shall invite the Assembly to decide on any amendments proposed and on the motion.

### **Procedural Motions**

6.18 Procedural motions shall take precedence over other business and the provisions of Standing Order 6.13 relating to the notice period for tabling motions shall not apply. The Presiding Officer may permit a Member to speak briefly in favour of any such motion, and another Member to speak briefly against, and shall then put the motion to the vote.

6.19 The following matters may be proposed in procedural motions:

- (i) postponement of an item of business in accordance with Standing Order 6.11;
- (ii) referral of a matter to a committee;
- (iii) the closure of debate in accordance with Standing Order 6.20;
- (iv) the continuation, or the adjournment, of debate after the period of time available has expired, in accordance with Standing Order 6.21; and
- (v) such other matters as the Presiding Officer considers appropriate.

6.20 At any time after a motion or an amendment has been proposed, a Member may propose that it should be voted on immediately; but the Presiding Officer shall put that proposition to the vote only if at least ten Members express support; and if he or she is satisfied that to do so would not be an abuse of the Assembly's procedures or an infringement of the rights of minorities in the Assembly.

6.21 When

- (i) the Presiding Officer determines under Standing Order 6.17 that no further time is available for debate on any motion; or
- (ii) the Presiding Officer announces that he or she is satisfied (having regard to the indicative period allocated to the business) that insufficient time will be available for debate on any motion; or
- (iii) when debate on any motion is interrupted by the short debate

a Member may propose that debate on the motion be allowed to continue for a specified period on that day or adjourned to another day; but the Presiding Officer shall put that proposition to the vote only if at least ten Members express support; and if he or she is satisfied that to do so would not be an abuse of the Assembly's procedures or cause excessive delay. If any motion to allow debate to continue for a specified period is agreed under this paragraph, business on that day shall be deemed to have been extended by up to the same specified period.

## **Voting**

6.22 Members shall cast their votes individually and in person (but shall not be obliged to vote).

6.23 The Presiding Officer shall put a motion or an amendment to a vote by electronic means; or failing that, either:

(i) by roll call, in alphabetical order, of the Membership; or

(ii) if the Presiding Officer so decides, and at least three Members do not object to the Presiding Officer's decision, by show of hands.

6.24 Where at least three Members, before a vote is taken, so request, the bell shall be rung. If votes are to be taken immediately after one another, the bell need not be rung more than once. Five minutes after the bell began ringing the vote or votes shall be taken.

6.25 A vote shall not be valid unless at least ten Members participate. If fewer than ten Members participate, that business shall be held over to the next plenary meeting (and the Presiding Officer shall adjust the timetable for business at the meeting as he or she thinks appropriate) and the Assembly shall proceed to the next item of business. In determining the number of Members participating in a vote the Member presiding and those recording an abstention shall be regarded as participating. The names of Members voting, including those recording an abstention, shall be included in the record of the Assembly's plenary proceedings. A report of the vote shall also be made available before the end of the meeting in which the vote took place.

## **Personal Statements**

6.26 The Presiding Officer may allow a Member to make a personal statement, following notice in writing to him or her.

6.27 A personal statement shall be brief, factual and shall not be subject to debate.

## **Oral Questions**



6.28 Members may table oral questions to any Minister about any matters relating to his or her responsibilities (except that oral questions may be tabled to the Business Minister only about matters relating to his or her responsibilities other than for business (if any)).

6.29 Members may table oral questions to a member of the House Committee about any matter coming within the responsibilities of that Committee.

6.30 Questions shall be provided to the Table Office at least five working days but not more than ten working days before they are to be answered.

6.31 Questions shall be accepted at the discretion of the Presiding Officer, who shall have regard to any guidance which the Assembly may adopt; but each Member may table no more than two oral questions to a particular Minister (or, in the case of the questions to the First Minister under Standing Order 6.3(i), or to a member of the House Committee under Standing Order 6.3(v), no more than one question) at any plenary meeting. Accepted questions shall be published in the notice of business for the date on which they are to be answered.

6.32 The order of oral questions shall be determined as follows:-

(i) for questions accepted before 4pm on the first day on which they may be tabled, by random means;

(ii) for questions accepted after 4pm on the first day on which they may be tabled, by the order in which they are received.

6.33 The Presiding Officer shall call the Member asking the question to ask a supplementary oral question, and may then call other Members to ask related supplementary oral questions. In calling Members to ask supplementary questions, the Presiding Officer shall seek to balance the need to explore an issue thoroughly with the need for Ministers and the member of the House Committee to answer as many tabled questions as possible. When the Presiding Officer considers that the matter raised in an oral question has been sufficiently discussed, he or she shall call the next question.

6.34 At the end of the period allocated to oral questions or at such other time as the Presiding Officer may determine, the Presiding Officer may call a Member to ask a question for which notice under Standing Order 6.30 has not been given if -

(i) the Presiding Officer and the Minister or the member of the House Committee concerned have been given prior notice of at least two hours, and

(ii) the Presiding Officer is satisfied that the question is of urgent public importance.

6.35 Where any oral question is not reached, the Member shall receive a written answer

on the same day. The written answer shall be recorded in the record of plenary proceedings.

### **Written Questions**

6.36 Members may table written questions to any Minister about matters relating to his or her responsibilities or to the House Committee about matters relating to its responsibilities.

6.37 Members shall provide the text of questions to the Table Office at least five working days before they are to be answered. Questions shall be accepted at the discretion of the Presiding Officer, who shall have regard to any guidance which the Assembly may adopt. Accepted questions shall be published in the notice of business for the day on which they are to be answered, and the answers recorded in the record of plenary proceedings.

### **Short Debates on Topics by Members**

6.38 During each week that the Assembly meets in plenary, the Presiding Officer shall hold a ballot to determine the name of the Member, other than a Minister, who may propose a topic for debate in the following week.

6.39. The Member who has succeeded in the ballot shall notify the Presiding Officer of the topic not later than five working days before it is to be debated.

6.40 The Short Debate shall begin half-an-hour before the meeting is due to end, and the Presiding Officer shall interrupt any debate taking place at that time, and any debate so interrupted shall, subject to Standing Order 6.21, lapse; provided that that Short Debate may begin earlier than half-an-hour before the meeting is due to end if all other business has been concluded.

6.41 In the debate:

- (i) the Member who succeeded in the ballot may speak;
- (ii) a Minister, or a Member nominated by the Minister with the prior consent of the Presiding Officer (or, if the matter is within the responsibilities of the House Committee, a member of that Committee), will respond; and
- (iii) no other Member may speak unless he or she has the permission of the Member who succeeded in the ballot or is permitted to intervene by the Member responding.

### **Written Statements of Opinion**

6.42 Written statements of opinion not exceeding 100 words on matters affecting Wales may be tabled by any Member other than a Minister; and such statements may be supported, opposed or otherwise subject to comment in writing by any other Member.

6.43 If such written statements are deemed by the Presiding Officer to be in order they shall be published, together with any expressions of support or opposition, tabled by other Members.

## **STANDING ORDER 7 - Order in Plenary Meetings**

### **Rules of Debate**

7.1 Members called by the Presiding Officer to speak shall address the chair. Members may speak in English or Welsh and simultaneous interpretation facilities shall be provided for speeches made in Welsh. The Presiding Officer may call the Secretary of State for Wales to speak in any debate.

7.2 Members shall not use language which the Presiding Officer considers to be disorderly, discriminatory or offensive or which may detract from the dignity of the Assembly. The Presiding Officer may direct a Member who has used such language to withdraw it.

### **Length of Speeches**

7.3 Speeches shall be relevant to the business before the Assembly, and avoid tedious repetition. The Presiding Officer may, at the beginning of any debate, announce a time limit on Members' speeches, and may direct a Member who has spoken for too long to stop speaking.

### **Speaking More Than Once**

7.4 A Member, other than the proposer of a motion or an amendment who is exercising a right of reply, may not speak more than once on any matter except, with leave of the Presiding Officer, for the purpose of briefly explaining some material point of his or her original speech.

7.5 A Member who is speaking may allow other Members to intervene for the purposes of clarification before resuming a speech.

7.6 A Member may not speak after the proposer of a motion has exercised a right of reply.

### **Maintenance of Order**

7.7 The Presiding Officer shall maintain order in the Assembly and shall call to order any Assembly Member who:

- (i) is engaging in conduct which may constitute a criminal offence;
- (ii) is obstructing the business of the Assembly;
- (iii) seeks to raise a matter outside the scope of the debate or motion;

- (iv) is guilty of discourteous or unbecoming conduct;
- (v) is using disorderly, discriminatory or offensive language or language which detracts from the dignity of the Assembly;
- (vi) refuses to conform to any Standing Order; or
- (vii) disregards the authority of the chair.

7.8 A Member shall comply with any directions given by the Presiding Officer about any conduct for which he or she has been called to order. A Member may be required to withdraw from proceedings for the remainder of the day if the Presiding Officer considers the conduct such as to warrant withdrawal.

7.9 When the Presiding Officer has required a Member to withdraw from proceedings and the Member has not done so, a motion to exclude the Member from proceedings of the Assembly shall be proposed by a Member and shall be voted on immediately. The exclusion on the first occasion shall be for one working day immediately following the day of exclusion, on a second occasion during the same calendar year for five working days immediately following the day of exclusion, and on a third or any subsequent occasion during the same calendar year for 20 working days immediately following the day of exclusion.

7.10 During the period of a Member's exclusion he or she shall not be entitled to receive any salary from the Assembly and shall not be permitted to attend any proceedings of the Assembly.

7.11 In case of grave disorder arising in the Assembly the Presiding Officer may adjourn the meeting without putting any proposition to the vote, or may suspend the meeting for a specified time.

### **Sub-judice**

7.12 Subject to the right of the Assembly to legislate on any matter within its competence, a Member shall not raise or pursue in any proceedings of the Assembly any matter where court proceedings have been initiated or where notice of appeal has been given, or where the Children's Commissioner for Wales has decided to conduct an examination of a case, until the time when judgement has been given or a report has been made by the Children's Commissioner for Wales, unless the Presiding Officer is satisfied that:

- (i) the matter is clearly related to a matter of general public importance;
- (ii) the matter does not relate to a case which is to be heard, or is being heard, before a UK criminal court or before a jury or to a case which is to be heard, or is being heard, in family proceedings; and

(iii) the Member does not, in his or her comments, create a real and substantial risk of prejudice to the proceedings of a court either generally or in respect of a particular case.

### **Relations with the Judiciary**

7.13. Unless the matter is the subject of a substantive motion, Members shall not in any proceedings of the Assembly make criticisms of the conduct of judges of the superior courts of the United Kingdom in the discharge of their judicial office; and in this Standing Order “judge” includes persons holding the position of judge (such as Circuit Judges and their deputies, and Recorders).

### **Conduct of the Public**

7.14. The Presiding Officer may make rules specifying the conditions with which members of the public attending proceedings of the Assembly must comply.

7.15 The Presiding Officer may require members of the public observing proceedings to withdraw if they are acting in a disruptive or disorderly manner, or otherwise interfering in the Assembly’s proper discharge of its business.

## **STANDING ORDER 8 - Committees**

### **Establishment of Committees**

8.1 The Assembly may resolve to establish a committee (additional to those provided for by the Act or in Standing Orders) on a motion tabled by a Minister or by at least three Assembly Members. The motion shall be accompanied by an assessment of the costs, benefits and any other implications of establishing the committee, which shall be tabled at least two working days before the motion is to be considered.

8.2 A motion to establish a new committee shall specify the committee's proposed terms of reference and the date on which it shall cease to exist unless the Assembly resolves to continue it, such date being not more than 12 months later than the date of its first meeting.

### **Election of Committees**

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

8.4 Motions for election of members of the Business Committee, including motions for elections to fill vacancies in membership, shall be tabled by the Business Minister following consultation with the political groups represented in the Assembly. Motions for election of members of other committees, including motions for elections to fill vacancies in membership and for the names of persons to be chairs of committees, shall be tabled by the Business Minister following consultation in the Business Committee with the political groups represented in the Assembly. The Business Minister shall seek to ensure that each Member, other than the Presiding Officer and the Deputy, is proposed for election to at least one committee other than a Regional Committee.

8.5 Where more than one motion under Standing Order 8.4 is due to be considered at any meeting, the Presiding Officer may seek the Assembly's permission to vote on all the motions together, and, if permission is granted, Standing Orders 8.6 and 8.7 shall not apply and the motions shall be voted on together immediately without debate. The Assembly's permission will be deemed not to have been granted if any Member signifies objection.

8.6 No amendments may be proposed to motions proposed under Standing Order 8.4 except by the Business Minister with the permission of the Presiding Officer.

8.7 The Presiding Officer shall allow the Business Minister to propose a motion tabled for election of members of committees and one Member from each political group to speak briefly in response; the Business Minister shall be entitled to reply and the Presiding Officer shall then put the proposition to the vote.

8.8 A Member may resign from a committee by giving written notice to the Presiding Officer. On ceasing to be a member of any political group represented in the Assembly when elected to a committee other than a Regional Committee, a Member shall also cease to be a member of that committee. If a Member fails to attend four consecutive meetings of a committee of which he or she is a member, and cannot show good cause to the satisfaction of the Presiding Officer, he or she shall cease to be a member of that committee. This provision does not apply to members of Regional Committees.

### **Quorum and Voting**

8.9 A meeting shall be declared inquorate if there are fewer than three Members, or less than one-third of the number of its members (including the chair), whichever is the higher, present.

8.10 A meeting of a committee shall be declared inquorate if, at the beginning of the meeting, the members present represent only one political group. This Standing Order shall not apply to a committee which exists solely to give advice.

8.11 On declaring a meeting inquorate under Standing Orders 8.9 or 8.10, the chair shall suspend the committee until a quorum is present. If a quorum is not present within 20 minutes, the chair shall adjourn the committee to a date and time to be fixed by him or her.

8.12 If a committee meeting is declared inquorate under Standing Order 8.10, and there is a period of at least two working days between that meeting and the next, the provisions of Standing Order 8.10 shall not apply at the next meeting of that committee.

8.13 Voting in committees shall be by show of hands, and the names of those voting (including those abstaining) shall be recorded in the minutes of the committees' proceedings.

8.14 Chairs of committees may vote, except the Chair of the Committee on the Better Governance for Wales White Paper . If there is an equality of votes, the chair shall rule as to the disposal of the business in accordance with any guidelines issued by the Presiding Officer under Standing Order 8.20.

8.15 No vote in any committee shall be valid if fewer than one-third of its members voted. Members recording an abstention shall be regarded as having voted.

8.16 On declaring that a vote is not valid under Standing Order 8.15, the chair shall adjourn the item of business of which it formed a part to the next meeting of the



committee, which shall take place not sooner than two working days from the time of the vote.

### **Powers of Committees**

8.17 Committees may appoint expert advisers in accordance with procedural and financial guidelines issued by the Presiding Officer.

8.18 Committees may invite any person to attend meetings whether or not these are held in private, and may invite any such person or body to submit evidence and produce documents (whether or not such committees have power to summon witnesses or require the production of documents).

8.19 Committees may hold joint meetings with other committees, and a committee may provide other committees with information or documents.

8.19A A Subject Committee, the Equality of Opportunity Committee, the European and External Affairs Committee and any additional committee established under Standing Order 8.1 may invite members of the House of Commons Welsh Affairs Committee to attend and participate in its proceedings (but not to vote).

8.19B The Committee on the Government of Wales Bill may meet in a week in which the Assembly is not holding a Plenary meeting. This Standing Order will cease to exist on Royal Assent of the Bill.

### **Procedure in Committees**

8.20 Except where Standing Orders provide otherwise, the chair of a committee shall determine its procedures, subject to guidelines which may be issued by the Presiding Officer after consulting the Business Committee and the panel of Subject Committee chairs; and every committee shall have power to appoint a temporary chair during the unavoidable absence of its chair. The First Minister may attend any meeting, or any part of a meeting, of any committee of which he or she is not a member, and may participate in the meeting with the consent of the chair.

8.21 The provisions of Standing Orders 7.1 to 7.3, 7.7, and 7.11 to 7.15 shall apply in committee meetings as appropriate. Members of committees shall comply with any directions given by the chair as to their conduct in committee proceedings, and the chair may require a member who has failed to comply with a direction to withdraw from the proceedings. If a member refuses to withdraw when required to do so, the chair shall adjourn the committee and as soon as may be report the matter to the Presiding Officer; and a Member may at the next plenary meeting propose that the Member be excluded

from proceedings of the Assembly for a period in accordance with Standing Order 7.9.

8.22 So far as is appropriate in the circumstances and reasonably practicable, documents relating to business to be taken at committee meetings shall be made available to committee members in English and Welsh at least two working days before the meetings to which they relate.

8.23 Except where Standing Orders provide otherwise, committees shall meet in public, and broadcasting access shall be permitted in accordance with such arrangements as the Assembly shall from time to time agree.

8.24 A committee may resolve to exclude the public from a meeting or any part of a meeting where:

(i) international relations, national security, the investigation of alleged illegality, the effectiveness of law enforcement or the proper administration of justice requires the proceedings to be held in private;

(ii) a particular item of business cannot be discussed without disclosing personal information relating to specific identified or identifiable individuals which ought not to be disclosed;

(iii) discussion in public of a particular item of business would be likely to cause harm to commercial or economic interests;

(iv) discussion in public of a particular item of business would be likely to cause harm to the health or safety of an individual, the public, or the environment;

(v) a particular item of business cannot be discussed without reference to material which would be likely to be considered defamatory of any person;

(vi) the committee is deliberating on the conclusions or recommendations of a report it proposes to publish; or is preparing itself to take evidence from any person;

(vii) a particular item of business cannot be discussed without disclosing either legal advice supplied in confidence, or information supplied in confidence by, or confidential correspondence with, a person or organisation (including a public authority) which was not under any legal obligation to disclose that information and has not consented to its disclosure to the public; or

(viii) a particular item of business cannot be discussed without reference to a document or documents which would be excluded or exempted from disclosure under legislation or under a code of practice adopted by the Assembly under Standing Order 19.2 .

8.25 A motion proposed under Standing Order 8.24 shall identify the grounds which the Member proposing it believes should give rise to the exclusion of the public.

8.26 Members of committees, and other persons addressing committees, may speak in English or in Welsh, and simultaneous interpretation facilities shall be available for proceedings in Welsh. Persons other than Members may address committees in other languages by prior agreement with the chair.

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

8.26B A member of the Committee on the Government of Wales Bill, with the exception of the chair, who has given advance notice to the chair may be represented at a meeting, or part of a meeting of this Committee by another Member from the same political group who has been identified in advance. The nominated representative may participate in the meeting of the committee in all respects as if he or she were a member of it. No Member may represent more than one Committee member at a meeting.

8.26C A member of the Committee on Rail Infrastructure and Improved Passenger Services, who has given advance notice to the chair may be represented at a meeting, or part of a meeting of this committee by another member from the same political group who has been identified in advance. The nominated representative may participate in the meeting of the committee in all respects as if he or she were a member of it. No member may represent more than one committee member at a meeting. This Standing Order will cease to exist on 19<sup>th</sup> May 2006.

### **Establishment of Sub-Committees**

8.27 On a motion proposed by a member of the committee any committee may resolve to establish one or more sub-committees. The motion shall specify the sub-committee's membership and terms of reference and the date on which it shall cease to exist unless the committee resolves to continue it. That date shall be no later than is necessary for the completion of the business specified in the sub-committee's terms of reference and in any event not more than 12 months later than the date of its first meeting.

8.28. In considering whether to appoint a sub-committee, a committee shall satisfy itself as to the purpose and value of so doing; and shall have regard to the need to avoid proliferation of sub-committees.

8.29 A sub-committee shall contain at least one Member who represents a political group which is not represented in the Assembly Cabinet.

8.30 Standing Orders 8.9 to 8.26 apply to meetings of sub-committees.

## **STANDING ORDER 9 - Subject Committees**

### **Title and Membership**

9.1 The committees established under section 57(1) of the Act shall be known as Subject Committees. Each Subject Committee shall, subject to the requirements of section 57(8), have at least 7 and not more than 11 members, including the chair and the Minister who is a member of the Committee by virtue of section 57(4).

### **Chairs of Subject Committees**

9.2 Chairs of Subject Committees shall be selected from a panel of Members elected by the Assembly so as to secure that, as far as is practicable, the balance of the parties in the Assembly is reflected in the membership of the panel. The panel shall have as many members as there are Subject Committees. Ministers shall not be eligible to be members of the panel.

9.3 The Business Minister shall table motions for election of Members as panel members, and for selection of chairs of particular Subject Committees, following consultation in the Business Committee with the political groups represented in the Assembly.

9.4 No amendment may be proposed to a motion proposed under Standing Order 9.3. The Presiding Officer may allow the Business Minister to propose the motion, one Member from each political group to respond and the Business Minister to reply, and shall then put the proposition to the vote.

9.5 A Member elected to the panel may resign by giving written notice to the Presiding Officer. A Member shall cease to be a panel member on ceasing to be a member of any political group represented when he or she was elected to the panel. A Member who resigns from or ceases to be a member of the panel shall cease to be the chair of a Subject Committee.

9.6 The panel may consider issues relating to the operation of Subject Committees. The Deputy may attend meetings of the panel and may by invitation chair any such meetings.

### **Responsibilities**

9.7 Each Subject Committee shall:

(i) contribute to the development of the Assembly's policies within the fields for which the relevant Minister is accountable to the Assembly and in the areas for which that Minister has been allocated other responsibilities (with the exception of the management of the Assembly's business and its finances and matters within the terms of reference of the Committees on Equality of Opportunity and on European and External Affairs);

(ii) keep under review the expenditure and administration connected with their implementation; and

(iii) keep under review the discharge of public functions in those fields and areas of responsibility by public, voluntary and private bodies.

9.8 Each Subject Committee shall also, within the relevant fields and areas of responsibility,

(i) advise on proposed primary, secondary and European legislation affecting Wales, including performing its functions under Standing Order 24;

(ii) provide advice to the Assembly Cabinet on matters relating to the allocation of the Assembly's budget in accordance with Standing Order 21;

- (iii) perform its functions under Standing Order 23 (complaints);
- (iv) perform any functions assigned to it under the Code of Practice on Public Appointments Procedure made by the Assembly under Standing Order 22; and
- (v) consider matters referred to it by the Assembly within its fields and areas of responsibility.

9.9 Each Subject Committee shall maintain rolling programmes of work covering periods of at least 12 months. Such programmes shall identify topics or matters within the Committee's remit which are for detailed consideration (taking account of the Committee's other work under Standing Orders 9.7 and 9.8 and such urgent issues as may arise from time to time). Subject Committees shall invite the views of other committees and the Assembly Cabinet on their draft programmes, and shall have regard to the comments received in finalising them. Each Subject Committee shall notify the Assembly of its programmes, and shall report to the Assembly from time to time on its progress in fulfilling them.

### **Meetings of Subject Committees**

9.10 The chair of each Subject Committee shall determine the agendas for its meetings and of meetings of sub-committees in consultation with the relevant Minister; but the Minister may require specified items to be discussed at meetings of a Subject Committee or a sub-committee. At the request of any two of its members, the Committee may resolve to include an item of business on the agenda of a specified future meeting.

9.11 The Minister shall from time to time report on matters relating to the discharge of his or her responsibilities; but a member of a Subject Committee may propose that the Minister should provide the Committee with an oral or written report on a specified matter within the Committee's remit, and if the Committee so resolves the Minister shall submit a report on the matter within a period agreed with the chair.

9.12 A Subject Committee chair may, after consulting the Presiding Officer, call a meeting of the committee in a week in which the Assembly is not holding a plenary meeting in order to consider a matter of urgent public importance.

### **Attendance at Meetings**

9.13 Members who are not members of a Subject Committee may attend the Committee's meetings when these are in public. With the permission of the chair secured in advance they may make brief representations on individual items of Committee business touching on particular constituency or regional interests before the discussion on those is concluded, but they may not vote. A Minister who is not a member of a particular Subject Committee may attend a meeting of that Committee where the matter

under consideration is closely related to his or her responsibilities or accountabilities, and may participate in the meeting with the consent of the chair.

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

### **Summoning of Witnesses and Production of Documents**

9.15 A Subject Committee, and a sub-committee of a Subject Committee, may exercise the powers in sections 74 and 75 of the Act.

9.16 A Committee or sub-committee may resolve to require witnesses to attend or to require the production of documents. Any such motion shall identify the persons who are required to attend and the documents which are required to be produced.

9.17 When a Committee or sub-committee has resolved to require witnesses to attend or to require the production of documents, the chair shall notify the Presiding Officer of the terms of the resolution, and request the Presiding Officer to give notice in writing to any relevant persons. Such a notice shall contain the information specified in section 74(6) of the Act, and comply with the requirements of section 74(7).

9.18 A person who has been required to attend may be required to take an oath (or make an affirmation). Where an oath is to be administered under this Standing Order, it shall be in the following form:

“I swear by Almighty God that the evidence I shall give shall be truthful and honest, and that I will give the Committee [or sub-committee] all such information and assistance as I can to enable it to discharge its responsibilities”,

but where the person giving evidence prefers to affirm, the affirmation shall be in the following form:

“I do solemnly, sincerely and truly declare that the evidence I shall give shall be truthful and honest, and that I will give the Committee [or sub-committee] all such information and assistance as I can to enable it to discharge its responsibilities”.

## **STANDING ORDER 10 - Regional Committees**

10.1 There shall be Regional Committees, each of which shall cover the geographical areas of one Assembly Electoral Region.

10.2 Regional Committees shall advise the Assembly on matters affecting their regions, the effect of Assembly policies in those regions and the work of public bodies there. Each Committee shall meet in its region at least twice in each year. It shall elect its chair and determine its programme of work. At the request of any two of its members, a Regional Committee may resolve to include an item of business on the agenda of a specified future meeting.

10.3 The members of a Regional Committee shall be:

- (i) the Members for each of the Assembly constituencies which are wholly or partly included in the Committee's area; and
- (ii) any of the Members from an Assembly electoral region in question who are elected by the Assembly to be members of the Committee.

10.4 The Presiding Officer and the Deputy may be members of the relevant Regional Committees.



## **STANDING ORDER 11 - The Legislation Committee**

### **Title and Membership**

11.1 The committee referred to in the Act as “the subordinate legislation scrutiny committee” shall be known as the “Legislation Committee”. Subject to the requirements of section 59(2) of the Act, it shall have at least 7 and not more than 11 members. A member of the Assembly Cabinet may not be a member of the Legislation Committee.

11.2 The Assembly shall elect one of the members of the Committee to chair it but it may not be chaired by a Member who represents the largest party with an executive role.

### **Responsibilities**

11.3 The Committee shall consider any proposed Assembly Order laid before the Assembly, and report to the Assembly whether it should pay special attention to the Order on any of the grounds specified in Standing Order 11.7.

11.4 The Committee shall also consider any other Assembly subordinate legislation referred to it:

- (i) which the Assembly may make; or
- (ii) which the Assembly may be asked to confirm or approve;

and shall report to the Assembly whether it should pay special attention to the subordinate legislation on any of the grounds specified in Standing Order 11.7.

11.5 The Committee shall submit an annual report to the Assembly.

### **Consideration of Subordinate Legislation**

11.6 Before reporting to the Assembly that it should pay special attention to any proposed Assembly Order or other subordinate legislation the chair shall notify the Minister who laid it before the Assembly of the Committee’s intention to make such a report, and shall give the Minister an opportunity of giving evidence to the Committee, and answering any questions it has raised, either orally or in writing.

### **Grounds for Drawing the Special Attention of the Assembly to Subordinate Legislation**

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

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

### **Delegation of Functions of the Legislation Committee**

11.8 Where any amendment to a draft Assembly Order has been approved by resolution of the Assembly and the amended draft Order is submitted to the Legislation Committee for its further consideration, either:

- (i) the chair of the Legislation Committee; or
- (ii) any other member of the Committee authorised by the chair

shall carry out the functions of the Committee set out in this Standing Order.

11.9 The provisions of Standing Order 11.8 shall not apply if both the chair and any members authorised to perform the chair's functions have an interest in the subject matter of the Order of a kind specified in the Annex to Standing Order 4.

## **STANDING ORDER 12 - Audit Committee**

### **Membership**

12.1 The Audit Committee shall consist of at least 7 and not more than 11 Members and be chaired by a member of a political group which is not represented in the Assembly Cabinet. A member of the Assembly Cabinet may not be a member of the Audit Committee.

### **Responsibilities**

12.2 The Committee shall:

- (i) exercise the functions set out in section 93(6)-(7) of the Act relating to estimates submitted by the Auditor General for Wales;
- (ii) present views to the Auditor General for Wales from time to time on the Auditor General's exercise of his or her powers to undertake examinations into the economy, efficiency and effectiveness of the use of resources;
- (iii) exercise any functions relating to the approval of bodies of accountants delegated to it by the Assembly under section 94(4) of the act; and
- (iv) submit an annual report to the Assembly on the work of the Committee.

12.3 The Committee may:

- (i) report to the Assembly in accordance with section 102(1) of the Act on documents put before it by the Auditor General for Wales or that officer's auditor; and
- (ii) take evidence and report to the House of Commons Committee of Public Accounts if requested by that Committee to do so.

12.4 In the performance of its responsibilities under Standing Order 12.3(i) the Committee shall not question the merits of the policy objectives of the Assembly, or those of any other body or person which is the subject of the Committee's report.

12.5 Whenever the Committee submits a report to the Assembly under Standing Order 12.3(i) it shall send a copy to the First Minister. If the report relates to any matter coming within the responsibilities of the House Committee, it shall at the same time also send a copy to the chair of that Committee. Within 30 working days of the First Minister receiving the report a Minister shall, if the report relates to a matter for which a Minister is accountable or responsible to the Assembly, lay before the Assembly a response to the Audit Committee's report on behalf of the Assembly Cabinet and, if that response is of an

interim character, the Minister shall lay a final response before the Assembly within a further two months. In so far as the Audit Committee's report relates to matters coming within the responsibilities of the House Committee, then within 30 working days of the chair receiving a copy of that report, a member of the House Committee shall, on behalf of that Committee, lay before the Assembly a response to the Audit Committee's report; and if that response is of an interim character a member of the House Committee shall lay a final response before the Assembly within a further two months.

## **Meetings**

12.6 The Committee shall determine its programme of work, in consultation with the Auditor General for Wales. The Auditor General may attend private meetings of the Committee, with the permission of or at the request of the chair.

12.7 No member of the Committee shall participate in its consideration of any matter if he or she was at the relevant time a member of the Assembly Cabinet (or if the matter is within the responsibility of the House Committee, if he or she was at the relevant time a member of the House Committee as reconstituted after 18.12.02).

12.8 The Presiding Officer may issue guidelines for members on avoiding conflicts of interest when participating in the activities of the Audit Committee.

12.9 If the chair is disqualified from participating in the Committee's consideration of any matter under the Standing Orders or voluntarily withdraws from such participation, the Committee shall elect another member to chair it whenever that matter is being considered. The Committee may not elect as its temporary chair a member of the largest political group which is represented in the Assembly Cabinet.

12.10 A Committee member who has given advance notice to the Chair may be represented at a meeting, or a part of a meeting, of the Committee by another Member from the same political group who has been identified in advance. In giving such notice, the Member shall indicate the reason for the need for substitution. The nominated representative shall not be a member of the Assembly Cabinet. The nominated representative may participate in the meeting of the Committee in all respects as if he or she were a member of it. No Member may represent more than one Committee member at a meeting.

## **Summoning of Witnesses and Production of Documents**

12.11 In the course of preparing any reports, the Committee shall take evidence as necessary from the Assembly's Principal Accounting Officer or from other Accounting Officers with responsibilities relevant to the matters under consideration.

12.12 In accordance with section 74 of the Act, the Committee may resolve to require witnesses to attend or to require the production of documents. Any such motion shall

identify the persons who are required to attend or the documents which are required to be produced.

12.13 When the Committee has resolved to require witnesses to attend or to require the production of documents, the chair shall notify the Presiding Officer of the terms of the resolution, and request the Presiding Officer to give notice in writing to any relevant persons. Such a notice shall contain the information specified in section 74(6) of the Act, and comply with the requirements of section 74(7).

12.14 A person who has been required to attend the Audit Committee may be required to take an oath (or make an affirmation). In the absence of any of the officers specified in section 75(1)(a) of the Act, or if the chair is disqualified from participating in the Committee's consideration of the matter under Standing Order 12.7, the temporary chair of the Committee may administer the oath (or affirmation).

12.15 Where an oath is to be sworn or an affirmation made under Standing Order 12.14, it shall be in the form set out in Standing Order 9.18.

## **STANDING ORDER 13 - Business Committee**

### **Title and Terms of Reference**

13.1 There shall be a Business Committee, which shall:

- (i) advise the Business Minister on the management of the Assembly's business;
- (ii) advise the Deputy on the exercise of his or her functions under Standing Order 24 (subordinate legislation procedures); and
- (iii) make such recommendations to the Assembly as it thinks fit on the general practice and procedure of the Assembly in the conduct of its business (including any proposals for revision of Standing Orders).

### **Membership**

13.2 The Assembly shall elect to the Committee one Member from each political group in the Assembly, together with another Member to chair it. If a Member other than the Deputy is elected to chair the Committee, the Deputy shall be entitled to attend meetings of the Committee.

13.3 A member of the Committee may, having given advance notice to the chair, be represented at a meeting, or a part of a meeting, of the Committee by another Member from the same political group who has been identified in advance. In giving such notice, the Member shall indicate the reason for the need for substitution. The nominated representative may participate in the meeting of the Committee in all respects as if he or she were a member of it.

### **Meetings**

13.4 The Committee shall meet each week that the Assembly holds a plenary meeting. It shall meet in private.

13.5 Provisions in these Standing Orders relating to quorums for committees or voting in committees shall not apply to the Committee.

## **STANDING ORDER 14 - Committee on Equality of Opportunity**

### **Title and Terms of Reference**

14.1. There shall be a Committee on Equality of Opportunity, which shall audit the Assembly's arrangements for promoting in the exercise of its functions and the conduct of its business the principle that there should be equality of opportunity for all people. The Committee shall also have particular regard to the need for the Assembly to avoid discrimination against any person on grounds of race, sex or disability.

14.2. The Committee shall submit an annual report to the Assembly on those arrangements and their effectiveness. It shall also review and report to the Assembly its conclusions on the Annual Reports submitted to the Assembly by public bodies concerned with the promotion of equal opportunities.

### **Membership**

14.3 The members of the Committee shall be elected by the Assembly having regard to the desirability of each Subject Committee being represented on the Committee and so as to ensure that, so far as practicable, the balance of political groups in the Assembly is reflected in its membership. The Assembly shall elect one of the members of the Committee to chair the Committee, but it may not be chaired by a Minister.

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

14.5 Members who are not members of the Committee may attend its meetings when these are in public. Any Assembly Members who have specific constituency or regional interests to pursue in relation to the work of the Committee may in advance of any meeting seek the chair's permission to make representations to the Committee at that meeting; but they may not vote. Assembly Members may also write to the chair requesting that their observations on any aspect of the Committee's work be tabled for consideration by the Committee at its next meeting; and the chair shall arrange for such tabling to take place.

14.6 Without prejudice to Standing Order 8.17, the Committee shall, from time to time, appoint such advisers as it requires to enable the views of minority or disadvantaged groups to be put before it.

### **Reports**

14.7 The Committee may report to the Assembly from time to time in addition to submitting its annual report.



## **STANDING ORDER 15 - Committee on European and External Affairs**

### **Title and Terms of Reference**

15.1 There shall be a Committee on European and External Affairs, which shall keep under review:

- (i) the Assembly's relations with the regions, other nations and institutions of the European Union, and its methods for informing and advising those institutions of the needs of Wales;
- (ii) the Assembly's liaison arrangements with UKREP, and with United Kingdom government departments on European issues;
- (iii) the Assembly's methods and procedures for the consideration of documents, issues and questions emanating from European institutions, having particular regard to the need for liaison with Members of Parliament responsible for scrutiny of European matters of particular relevance to Wales; and
- (iv) the Assembly's relations with regions and nations external to the European Union and the Assembly's involvement in European and international organisations.

15.2. The Committee shall monitor the general impact and consequences for Wales of policies pursued by institutions of the European Union, and ensure that there is adequate liaison with the Members of the European Parliament representing Wales and Welsh representatives on the Committee of the Regions.

15.3. The Committee shall avoid duplicating the work of Subject Committees, but may draw particular issues to the attention of relevant Subject Committees and, with the agreement of the relevant Subject Committee, may consider any matter falling within Standing Orders 15.1 or 15.2 which is otherwise wholly within the remit of that Subject Committee. The Committee may assess and where necessary report on the significance of proposed European legislation affecting Wales which falls within the remit of more than one Subject Committee.

15.4 The Committee shall consider, or arrange for the consideration of, the subsidiarity implications of proposed European legislation and shall liaise with the UK Parliament and other devolved legislatures in the consideration of these implications.

### **Membership**

15.5 The members of the Committee shall be elected by the Assembly having regard to the desirability of each Subject Committee being represented on the Committee and so as to ensure that, so far as practicable, the balance of political groups in the Assembly is

reflected in its membership. The Assembly shall elect one of the members of the Committee to chair the Committee, but it may not be chaired by a Minister.

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

15.7 Members of the European Parliament representing Wales, and the Assembly's representatives on the Committee of the Regions, may attend and, with the permission of the chair, speak at the Committee's meetings when these are in public, but they may not vote.

15.8 Assembly Members who have specific constituency or regional interests to pursue in relation to the work of the Committee may in advance of any meeting seek the chair's permission to make representations to the Committee at that meeting, but they may not vote. Members may also write to the chair requesting that their observations on any aspect of the Committee's work be tabled for consideration by the Committee at its next meeting, and the chair shall arrange for such tabling to take place.

## **Reports**

15.9 The Committee shall report to the Assembly from time to time.

## **STANDING ORDER 16 - Standards of Conduct**

### **Title and Terms of Reference**

16.1 There shall be a Committee on Standards of Conduct, which shall:

- (i) investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards that a Member has not complied with Standing Order 4 or any Assembly resolution relating to the financial or other interests of Members, or that a Minister has not complied with the requirements of Standing Order 2.8;
- (i) (a) investigate, report on and if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards that a member has not complied with any requirement to record matters specified under Standing Order 38.
- (ii) investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards that a Member has not complied with any Assembly resolution relating to Members' standards of conduct or with the guidance for Ministers which the Assembly has approved in accordance with Standing Order 2.7 or the Code of Conduct under Standing Order 18.14;
- (iii) consider any matters of principle relating to the conduct of Members generally;
- (iv) supervise the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests and the Record of Membership of Societies, and the form and content of the Register and the Record;
- (v) present an annual report to the Assembly on the complaints made under (i), (i)(a) and (ii) and the action taken, and on its conclusions in respect of ethical standards in the conduct of the Assembly's business; and -
- (vi) establish and lay before the Assembly procedures for the investigation of complaints under Standing Orders 16.1 (i), (i)(a) and (ii).

### **Membership**

16.2 The Assembly shall elect a Member to chair the Committee, together with other Members elected so far as practicable to reflect the balance of political groups in the Assembly. The Presiding Officer shall not be a member of the Committee, but shall be entitled to attend any meeting of the Committee, or submit papers to it, for the purpose of drawing to its attention such considerations as he or she considers appropriate.

16.2 A Where a Committee Member is subject to a complaint under this Standing Order he or she shall take no part in any consideration of the complaint by the Committee. In such circumstances, and in relation solely to the consideration of the complaint concerned, another Member from the same political group, who has been nominated in advance by the Leader of that group, may replace that member. The nominated Member may participate in the meetings of the Committee to consider the complaint as if he or she were a member of it. No Member may replace more than one Committee member at a meeting.

### **Commissioner for Standards**

16.3 The Assembly shall appoint a person who is not an Assembly Member or a member of its staff to act as the Commissioner for Standards. The duties of the Commissioner shall be:

- i. to investigate factual matters arising out of any complaint against a Member;
- ii. to advise the Committee on any matters of general principle relating to the standards of conduct of Members;
- iii. to advise the Committee on any matters of general principle relating to the Registration of Members' Interests and the Recording of Membership of Societies; and
- iv otherwise render such assistance on matters relating to the standards of conduct of Members as the Assembly may from time to time decide.

16.3A Where the Commissioner for Standards is unable, for whatever reason, to investigate a complaint, the chair of the Committee (or if he or she is unable to act another member of the Committee acting on his or her behalf) shall propose to the Assembly the temporary appointment of a person, who is not an Assembly Member or a member of its staff, to investigate the complaint. Time shall be made available as soon as possible for such a motion to be debated; and in any event such a debate shall take place within five working days of the motion having been tabled. Such motions shall not be subject to amendment.

### **Meetings**

16.4 The Committee shall meet as soon as may be after a complaint has been referred to it by the Commissioner for Standards; and at other times as convened by the chair.

16.5 The Committee may meet in public or in private, but when deliberating upon a complaint, the Committee shall meet in private unless it resolves otherwise. Any Member who is the subject of an investigation by the Committee shall be permitted to make oral or written representations to it and may be accompanied at oral hearings by another person (who may participate in the proceedings with the permission of the chair).

16.6 The chair may, after consulting the Presiding Officer, call a meeting of the committee in a week in which the Assembly is not holding a Plenary meeting in order to consider an urgent matter.

### **Reports**

16.7 If the Committee has investigated a complaint referred to it by the Commissioner for Standards, it shall report to the Assembly as soon as may be after completion of the investigation. Such a report may include a recommendation to censure a Member for failing to comply with any of the matters encompassed within Standing Order 16.1 (i), 16.1(i)(a) or 16.1 (ii).

16.8 If a motion to consider a report under Standing Order 16.7 is tabled by a member of the Committee, time shall be made available as soon as possible for the motion to be debated. Such motions shall not be subject to amendment.

16.9 The Committee may report to the Assembly on other matters within its remit from time to time.

## **STANDING ORDER 17 – Planning Decision Committees**

### **Application**

17.1 This Standing Order governs the method by which the Assembly decides how to act in respect of:

- (i) Appeals under section 78 of the Town and Country Planning Act 1990 (in those cases where the Assembly has recovered jurisdiction to determine the appeal from the appointed Inspector);
- (ii) Applications for planning permission which have been called in by the Assembly for decision under section 77 of the Town and Country Planning Act 1990;
- (iii) Applications to confirm an Order made under the Transport and Works Act 1992.

17.2 An appeal or application which falls within Standing Order 17.1 shall be decided by a Committee ('a Planning Decision Committee') elected for the purpose under this Standing Order unless Standing Order 17.8 applies in which case the Assembly may by motion delegate the function to do so in a different manner in relation to that particular appeal or application. Where a number of appeals or applications are the subject of a single Inspector's report, the motion electing the Planning Decision Committee shall authorise that Committee to decide all those appeals or applications. Where it is expedient to do so, a motion may authorise a Planning Decision Committee to decide more than one appeal or application which are not the subject of a single Inspector's report. In such a case the reference in Standing Order 17.16 to signing a decision letter means the signing of decision letters in all appeals or applications which it is authorised to decide.

### **Initiation of Procedure**

17.3 When the Minister having responsibility for planning matters ("the Minister") receives the report of the Inspector appointed to investigate and report on an appeal or application which falls within 17.1 the Minister shall prepare a brief written statement identifying the location and nature of the development to which it relates and make it available to all members of the Planning Decision Panel ("the Panel") (as defined in Annex A to this Standing Order) and to the Clerk to the Assembly Committee having responsibility for planning matters ("the Committee Clerk").

### **Election of Committee**

17.4 Within ten working days of receipt by the Committee Clerk of the statement prepared under Standing Order 17.3 the Committee Clerk shall provide the Business

Minister with the names of the four members of the Panel who appear to the Committee Clerk to be qualified to serve on the Planning Decision Committee in accordance with the Annex A to this Standing Order

17.5 The provisions contained in Annex A to this Standing Order shall only continue in force (unless previously revoked) until the next ordinary election for Assembly Members is held. As soon as may be after the holding of such election the Business Minister shall submit to the Business Committee a proposal for a form of Annex A intended to remain in force until the next ordinary election and the procedure for revising Standing Orders under Standing Order 37 shall apply to the proposal.

17.6 When the Business Minister receives the names of the four members of the Panel notified by the Committee Clerk under Standing Order 17.4, the Business Minister shall:

- (i) table a motion in accordance with the model motion set out in Annex B to this Standing Order inviting the Assembly to establish a Planning Decision Committee and to elect those four Members to it.
- (ii) immediately communicate a copy of the motion to the Deputy and the members of the Business Committee.

17.7 Any motion tabled under Standing Order 17.6 shall be considered by the Assembly in plenary as soon as possible, subject to the requirements of Standing Order 6.13. No amendment may be proposed to such a motion. The motion shall be proposed and once proposed, it shall not be the subject of debate but shall be voted on immediately.

17.8 If for any reason the Committee Clerk is unable to compile a list of four Members or if a motion tabled under Standing Order 17.6 (i) is defeated, the Business Minister shall as soon as possible table a motion proposing that the function of making the decision on the appeal or application be delegated by the Assembly in some other manner and the provisions of Standing Order 17.6 (ii) and 17.7 shall apply to such a motion except that amendments to it shall be permitted. The motion and any amendments shall be proposed and neither the motion nor any amendments shall be debated. The Presiding Officer shall determine the order in which any amendments are voted on. If such a motion, whether amended or not, is defeated, then in that event the function specified in the motion shall be delegated to the First Minister.

### **Application of Standing Order 8**

17.9 Only the following provisions of Standing Order 8 shall apply to a Planning Decision Committee:

- (i) Standing Orders 8.8 to 8.16
- (ii) Standing Orders 8.21 and 8.22

(iii) Standing Order 8.26

17.10 Notwithstanding Standing Order 17.9, the requirement of section 54 of the Act that the balance of the parties in the Assembly shall, as far as is practicable, be reflected in the membership of a committee shall be secured by the manner of selection of members of a proposed Planning Decision Committee set out in Annex A to this Standing Order.

**Consideration by a Planning Decision Committee**

17.11 Each Planning Appeal Committee shall be identified by a reference comprising the year in which it was elected and a serial number.

17.12 The Minister, if a member of a Planning Decision Committee, shall be the Chair of the Committee. If the Minister is not a member of the Committee the Chair shall be elected by the members of the Committee or, if the members of the Committee are unable to agree, nominated to act by the Chair of the Committee having responsibility for planning matters.

17.13 The Chair may vote and if there is an equality of votes may in addition exercise a casting vote at his or her discretion.

17.14 A Planning Decision Committee shall meet in private and its members shall be under an obligation to observe the confidentiality of any discussion by the Committee and of any documents considered by the Committee with the exception of the Committee's decision letter when adopted together with any documents to which it refers.

17.15 The Committee may request the attendance at its meetings of members of the staff of the Assembly for the purpose of:

- (i) obtaining their advice
- (ii) preparing a draft decision letter giving reasons for their decision
- (iii) minuting the Committee's decisions.

17.16 The Committee's functions shall cease when the Chair signs a decision letter which the Committee has resolved to adopt. Where no decision letter has been signed on or before the date specified in the motion establishing the Committee, the Committee shall cease to exist. The Committee shall otherwise cease to exist when the Chair signs the decision letter.

17.17 The Chair may, after consulting the Presiding Officer, call a meeting of the Committee in a week in which the Assembly is not holding a Plenary meeting in order to enable it to discharge its functions by the date specified in the motion establishing the



Committee.

## **STANDING ORDER 17 - Annex A**

### **Qualification for Membership of the Planning Decision Panel**

- (1) The Assembly Members who are members of the Planning Decision Panel are those:
- (a) who are members of the Assembly committee having responsibility for planning matters;
  - (b) who have completed a course of relevant training approved by the Chair of the Assembly committee having responsibility for planning matters and;
  - (c) who have agreed to be bound by the current Code of Conduct for members of Planning Decision Committees issued by the Presiding Officer.
- (2) A member of the Panel is disqualified from being a member of a particular Planning Decision Committee if:
- (a) the site of the development to which the appeal or application relates falls in whole or in part within the constituency or electoral region of that Member; or
  - (b) the Member has an interest in the subject matter of the appeal or application which, if he or she were to take part in the proceedings of the Committee the Member would be obliged to declare under Standing Order 4.6 or which would prohibit the Member from voting on that subject matter under Standing Order 4.8; or
  - (c) there are other circumstances (as set out in the Code of Conduct referred to in paragraph (1)(c) above) which could be seen to call into question the ability of the Member to consider the appeal or application objectively and impartially.

### **Party Balance**

- (3) For the purpose of ensuring compliance with Standing Order 17.10, the Committee Clerk shall maintain separate lists (in alphabetical order where a list includes more than one person) of members of the Panel in accordance with the political groups to which they belong, as follows:

- List A The Labour Party
- List B Plaid Cymru
- List C The Conservative Party
- List D The Liberal Democrat Party

- (4) When the Committee Clerk receives a notification under Standing Order 17.3 the Committee Clerk will prepare a provisional list of members of the Planning Decision Committee (who are not disqualified from serving on the Committee or otherwise unable

to serve) comprising two members from List A of which one is to be the Minister (unless the Minister is disqualified from serving on the Committee or is otherwise unable to serve), and a total of two members from Lists B, C and D, who are not disqualified or otherwise unable to serve) in accordance with the following rules.

(5) In selecting the member (other than the Minister) from Lists A, B and C the Committee Clerk will select names in rotation except that where a member would have served on a Planning Decision Committee but was disqualified from doing so, or was otherwise unable to serve, that member will be treated as the member on that list next due for selection.

(6) In selecting the member from Lists B, C and D the Committee Clerk will, in relation to successive Committees select members from these lists in the following order, namely a member from List B, then a member from List C, then a member from List B, then a member from List C, then a member from List D and then returning to the beginning of the cycle but if all members on a particular list are disqualified the Committee Clerk must proceed to select a member from the list from which a member would next fall to be selected.

(7) The Committee Clerk will notify each member whose name appears on a provisional list of members of a Planning Decision Committee, identifying the relevant appeal or application.

(8) Each of the members notified will, having consulted the statement provided under Standing Order 17.3, then notify the Committee Clerk within two working days if that member is disqualified under paragraph (2) above from serving on the Committee, or is otherwise unable to serve, in which case the Committee Clerk will (subject to paragraph (10) below) select the name of the next member from the same list and notify that member in accordance with paragraph (7) above.

(9) If the Minister is disqualified or otherwise unable to serve the Committee Clerk will select the Chair of the Assembly committee having responsibility for planning matters in preference to any other member appearing on the same List.

(10) When the Committee Clerk has compiled a list of four Members who are not disqualified or otherwise unable to serve, the Committee Clerk will notify the Business Minister under Standing Order 17.4.

(11) If for any reason the Committee Clerk is unable to compile such a list of four Members the Committee Clerk shall notify the Business Minister of that fact and of the reasons.

## **STANDING ORDER 17 - Annex B**

### **Model Motion Establishing a Planning Decision Committee**

It is resolved:

1. That a committee, to be known as Planning Decision Committee 1999/1 be established, in accordance with Standing Order 17 to discharge the functions of the Assembly under (section 77 of the Town and Country Planning Act 1990 or as the case may be) in respect of the matter(s) identified in the Schedule to this motion and that the Assembly's functions in that respect be delegated to that Committee;
2. That the members of that Committee be:  
AB (Chair)  
CD  
EF  
GH
3. That the Committee shall cease to exist when the Chair of the Committee signs the decision letter in accordance with Standing Order 17.16 or on the (date) whichever is the earlier.
4. That if the Committee shall cease to exist without the Chair having signed a decision letter in respect of (all of) the matter(s) identified in the Schedule to this motion then in that event the functions identified in paragraph 1 above are, in relation to such matter(s), delegated to the First Minister.

### **Schedule**

An application by X for permission to carry out certain development at Y, namely...

## **STANDING ORDER 18 - House Committee**

### **Title**

18.1 There shall be a House Committee.

### **Terms of Reference**

18.2 Subject to the following provisions of this Standing Order, the Committee is responsible for:

(i) the provision to and for Members (including when acting in proceedings of the Assembly) of facilities, accommodation, staff and such other support services as are reasonably necessary for the better performance by Members of their position as Members of the Assembly, including in its capacity as a legislative body;

(ii) the provision of translation services between English and Welsh for proceedings of the Assembly;

(iii) the preparation of guidance to Members on matters within the Committee's responsibilities;

(iv) the provision of advice to the Assembly on matters relating to its terms of reference and to Members' salaries, allowances and pensions;

(v) the preparation of a draft budget for the expenditure to be incurred by it and for the administration of the approved budget; and

(vi) the provision of such other services to and for Members of a similar nature to those described above including responsibility for any extension to the building where the Assembly normally meets in plenary, as the Assembly may from time to time authorise by resolution in plenary.

18.3 Nothing in Standing Order 18.2 shall make it part of the Committee's terms of reference to have responsibility:

(i) in any field in which the Assembly has functions (within the meaning of section 57 of the Act); or

(ii) in respect of proceedings of the Assembly Cabinet

### **Membership**

18.4 Subject to the requirement of section 54(2)(b) of the Act and Standing Order 8.3 that, as far as is practicable, the balance of the political groups in the Assembly is

reflected in the membership of the Committee, the Committee shall consist of at least 7 and not more than 11 members including the chair.

18.5 If elected to be members of the Committee, the Presiding Officer, the Deputy and the Business Minister shall cease to be members of the Committee once they cease to hold those offices.

18.6 In the event of the Presiding Officer or the Deputy or the Business Minister not being members of the Committee they shall be entitled to attend meetings of the Committee and may participate in meetings, with the consent of the Chair, but may not vote.

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

18.8 The Committee shall elect one of its members to chair it.

18.9 Another member of the Committee may chair a meeting of the Committee in the absence of the chair of the Committee or if the chair is disqualified from participating in the Committee's consideration of any matter or otherwise voluntarily withdraws from such participation. Such member shall be appointed at the meeting concerned or at a previous meeting.

### **Meetings**

18.10 The Committee shall meet not less than once in every four weeks that the Assembly meets in plenary, unless the Committee decides otherwise. The chair may, after consulting the Presiding Officer, call a meeting of the committee in a week in which the Assembly is not holding a plenary meeting in order to consider a matter of urgent public importance.

18.11 The Committee may, as it considers appropriate, meet in public or in private, but the minutes of its meetings shall be published not later than six weeks after the meeting to which the minutes relate.

18.12 The Committee may report to the Assembly from time to time and shall submit an annual report.

### **The Assembly Parliamentary Service**

18.13 The staff support services that the Committee is responsible for providing under its terms of reference shall be provided through the unit of Assembly staff known as the Assembly Parliamentary Service which shall be headed by the Clerk and which shall be established and maintained under arrangements put in place by the Permanent Secretary.

### **Code of Conduct**

18.14 The chair of the Committee shall prepare and submit to the Assembly for its approval guidance ("the Code") to:

- (i) the Committee on its terms of reference; and
- (ii) the members of the Committee on their responsibilities as members of the Committee.

The Code shall include guidance on the relationship of the Committee and its members with the Permanent Secretary and with the Clerk and the other staff in the Assembly Parliamentary Service. The chair of the Committee shall issue a copy of the Code to each member of the Committee and shall seek to ensure that each member of the Committee complies with it.

### **Assembly Ministers and Other Assembly Staff**

18.15 Subject to Standing Order 18.16, nothing in this Standing Order shall make it part of the Committee's terms of reference to provide facilities, accommodation, staff or other support services or guidance to or for any Member when acting as an Assembly Minister or to or for Assembly staff who are not part of the Assembly Parliamentary Service.

18.16 Standing Order 18.15 shall not apply to the advice that the Committee may give under Standing Order 18.2(iv) in so far as it relates to advice on Members' salaries, allowances and pensions.

## **Standing Order 18A - Committee for the Scrutiny of the First Minister**

### **Title and terms of reference**

18A.1. There shall be a Committee for the Scrutiny of the First Minister.

18A.2. The Committee shall take oral evidence from the First Minister on any matter within Ministers' fields of accountability or other responsibilities (other than the Business Minister's responsibilities for business), and may request additional written evidence from the First Minister on the matters covered by that oral evidence.

### **Procedure in the committee**

18A.3. The provisions of Standing Orders 8.2 to 8.7, 8.17 to 8.19, the last sentence of 8.20, the last sentence of 8.26, and 8.27 to 8.30 shall not apply to the Committee.

### **Membership**

18A.4. The Committee shall consist of the Panel of Members elected under Standing Order 9.3 and the Chairs of the Audit Committee, the Committee on Equality of Opportunity and the Committee on European and External Affairs.

18A.5. A Member who ceases to hold a position mentioned in Standing Order 18A.4 shall cease to be a member of the Committee.

18A.6. The Chair of the Audit Committee shall chair the Committee.

### **Meetings**

18A.7. The Committee shall meet for the purposes of taking oral evidence from the First Minister once in every sixteen weeks that the Assembly meets in plenary



## **STANDING ORDER 19 - Inspection of Assembly Documents**

### **Members' Access to Documents**

19.1 A Member may inspect any documents in the possession or under the control of the Assembly which contain material relating to any proceedings of the Assembly which have taken place or are to take place.

19.2 Standing Order 19.1 shall not apply where:

(i) (in the case of documents in the possession or under the control of Ministers), either the First Minister or a Minister authorised by the First Minister for this purpose; or

(ii) (in the case of documents in the possession or under the control of the House Committee), the Presiding Officer

considers that one of the following exemptions referred to in the Code should apply:-

- (a) Formulation of government policy, etc – Section 35 of the Freedom of Information Act 2000 (“the 2000 Act”);*
- (b) Effective conduct of public affairs – Section 36 of the 2000 Act;*
- (c) Personal information – Section 40 of the 2000 Act & Part IV of the Data Protection Act 1998;*
- (d) Information provided in confidence – Section 41 of the 2000 Act;*
- (e) Legal professional privilege – Section 42 of the 2000 Act;*
- (f) Commercial interests – Section 43 of the 2000 Act;*
- (g) Prohibitions on disclosure – Section 44 of the 2000 Act; or*
- (h) Any corresponding exception listed in Regulation 12 (5) of the Environmental Information Regulations 2004.*

19.3 Standing Order 19.1 shall not apply where the document relates to proceedings of a committee (or a sub-committee of such a committee) which were not, or are not likely to be, held in public and the Member making the request is not a member of that

committee.

19.4 A Member inspecting any document under this Standing Order shall not disclose to any person any information contained in the document which, in the opinion of the First Minister or a Minister authorised by the First Minister for this purpose or the Presiding Officer (as the case may be), is or may be exempt from disclosure to the public under the Code.

### **Public Access to Documents**

19.5 Members of the public may on request inspect any documents in the possession or under the control of the Assembly which contain material relating to any proceedings of the Assembly which have taken place or are to take place, except where the document contains information which is exempt from disclosure to the public under the Code.

## **STANDING ORDER 20 - Reports of Proceedings**

### **Verbatim Record of Assembly Plenary Meetings**

20.1 The Assembly shall, as soon as practicable after each plenary meeting publish by electronic means a record of speeches made in that meeting in the languages in which they were made; and, as soon as practicable thereafter, publish an edited verbatim record of proceedings, with translations into English of speeches made in Welsh and translations into Welsh of speeches made in English.

### **Reports of Committee and Sub-committee Proceedings**

20.2 The Assembly shall as soon as practicable:

- (i) publish in English and Welsh minutes of each committee and sub committee's public proceedings; and
- (ii) where evidence has been given in public to a committee or sub-committee by witnesses, publish an edited verbatim record of that evidence, with translations into English of evidence given in Welsh and translations into Welsh of evidence given in English. Where such evidence was given in a language other than English or Welsh, the record shall contain translations of the evidence into both languages.

## **STANDING ORDER 21 - Finance Procedures**

### **Determination of Budget for the Assembly Parliamentary Service**

21.1 In each financial year, not later than 20 September, the House Committee shall consider the budget for the Assembly Parliamentary Service. Following discussion between the Chair of the House Committee, the Clerk and the Finance Minister, a member of the House Committee shall lay before the Assembly a draft budget for the Assembly Parliamentary Service, not later than the 1 October. At the same time, the House Committee member shall table a motion that the draft budget be adopted. The draft budget should normally be for the following financial year and provisional allocations for the subsequent two years, or for a period which the Finance Minister considers appropriate. The motion that the draft budget be adopted shall not be subject to amendment and shall be debated not later than 10 October. If the motion is agreed, that budget shall then become the final budget for the Assembly Parliamentary Service and shall be incorporated as such in the draft and final Assembly budgets.

### **Determination of Assembly Budget**

21.2 In each financial year the Finance Minister shall invite Subject Committees to submit, normally by a date at least eight weeks from the date of the invitation and not later than 31 July, their views on priorities for the Assembly's expenditure in the following three financial years, or for a period which the Finance Minister considers appropriate.

21.3 Normally in October in any year, and in any event not later than 15 November, the Finance Minister shall lay before the Assembly a draft budget. The Finance Minister shall at the same timetable a motion that the Assembly takes note of the draft budget. The draft budget shall set out the proposed allocation of the Assembly's resources for the following financial year and the provisional allocations for the subsequent two years, or for a period which the Finance Minister considers appropriate. As soon as practicable after the Assembly has taken note of the draft budget each Minister who is a member of a Subject Committee shall seek its views on the draft budget and convey them to the Finance Minister.

21.4 Normally in November, and in any event not later than 10 December, the Finance Minister shall lay before the Assembly a final budget which shall be for the same period as the draft budget under Standing Order 21.3. The Finance Minister shall at the same time table a motion that the final budget be adopted. The motion that the final budget be adopted shall not be subject to amendment.

21.5 If the final budget has been adopted, but before the following 1 April, the Finance Minister may lay before the Assembly a supplementary budget setting out changes to that final budget arising from changes in the UK Government's expenditure plans or other technical changes of a budgetary nature. The Finance Minister shall at the same time

table a motion that the supplementary budget be adopted. A motion that a supplementary budget be adopted shall not be subject to amendment.

### **In-Year Adjustments of Assembly Budget Changes to Main Expenditure Groups**

21.6 Subject to the provisions of Standing Order 21.7, except in cases of urgency, any change, in the course of a financial year, in the level of resources allocated to a main expenditure group in the final budget or a supplementary budget adopted under Standing Order 21.4 or, as the case may be, 21.5, including the establishment of a new main expenditure group, shall only be made on a motion proposed by the Finance Minister. Any such motion shall not be subject to amendment. In cases of urgency, the Finance Minister, may change the level of resources allocated to any main expenditure group, or establish a new main expenditure group, but in any such case the Finance Minister shall inform the Assembly as soon as reasonably practicable of the action taken.

21.7 Except in cases of urgency, any change in the course of a financial year in the level of resources allocated to the main expenditure group established for the Assembly Parliamentary Service in the final budget adopted under Standing Order 21.1 shall only be made on a motion proposed by a member of the House Committee following discussion by the Committee with the Finance Minister. Any such motion shall not be subject to amendment. In cases of urgency, the House Committee may, following discussion with the Finance Minister, change the level of resources allocated to this expenditure group but, in such case, a member of the House Committee shall inform the Assembly as soon as reasonably practicable of the action taken.

### **Changes within Main Expenditure Groups**

21.8 Subject to the provisions on Standing Order 21.10, in the course of a financial year a Minister may with the agreement of the Finance Minister approve the transfer of resources within a main expenditure group between and within financial allocations for areas for which that Minister is responsible. Where the proposed transfer would alter the allocations in the final budget or a supplementary budget adopted under Standing Order 21.4 or, as the case may be, 21.5, the Minister shall, except in cases of urgency, consult the relevant Subject Committee about it; failing such consultation the Minister shall inform the Committee as soon as reasonably practicable of the action taken.

21.9 In the course of the financial year the Finance Minister may approve the transfer of resources within a main expenditure group and between financial allocations for areas for which different Ministers are responsible. Where the proposed transfer would alter the allocations in the final budget, or a supplementary budget, adopted under Standing Order 21.4 or, as the case may be, 21.5, the relevant Minister shall, except in cases of urgency, consult the relevant Subject Committees on the proposed transfer; failing such consultation, they shall inform the Committees as soon as reasonable practicable of the action taken.

21.10 The provisions of Standing Orders 21.8 and 21.9 shall not apply to the main expenditure group established for the Assembly Parliamentary Service. In the course of a financial year, the Clerk, after consultation with the House Committee and having notified the Finance Minister, may approve the transfer of resources within the main expenditure group established for the Assembly Parliamentary Service, between and within financial allocations within the main expenditure group.

### **Local Government Finance Reports**

21.11 The following reports shall be made by being approved by resolution of the Assembly:

- (i) a local government finance report under section 84G of the Local Government Finance Act 1988 ("the 1988 Act")
- (ii) an amending report under section 84 L of the 1988 Act
- (iii) an additional grant report under section 85 of the 1988 Act
- (iv) a special grant report under section 88B of the 1988 Act.

21.12 Whenever a draft budget is laid before the Assembly under Standing Order 21.3, the Minister with responsibility for local government finance shall at the same time or as soon as reasonably practicable thereafter lay before the Assembly not more than two draft local government finance reports for the next financial year. If there is more than one such report, those reports shall be laid separately. The Minister with responsibility for local government finance shall lay the report or reports in final form before the Assembly not later than 15 February in any year and shall at the same time table a motion in respect of each report that the report be approved.

21.13 A motion that any of the reports referred to in Standing Order 21.11 be approved shall not be subject to amendment.

### **Publication of Accounts and Reports**

21.14 The Presiding Officer may make arrangements for the publication on any working day of any documents to which section 103(2) of the Act applies.

21.15 Where the Assembly is required under section 45 of the Act to publish a report laid before it about any public body, and that report contains the body's audited accounts, the auditors' opinion and any report made on the accounts by the Auditor General for Wales, that publication shall be deemed also to fulfil any requirements to publish contained in section 103 of the Act.

### **Notification of certain Transactions**

21.16 A Minister who proposes to authorise a Notifiable Transaction, namely:

- (i) the making of a gift to which Standing Order 21.18 applies;
- (ii) the incurring of a liability to which Standing Order 21.19 applies; or
- (iii) the remission of a loan to which Standing Order 21.20 applies

shall before doing so lay before the Assembly a statement containing the information specified in Standing Order 21.21. When such a statement has been laid, the Minister shall not authorise a Notifiable Transaction until a period of ten working days have elapsed after the statement was laid.

21.17 If within the period of ten working days referred to in Standing Order 21.16, at least ten Members table a Notice requiring the Minister to seek the approval of the Assembly for the Notifiable Transaction then the Minister shall table a motion seeking the approval of the Assembly for the Transaction and the Minister shall not authorise the Transaction until such approval has been given.

21.18 (i) A gift to which this Standing Order applies is one which:

- (a) exceeds £100,000 in value; or
- (b) has characteristics (whether by way of its description or generally) or is made under circumstances (whether by reference to the intended identity of the recipient or generally) which differ materially from those of gifts customarily made by public bodies in the United Kingdom.

(ii) For the purposes of this Standing Order a gift includes an indefinite loan or a loan for a period equal to or exceeding the expected useful life of an asset and any transaction whereby there is a disposal of an asset for less than full value. Where there is a disposal of an asset for less than full value, the value of the gift shall be taken to be the difference between its full value and the amount of any price to be paid for it.

21.19 A liability to which this Standing Order applies is a contingent or actual liability which could exceed £100,000 under a guarantee, indemnity, letter or statement of comfort or other arrangement having the same or similar effect but does not include a contractual commitment to make future payments under a contract entered into in the normal course of the discharge of the Assembly's functions nor a commitment to make payments of grant under a statutory grant scheme.

21.20 A remission of a loan to which this Standing Order applies is the remission in whole or in part of an obligation to repay or return money or other property loaned by the Assembly provided the effect of the remission is to reduce the liability to the Assembly by more than £20 million.

21.21 (i) The statement laid before the Assembly under Standing Order 21.16 shall include the following information:

- (a) where it relates to a gift, the nature and value of the gift, the circumstances in which it is proposed to be given, the recipient and if it requires a replacement, the cost and nature of the replacement and when the replacement is expected to be acquired;
- (b) where it relates to incurring a liability, the estimated amount and duration of the liability, the reason for incurring the liability, the body or bodies involved;
- (c) where it relates to the remission of a loan, the person or body who will benefit from the remission, the circumstances under which the loan was made, the reason for remitting the loan and the amount intended to be remitted.

(ii) The statement shall, in addition to the information specified above, contain any other relevant information necessary to enable the circumstances of the Notifiable Transaction to be understood.

21.22 A Minister who becomes aware at any time:

- (i) that the information given in a statement laid before the Assembly under Standing Order 21.16 or a supplementary statement laid under this Standing Order is to a significant degree no longer accurate; or
- (ii) that a liability which was contingent when a statement was laid has become an actual liability

shall lay before the Assembly a supplementary statement explaining and correcting the inaccuracy or describing the circumstances under which the liability has become actual, as the case may be. If within ten working days after the laying of a supplementary statement, at least ten Members table a motion requiring the Minister to make an oral statement to the Assembly explaining the circumstances requiring the supplementary statement to be laid, the Minister shall as soon as possible make such an oral statement and shall answer questions from Members on the statement.

21.23 A Minister may, where there is an urgent need, authorise a Notifiable Transaction falling within Standing Order 21.19 without first complying with Standing Orders 21.16 and 21.17 but shall, as soon as possible after doing so make an oral statement to the Assembly explaining the circumstances and shall answer questions from Members on such statement.

21.24 The fact that a Notifiable Transaction falling within Standing Order 21.19 has been entered into without first complying with Standing Orders 21.16 and 21.17 above shall not in itself affect the rights of the person to whom the potential liability is owed.



21.25 The provisions of Standing Orders 21.16 to 21.24 shall apply to the authorisation by the House Committee of a Notifiable Transaction with the substitution for references to "a Minister" of references to "a member of the House Committee".

## **STANDING ORDER 22 - Public Appointments**

22.1 The Assembly shall adopt and keep under review a Code of Practice governing the procedures for making the public appointments for which it is responsible. Responsibility for proposing a draft Code for adoption by the Assembly shall lie with the First Minister, who shall consult the Commissioner for Public Appointments on its contents. The First Minister shall arrange publication of the Code once adopted, and shall ensure that consultation takes place from time to time with the Commissioner for Public Appointments on the content of the Code and any suggested amendments to it. The First Minister shall propose motions to amend the Code.

22.2 Meetings relating to the consideration of particular individuals for specific public appointments shall be held in private.

22.3 The Assembly shall not appoint, or authorise the appointment on its behalf of, the Presiding Officer, the Deputy, any Minister or the chair of the House Committee to membership of any public body mentioned in Schedules 4, 5 or 17 to the Act. If a Member who is a member of such a public body is elected or appointed to one of these offices, he or she shall forthwith resign membership of that body.

22.4. The Assembly shall not discuss individual judicial appointments.

## **STANDING ORDER 23 - Complaints Procedures**

### **Internal Procedures for Considering Complaints**

23.1 The Permanent Secretary shall ensure that procedures are in place so that:

- (i) complaints about the Assembly's actions or omissions are acknowledged and properly investigated; and
- (ii) complainants are kept informed about the progress of investigations and replied to, with remedies provided as appropriate.

23.2 The Permanent Secretary shall arrange for the publication of these procedures.

### **Procedures for Consideration of Reports under the Act and the Health Service Commissioners Act 1993 ("the 1993 Act").**

23.3 Standing Orders 23.4 to 23.11 shall apply in respect of investigations by the Public Services Ombudsman under the Act and the 1993 Act.

23.4 When the Ombudsman proposes to investigate a complaint about action taken by the Assembly, and has given the Assembly the opportunity to comment on any allegations contained in the complaint, the Permanent Secretary shall be responsible for communicating the Assembly's comments to the Ombudsman.

23.5 The Permanent Secretary shall ensure that information or documents which the Ombudsman requires for his or her investigations are produced.

23.6 Within 5 working days of receiving a report of the results of an investigation by the Ombudsman the First Minister shall send a copy to the appropriate Minister.

23.7 Where the report states that the complainant has suffered injustice or hardship as a result of maladministration, the Minister shall, normally within 20 working days of receiving the report, submit it to the relevant Subject Committee together with a proposed response to the report setting out the action taken or proposed to be taken.

23.8 Following the Subject Committee's consideration of the proposed response, but not later than 20 working days after the Committee received it, the Minister shall submit it, with or without amendments, to the First Minister who shall notify the Ombudsman of the action taken or proposed.

23.9 If the Ombudsman prepares a further report about the matter, the First Minister shall as soon as possible lay a copy of the report before the Assembly and also lay before it a response which either:

(i) records the action which has been taken or proposed to the satisfaction of the Ombudsman following the receipt of the further report; or

(ii) records his or her intent to propose that the Assembly approve the recommendations specified in the further report.

23.10 Any motion under Standing Order 23.8(ii) of which notice has been given shall be put before the Assembly as soon as reasonably practicable. The First Minister shall notify the Ombudsman of the Assembly's decision on that motion.

23.11 Where a report or further report relates to a matter within the responsibility of the House Committee, the provisions in this Standing Order which relate to the involvement of Ministers (other than the First Minister) and of Subject Committees shall, so far as appropriate, not apply, but the chair of the House Committee shall make appropriate arrangements with the First Minister for the report to be considered by that Committee and for its response to be sent to the First Minister.

### **Procedures for Consideration of Reports under the Public Services Ombudsman (Wales) Act 2005 (“the 2005 Act”)**

23.12 Standing Orders 23.13 to 23.17 shall apply in respect of investigations by the Public Services Ombudsman under the 2005 Act.

23.13 When the Ombudsman proposes to investigate a complaint about action taken by the Assembly, and has given the Assembly the opportunity to comment on any allegations contained in the complaint, the Permanent Secretary shall be responsible for communicating the Assembly's comments to the Ombudsman.

23.14 The Permanent Secretary shall ensure that information or documents which the Ombudsman requires for his or her investigations are produced.

23.15 If the Ombudsman prepares a special report under section 24 of the 2005 Act, the First Minister shall:

(i) lay a copy of the special report before the Assembly, and

(ii) unless action to the satisfaction to the Ombudsman has been taken or proposed, give the Assembly notice of his or her intention to move that the Assembly resolve to approve the recommendations contained in the special report.

23.16 Any motion under Standing Order 23.15 of which notice has been given shall be moved by the Assembly as soon as reasonably practicable.

23.17 Where a special report relates to a matter within the responsibility of the House Committee, the chair of the House Committee shall make appropriate arrangements with the First Minister for the report to be considered by that Committee and for its response to be sent to the First Minister.

## **STANDING ORDER 24 - Assembly General Subordinate Legislation**

24.1 This Standing Order applies to all Assembly Orders except those subject to Standing Order 25 section 2 (Subordinate Legislation Subject to the Consent of a Minister of the Crown or UK Government Department).

### **Stages Before Assembly Consideration**

24.2 A proposal for an Assembly Order shall be prepared by a Minister in the form of a draft. The draft shall be prepared in English and Welsh unless the Minister considers that in the particular circumstances it would be inappropriate or not reasonably practicable for the Order to be in both languages. He or she shall notify Members of the draft, and invite representations as to whether it merits consideration by a Subject Committee.

24.3 Subject to Standing Order 24.4, the Minister shall carry out a regulatory appraisal of the likely costs and benefits of complying with the draft Order, in accordance with guidance published by the Assembly. If the appraisal indicates that the costs of complying with the Order are likely to be significant, the Minister shall consult such interested parties or organisations (including representatives of business) as he or she considers appropriate.

24.4 The Minister may decide, having regard to the Assembly's published guidance, that a regulatory appraisal shall not be carried out if in the particular circumstances he or she considers that it would be inappropriate or not reasonably practicable.

24.5 Whenever a Minister decides to proceed with a draft Order, any regulatory appraisal which has been prepared shall be published, together with a summary of the responses to any consultation which has been carried out.

### **Submission to Business Committee**

24.6 The Minister shall submit the draft, a memorandum explaining its intended effect and any financial implications, and any regulatory appraisal, to the Business Committee. He or she shall also, having regard to any representations received, make a recommendation as to whether or not it should be considered by the Subject Committee of which the Minister is a member, and any other relevant Subject Committee. Subject to Standing Orders 5.8 and 5.9 the Deputy shall determine that question, having regard to any advice the Business Committee may provide and any representations received.

### **Consideration by Subject Committee**

24.7 Whenever the Deputy decides that a draft Order should be considered by a Subject Committee (or his or her determination that it need not be so considered is reversed by the Assembly under Standing Order 5.8), he or she shall prescribe the time, which shall be not less than two weeks and not more than eight weeks, within which the Committee shall report on the draft.

24.8 The Committee may recommend approval of the draft, amendments to it, or its rejection. In carrying out its functions, the Committee may consult or take such evidence as it considers appropriate, including evidence from other Assembly committees or Members. It shall submit its report to the Assembly and to the relevant Minister. If the Minister then decides to proceed with the draft Order he or she shall lay it before the Assembly amended as he or she considers appropriate, together with the explanatory memorandum and the regulatory appraisal (if any), and shall submit the draft Order to the Legislation Committee.

### **Procedure in Other Cases**

24.9 If the Deputy decides that a draft Order need not be considered by a Subject Committee (and that determination is not reversed by the Assembly under Standing Order 5.8), or if the Committee fails to submit a report within the time prescribed, the Minister shall lay the draft Order together with the explanatory memorandum and any regulatory appraisal before the Assembly and submit it to the Legislation Committee.

### **Legislation Committee Procedures**

24.10 When the draft Order has been laid before the Assembly, the Legislation Committee shall consider it and shall as soon as may be submit to the Assembly a report as to whether it should pay special attention to the draft Order on any of the grounds specified in Standing Order 11.7.

### **Consideration of Draft Orders by the Assembly in Plenary**

24.11 A draft Assembly Order which may give rise to the payment of any sums by the Assembly, except in circumstances in which the sums are unlikely to be significant, shall not be considered by the Assembly unless the Assembly Cabinet has recommended that the Order be made.

24.12 An Assembly Order shall not be made until a draft has been approved by resolution of the Assembly, but the Assembly shall not approve such an Order until it has considered the report of the Legislation Committee relating to the draft Order, and the regulatory appraisal (if any) published in relation to it.

24.13 (i) Where a draft Order (including an amended draft Order) which has been laid before the Assembly contains typographical or grammatical errors, or minor drafting errors which have been identified by the Legislation Committee as appropriate for correction under this provision, the Minister who laid the draft Order may, not later than the tabling of the motion seeking the Assembly's approval of the draft, lay before the Assembly a Memorandum of Corrections setting out the amendments necessary to correct the errors. When such a Memorandum has been laid, that fact shall be referred to in the motion seeking approval of the draft and, subject to sub-paragraph (ii), the draft, if approved, shall be taken to have been approved as amended by the Memorandum of Corrections except to the extent that any amendment is superseded by an amendment to the draft agreed by the Assembly in plenary.

(ii) If it appears to the Presiding Officer that a Memorandum of Corrections includes an amendment other than one necessary to correct typographical, grammatical or

minor drafting errors, the Presiding Officer shall rule that amendment out of order and the draft, if approved, shall not be taken to have been amended by that amendment.

24.14 The Assembly shall first consider the principle of the draft Order, on a motion proposed by a Minister; and if debate arises on that motion, the Presiding Officer shall permit the Minister to reply to the debate before putting it to the vote.

24.15 If the motion at Standing Order 24.14 is agreed to, the Assembly shall consider any amendments to the draft Order which may have been tabled.

24.16 An amendment shall only be in order if it:

(i) has been tabled by at least three Members at least two working days before it is considered; and

(ii) is accompanied by a statement by the Members who have tabled it explaining its purpose and cost implications (if any).

24.17 Subject to Standing Order 24.18, amendments shall be taken in the order in which they relate to the text.

24.18 The Presiding Officer may:

(i) group related amendments and require them to be proposed as a group;

(ii) determine the order in which amendments which arise in the same place in the text of the draft Order are taken; and

(iii) decline to select an amendment for debate where the Presiding Officer considers that the proper conduct of the business of the Assembly makes it appropriate to do so.

24.19 When an amendment is called, or where amendments have been grouped, the Presiding Officer may call Members at his or her discretion before the Minister replies to the debate and a vote is taken.

24.20 Where a draft Order has not been amended in accordance with Standing Order 24.19 a Minister may propose that the Assembly approves the draft order. No amendments may be proposed to such a motion, which the Presiding Officer shall immediately put to the vote.

24.21 If any amendment to a draft Order has been agreed, the Minister shall (unless he or she decides not to proceed with the Order) prepare a revised draft Order which takes account of the amendments agreed by the Assembly.

24.22 The Minister shall, in preparing the revised draft Order, consider whether a, or a further, regulatory appraisal is required; and if an appraisal is required, Standing Orders 24.3 and 24.5 shall apply.

24.23 The draft Order as revised shall be laid before the Assembly, together with any regulatory appraisal, and shall be submitted to the Legislation Committee, which shall proceed in accordance with Standing Order 24.10, except that the provisions of Standing Order 11.8 (delegation of functions of the Legislation Committee) shall apply.

24.24 Standing Orders 24.11 and 24.15 to 24.23 shall apply to any revised draft Order (including a draft Order revised more than once) laid before the Assembly, except that:

- (i) the principle of the Order shall be deemed to have been agreed to;
- (ii) any recommendation previously made by the Assembly Cabinet under Standing Order 24.11 shall be deemed to extend to the revised draft Order unless the amendments may give rise to an increase in any sums payable by the Assembly (in which case a new recommendation shall be required); and
- (iii) no amendment shall be in order unless it relates to any part of the revised draft Order which has been revised since the Order was last before the Assembly.

24.25 (i) A Minister may, at least five days before it is due to be considered, table a motion that one or more draft Orders (specified in the motion) be approved in accordance with Standing Order 24.25(iii). Subject to the provisions of Standing Order 24.25 (ii), Standing Orders 24.14 to 24.24 shall not apply to any draft Order specified in the motion. Where such a motion relates to more than one draft Order, it shall propose that they be approved together.

(ii) At least three Members may, at least three working days before the motion is due to be considered, table a notice requiring the draft Order to be subject to full consideration, or, where there is more than one draft Order, for one or more of them to be subject to full consideration. When such a notice has been tabled any draft Order to which the notice relates shall be considered in accordance with Standing Orders 24.14 to 22.24.

(iii) When no such notice has been tabled or such notice does not relate to all the draft Orders specified in the motion, the motion shall be voted on immediately without debate and approval of the motion shall have the effect of approving all the draft Orders specified in the motion with the exception of any to which such a notice relates.

24.26 (i) When a draft Order has been approved by resolution of the Assembly it shall be made by being signed.

(ii) When the Assembly Cabinet has determined under Standing Order 24.27 that the requirement that a draft Order be laid before the Assembly and approved by a resolution of the Assembly is to be disapplied, a draft Order shall be signed when it has successfully completed any procedures required by this Standing Order which have not been disapplied under Standing Order 24.27.

(iii) The persons authorised to sign a draft Order made under this Standing Order are the Presiding Officer, the Deputy, the First Minister and any other Minister but a person other than the Presiding Officer may only sign an Order if the Presiding Officer is absent. In the absence of the Presiding Officer an Order shall be signed by the Deputy. In the absence of both the Presiding Officer and the Deputy an Order may be signed by the First Minister or, in the absence of the First Minister, by any other Minister. The fact that an authorised person who signed an Order in the absence of the Presiding Officer was not the most appropriate person to do so under the provisions of this sub-paragraph shall not affect the validity of the making of the Order.

### **Disapplication of Procedural Requirements (Executive Procedure)**

24.27 The Assembly Cabinet may determine that, in the particular circumstances, and in relation to one or more Orders, it is not reasonably practicable for:

- (i) the Minister to comply with the notification requirement in Standing Order 24.2 or the consultation requirement in Standing Order 24.3;
- (ii) the Minister to comply with the requirement in Standing Order 24.6 to submit a draft Order to the Business Committee;
- (iii) the Assembly to consider a report from the Legislation Committee relating to the Order, or any regulatory appraisal relating to it; or
- (iv) a draft Order to be laid before and approved by a resolution of the Assembly.

24.28 Whenever the Assembly Cabinet determines that it is not reasonably practicable for the Assembly to consider a report from the Legislation Committee relating to an Order, the relevant Minister shall submit it to the Legislation Committee as soon as possible after the Order has been made; and that Committee shall consider and report to the Assembly on the Order in accordance with Standing Order 11.

24.29 Whenever the Assembly Cabinet has determined that it is not reasonably practicable for a draft Order to be laid before and approved by a resolution of the Assembly, it shall inform Assembly Members by the end of the next working day following its making. A Member may, within the period of 40 working days beginning with the day on which the Order is made, table a motion that the Order be revoked.

24.30 A motion tabled under Standing Order 24.29 shall be timetabled under Standing Order 5 for consideration by the Assembly within the period of 40 working days referred to in Standing Order 24.29; except that, if it is not possible for the provisions of Standing Order 5 to be met within that period because the Assembly is not timetabled to meet, the First Minister shall request the Presiding Officer to summon the Assembly to consider the motion on a day within that period, and the Presiding Officer shall comply with that request.

24.31 If the Assembly resolves accordingly, the resolution effects the revocation.



A Minister may prepare a draft Order which makes provision in consequence of such a revocation, and the provisions of this Standing Order shall apply to the making of that Order.

## **STANDING ORDER 25 - Subordinate Legislation subject to Relevant Parliamentary Procedural Provision or which is made with or is subject to approval by a Minister of the Crown or Government Department.**

### **Section 1: Subordinate Legislation subject to Relevant Parliamentary Procedural Provision**

25.1 Section 1 of Standing Order 25 applies to subordinate legislation made by the Assembly alone which is subject to relevant Parliamentary procedural provision as defined in section 44(3) of the Act and whether the requirement is imposed by section 44(4) of the Act or by any other statutory provision.

25.2 A proposal for subordinate legislation to which this section applies shall be prepared by a Minister in the form of a draft; and Standing Orders 24.3 to 24.31 shall apply except that the Order shall not, if Standing Order 25.3 applies, be made until the further requirements of that Standing Order have been complied with.

25.3 Where the relevant Parliamentary procedural provision requires that the draft Order be laid before Parliament or either House of Parliament and be subject to annulment approval or confirmation by Parliament or either House of Parliament before it can be made, the relevant Minister shall send the draft to the Secretary of State for Wales for laying before Parliament and the subordinate legislation shall be made under Standing Order 24.26 only after the Assembly has been notified by the Secretary of State that any relevant Parliamentary procedural provision has been complied with successfully.

25.4 Where the draft Order is subject to a relevant Parliamentary procedural provision which does not prevent the Order from being made before it is laid before Parliament. The Order shall be made under Standing Order 24.26 but the relevant Minister shall then send the Order to the Secretary of State for laying before Parliament.

25.5 Where the outcome of a relevant Parliamentary procedure is that a draft Order cannot be made or an Order which has been made has been annulled or cannot come into force, the relevant Minister shall as soon as possible lay before the Assembly a report notifying the Assembly of that fact and stating what action, if any, the Minister proposes to take as a result.

### **Section 2: Subordinate Legislation subject to the Consent of a Minister of the Crown or UK Government Department**

25.6 Section 2 of Standing Order 25 applies to subordinate legislation made by the Assembly alone (i.e. not together with a Minister of the Crown or UK Government Department) but which can only be made or can only come into force with the consent of a Minister of the Crown or a UK Government Department.

25.7 A proposal for subordinate legislation to which this section applies shall be prepared by a Minister in the form of a draft and Standing Orders 24.3 to 24.31 shall

apply except that if the Order cannot be made without the consent of a Minister of the Crown or UK Government Department, it shall not be made under Standing Order 24.26 until the relevant Minister has notified the Presiding Officer or other person authorised to make the Order under that Standing Order that the relevant consent has been given.

25.8 Where an Order to which this section applies may be made but cannot come into force without the consent of a Minister of the Crown or UK Government Department, the relevant Minister shall, after the Order is made, take steps to obtain such consent.

25.9 Where a draft Order to which this section applies cannot be made or such an Order has been made but cannot come into force because the necessary consent has been withheld the relevant Minister shall as soon as possible lay before the Assembly a report notifying the Assembly of that fact and stating what action, if any, the Minister proposes to take as a result.

25.10 Where subordinate legislation to which this section applies also falls within section 1 of this Standing Order, the Minister shall take steps to obtain the consent referred to in either Standing Order 25.7 or 25.8 before sending the draft Order or Order to the Secretary of State for laying before Parliament under Standing Order 25.3 or 25.4 as the case may be.

### **Section 3: Subordinate Legislation made (whether jointly or not) together with a Minister of the Crown or Department in the UK Government, Scottish Executive, or Northern Ireland Executive**

25.11 Section 3 of Standing Order 25 applies to subordinate legislation, not being Assembly General subordinate legislation, which is made by the Assembly, whether jointly or not, together with a Minister of the Crown or UK Government Department, the Scottish Executive or Northern Ireland Executive.

25.12 A Minister who proposes that the Assembly should make subordinate legislation to which this section applies shall lay a draft before the Assembly together with a memorandum explaining its intended effect and any financial implications.

25.13 On a motion proposed by the Minister that it approves the draft subordinate legislation the Assembly shall consider that question but no amendment may be tabled to the draft. If the draft subordinate legislation is approved by resolution the relevant Minister shall notify the relevant Minister of the Crown or Department or Executive of the Assembly's decision and the Order shall be made on behalf of the Assembly in accordance with Standing Order 24.26. If the draft subordinate legislation is not approved the relevant Minister shall notify the relevant Minister of the Crown or Department or Executive of the Assembly's decision.

25.14 A Minister may propose a motion for the Assembly to approve the draft subordinate legislation in accordance with the provisions of Standing Order 24.25 and the provisions of that Standing Order shall apply to any such draft subordinate legislation.

25.15. Where subordinate legislation to which this section applies would, if the legislation were made by the Assembly alone, fall within section 1 or section 2 of this Standing Order, the provisions of that section or those sections shall also apply to it except that the reference in Standing Orders 25.2 and 25.7 to the provisions of Standing Orders 24.3 to 24.31 shall be replaced by references to Standing Orders 25.11 to 25.14.

### **Translation into Welsh**

25.16 The relevant Minister shall arrange for the subordinate legislation made under each section of Standing Order 25 to be translated into Welsh, and the translation published for public information unless he or she considers that it would be inappropriate in the circumstances or not reasonably practicable.

25.17 Nothing in this Standing Order shall, in relation to the subordinate legislation which is Assembly General subordinate legislation, be construed as overriding the application of Standing Order 24 to such legislation.

## **STANDING ORDER 26 - Orders in Council or Subordinate Legislation submitted by a Minister of the Crown**

26.1 This Standing Order applies where the Assembly is given power by section 22(4)(b) of the Act to approve a draft of an Order in Council varying or revoking a previous Order in Council which transfers Ministerial functions to the Assembly or where the Assembly is otherwise given power by or under an Act of Parliament to confirm, approve or give consent to subordinate legislation submitted to the Assembly by a Minister of the Crown.

26.2 When a Minister receives from a Minister of the Crown subordinate legislation to which this Standing Order applies, he or she shall lay the subordinate legislation before the Assembly together with a memorandum explaining its intended effect and any financial implications.

26.3 On a motion proposed by the Minister that the Assembly confirm, approve or give consent to such subordinate legislation, or that it decline to do so, the Assembly shall consider that question, but no amendment may be tabled to the subordinate legislation. The Minister shall notify the Minister of the Crown of the Assembly's decision.

## **STANDING ORDER 27 - Subordinate Legislation otherwise subject to Special Parliamentary Procedure**

27.1 This Standing Order applies to the Assembly's exercise of powers to make or confirm subordinate legislation which, but for the provisions of the Act, would be subject to special parliamentary procedure.

27.2 Where, but for the provisions of the Act, subordinate legislation would be subject to special parliamentary procedure, it shall not be made or confirmed unless a Minister has laid a draft before the Assembly and given public notice of the entitlement of persons to present petitions to the Assembly against its making or confirmation.

27.3 The notice shall be published at least once in at least one newspaper circulating in the area to which the subordinate legislation relates. The notice shall state:

- (i) the general effect of the subordinate legislation and where it may be inspected both at the Assembly and in a place in the area to which it relates;
- (ii) that petitions can be presented to the Presiding Officer against the subordinate legislation within the period of 20 working days beginning with the day on which the notice is first published in a newspaper;
- (iii) that petitions can either request particular amendments to be made to the subordinate legislation before it is made (specifying the amendments requested), or request that it should not be made; and
- (iv) that the main petitioner shall have regard to any guidance and rules issued by the Assembly on this matter.

27.4 The Presiding Officer shall be responsible for receiving petitions. If no petitions have been received within the period specified in Standing Order 27.3(ii) the Presiding Officer shall report accordingly to the Assembly. On receiving such a report, the Assembly may make or confirm the subordinate legislation.

27.5 The Presiding Officer shall consider any petitions received and inform the Assembly of their content and the number of signatures as soon as possible after the expiry of the period specified in the public notice.

27.6 If the Presiding Officer considers that any petitions received do not disclose a substantial ground of objection to the subordinate legislation, he or she shall notify the petitioners accordingly and permit them to make representations. If, following consideration of any representations, the Presiding Officer concludes that a petition discloses a substantial ground of objection, the Presiding Officer shall certify to the Assembly and inform the petitioners accordingly; but if the Presiding Officer concludes that the petitions do not disclose such a substantial ground of objection, he or she shall report accordingly to the Assembly. On receiving such a report, the Assembly may make or confirm the subordinate legislation.

27.7 If the Presiding Officer is satisfied that a petition discloses a substantial ground of objection to the subordinate legislation or to part of it, he or she shall certify to the Assembly that the petition should be considered by the Assembly and shall inform the petitioners accordingly. A petitioner has a substantial ground of objection if his or her property or interests are affected by the subordinate legislation. A petitioner which is an amenity society or similar body has a substantial ground of objection if an interest which it represents is affected by the subordinate legislation.

27.8 If the Presiding Officer certifies to the Assembly that a petition should be considered by the Assembly and that the petition requests amendments to be made to the subordinate legislation, the Presiding Officer may decide that the amendments requested affect the interest of other persons. In such a case, counter-petitions shall be invited and the provisions of Standing Orders 27.3 to 27.6 shall apply to such counter-petitions as they apply to petitions.

27.9 Where the Presiding Officer certifies to the Assembly that a petition should be considered by the Assembly, the Assembly shall, on a motion proposed by a Minister, elect a committee to consider the petition (and any counter-petitions). The committee shall have at least five and not more than seven members and shall be elected so as to secure that, as far as is reasonably practicable, the balance of the political groups in the Assembly is reflected in the membership of the committee.

27.10 The petitioner, any counter-petitioner, and any applicant for the subordinate legislation, shall be entitled to be heard before the committee either in person, by counsel or by agent; and the Minister shall be entitled to be heard in person.

27.11 The committee shall report to the Assembly either that the subordinate legislation should not be made or confirmed or that it should be made or confirmed either without amendment or with such amendments as the committee considers expedient to give effect either in whole or in part to any petition.

27.12 Where the committee reports that the subordinate legislation should not be made or confirmed, no further proceedings shall be taken on it, but a Minister may lay new draft subordinate legislation before the Assembly.

27.13 Where the committee reports that subordinate legislation should be made or confirmed without amendment, it may be made or confirmed by being signed by the Presiding Officer or (in the absence of the Presiding Officer by the Deputy or a Minister). Where the committee reports that the subordinate legislation should be made or confirmed with amendments, it may be made or confirmed with such amendments. If the Minister considers it inexpedient that it should be made or confirmed as proposed to be amended, it shall either be withdrawn (without prejudice to the laying before the Assembly of new subordinate legislation) or the Minister may table a motion that the Assembly should make or confirm the subordinate legislation without the amendments recommended by the committee.

## **STANDING ORDER 28 - Local Statutory Instruments**

28.1 This Standing Order applies to Assembly subordinate legislation made by statutory instrument which is local in nature, whether or not made jointly with a Minister of the Crown or UK Government Department.

28.2 A Minister proposing to make subordinate legislation under this Standing Order shall, unless he or she considers it not reasonably practicable to do so, give to the Assembly at least ten working days' notice of the intention to make the subordinate legislation and such notice shall describe the proposed content of the subordinate legislation.

28.3 Subordinate legislation under this Standing Order shall be made by being signed by or on behalf of the Minister who proposed it; but if, within five working days of notice having been given under Standing Order 28.2, at least ten Members table a motion expressing dissatisfaction with the proposal and if thereafter the Assembly so resolves, Standing Orders 24.6 to 24.25 shall apply to its making.

28.4 A Minister proposing to make subordinate legislation under this Standing Order shall prepare it in both English and Welsh unless he or she considers that it would be inappropriate in the circumstances or not reasonably practicable.

28.5 Ministers shall report from time to time to relevant Subject Committees on the subordinate legislation made under this Standing Order.



## **STANDING ORDER 29 - Subordinate Legislation not required to be made by Statutory Instrument**

29.1 This Standing Order applies to Assembly subordinate legislation which is not required to be made by statutory instrument and which is not subject to parliamentary procedure.

29.2 When a Minister proposes that subordinate legislation should be made under this Standing Order, it shall be prepared in the form of a draft. The draft shall be prepared in English and Welsh unless the Minister considers that it would be inappropriate in the circumstances or not reasonably practicable.

29.3 The Minister shall consider, having regard to the general importance, and the character, of the draft, whether it is appropriate that:

(i) it should be considered by a Subject Committee; and if so he or she shall lay the draft before the Committee and propose that the Committee report on it within not less than 2 weeks and not more than 8 weeks;

(ii) it should be considered by the Legislation Committee; and if so he or she shall, following any Subject Committee consideration of the draft, lay it before the Legislation Committee for consideration;

(iii) it should be debated by the Assembly in plenary meeting; and if so he or she shall, following any consideration by a Subject Committee or the Legislation Committee, lay the draft before the Assembly together with any reports submitted by any committee relating to it; or

(iv) none of those procedures should apply.

29.4 When any draft subordinate legislation to which this Standing Order applies is laid before the Assembly under Standing Order 29.3(iii), Standing Orders 24.13 to 24.26 shall apply. Otherwise any draft subordinate legislation to which this Standing Order applies shall be made by being signed by or on behalf of the Minister who proposed it.

29.5. Where the Minister considers, in accordance with Standing Order 29.3(iv), that none of the procedures in Standing Order 29.3(i)-(iii) should apply, he or she shall, unless considering it not reasonably practicable to do so, give to the Assembly at least ten working days' notice of the intention to make the subordinate legislation, and describe its proposed content. If, within five working days of notice having been given, at least ten Members table a motion expressing dissatisfaction with the proposal and if thereafter the Assembly so resolves, Standing Orders 24.6 to 24.26 shall apply to its making.

29.6 Ministers shall report from time to time to relevant Subject Committees on the subordinate legislation made under this Standing Order.

## **STANDING ORDER 30 - Confirmation or Approval of Certain Subordinate Legislation**

30.1 Standing Order 30 applies where the Assembly is given power by or under an Act of Parliament to confirm or approve subordinate legislation submitted to the Assembly by other statutory bodies or local authorities. Standing Order 30 does not include subordinate legislation made by Order in Council or by Ministers of the Crown which contain provisions relating to the Assembly.

30.2 A Minister, or a member of the Assembly's staff authorised to act in this respect on behalf of the Minister, may confirm or approve any subordinate legislation submitted by a public body ( including a local authority) to the Assembly for that purpose, and shall do so in writing; but he or she shall, unless it is not reasonably practicable to do so, give to the Assembly at least ten working days' notice of the intention to confirm or approve it.

30.3 If, within five working days of notice having been given under Standing Order 30.2, at least ten Members table a motion expressing dissatisfaction with the subordinate legislation submitted for confirmation or approval, the Minister shall not confirm or approve it but shall table a motion proposing that the Assembly confirm or approve it (as the case may be); and a motion tabled under this Standing Order shall not be subject to amendment.

30.4 In any case to which paragraph 2(5) of Schedule 7 to the Act applies (subordinate legislation made by Forestry Commissioners without prior Assembly approval), the relevant Minister shall lay the subordinate legislation before the Assembly, and a Member may table a motion in accordance with paragraph 2(5)(b) of that provision to revoke it.

## **STANDING ORDER 31 - Proposals made by Assembly Members for Subordinate Legislation**

31.1 The Presiding Officer shall from time to time hold a ballot to determine the name of a Member, other than a Minister, who may table an initial motion under this Standing Order. The Presiding Officer shall include in the ballot the names of all those Members who have applied to be included, except that no Member who has previously won the ballot in that Assembly may so apply. The successful Member shall table an initial motion within 20 working days of the date of the ballot.

31.2 An initial motion under Standing Order 31.1 shall:-

- (i) ask the Assembly to support in principle a proposal for legislation; and
- (ii) be accompanied by a statement of the legal powers under which the proposed legislation could be made and an indication of the resource implications of the proposal, together with such other material in amplification of the proposal as the Member making the proposal thinks fit.

31.3 Time shall be made available for the motion to be debated within 40 working days of the date of the ballot (not counting working days in a week when there is no Plenary meeting of the Assembly)

31.4 A proposal for legislation under this Standing Order may be for any legislation which may be made under Standing Orders 24, 25, 27, 28 or 29.

31.5 If an initial motion under Standing Order 31.1 is agreed to, a Minister shall within three months lay before the Assembly a report on the feasibility of the proposal for legislation (such report to include the legal powers under which the proposed legislation could be made; the objectives to be achieved; and an assessment of the implications, including costs and benefits of making the legislation), together with a motion (“the second motion”) recommending whether or not the Assembly should proceed with the proposal. In preparing the report, the Minister shall consult with the Member making the proposal and any relevant Assembly Committee.

31.6 If either:-

- (i) a second motion recommending that the Assembly should proceed with the proposal for legislation is agreed to; or
- (ii) a second motion recommending that the Assembly should not proceed with the proposal is disagreed to,

a Minister shall within six months bring forward legislation to give effect to the proposal; and procedures appropriate under any of Standing Orders 24, 25, 27, 28 or 29 (as the case may be) to the making of that legislation shall be followed.

**STANDING ORDER 32 - Publication of Subordinate Legislation  
(other than Assembly General Subordinate Legislation)**

32.1 The Assembly shall as soon as may be publish any subordinate legislation made or confirmed by the Assembly which is not otherwise published for sale under the Statutory Instruments Act 1946 Subordinate legislation made by the Assembly which is not required to be made by statutory instrument shall be in such form as the Presiding Officer may prescribe.

## **STANDING ORDER 33 - Miscellaneous Procedures**

### **Procedures for Initiating Polls**

33.1 A Minister, or at least three Members, may table a motion for the holding of a poll in accordance with section 36 of the Act.

33.2 Any such motion shall contain the wording of any questions or propositions to be put to those to be polled. An assessment of the costs, benefits and any other implications of holding the poll shall be tabled at least five working days before the motion is to be considered.

33.3 If the Assembly resolves that a poll should be held the relevant Minister shall prepare a draft of an Order making provision as to the conduct of any poll to which the motion relates, and Standing Order 24 shall apply to the making of that Order.

### **Procedures for Initiating a Public Inquiry**

33.4 A Minister, or at least three Members, may table a motion for the holding of an inquiry in accordance with section 35(1) of the Act. An assessment of the costs, benefits and any other implications of holding the inquiry shall be tabled at least five working days before the motion is to be considered.

33.5 If the Assembly resolves that an inquiry should be held, the relevant Minister shall make appropriate arrangements. The Minister shall lay before the Assembly any report arising from the inquiry, and arrange for its publication.

### **Procedure for Promoting or Opposing Private Bills**

33.6 A Minister, or at least three Members, may table a motion that the Assembly should promote or oppose a Private Bill in Parliament. An assessment of the costs, benefits and any other implications of promoting or opposing the Bill shall be tabled at least five working days before the motion is to be considered.

33.7 If the Assembly resolves to promote or oppose a Bill on a vote in which at least two-thirds of the Members voting support the motion, the relevant Minister shall make appropriate arrangements for promoting or opposing the Bill as the case may be.

33.8 The Minister shall from time to time report to the relevant Subject Committee on the progress of the Bill, and the Assembly may at any time resolve that the promotion of or the opposition to a Bill shall cease.

### **Procedures for proposing Public Bills and amendments thereto**

33.9 A Minister, or at least three Members, may table a motion calling on the UK Government to bring forward a public Bill on a matter specified in the motion, or amendments to an identified Bill currently before either House of Parliament. Such a motion shall describe the purpose and effect of the proposal in sufficient detail for the Bill or amendments called for to be drafted.

33.10 An assessment of the costs, benefits and any other implication of the proposed Bill or amendments shall be tabled at least five working days before the motion under Standing Order 33.9 is to be considered.

33.11 No later than 31 March each year, the Assembly will consider a motion under Standing Order 33.9 proposed by a Minister. Such a motion will set out the Assembly Cabinet's proposals for primary legislation in the following session of the UK Parliament or, if the Cabinet has no such proposals, will invite the Assembly to note that fact.

33.12 If the Assembly approves a motion under Standing Order 33.9 or 33.11, the First Minister shall as soon as possible communicate its terms to the Secretary of State for Wales. The First Minister or a Minister shall report to the Assembly from time to time on the response of the UK Government to the Assembly's proposals and on the progress of any Bill or amendments proposed by the Assembly which the UK Government agrees to bring forward.

33.13 In tabling, considering and acting on any motion tabled under Standing Order 33.9 or 33.11, Members shall have regard to any guidance or protocol which the Assembly may from time to time adopt on proposals for public Bills.

33.14 Standing Orders 33.9 to 33.13 are without prejudice to the right of any Minister or any Member to make representations to the UK Government or to any Member of Parliament at any time on matters related to primary legislation.

## **STANDING ORDER 34 - Petitions**

34.1 The Presiding Officer shall be responsible for receiving petitions addressed to the Assembly, and shall inform the Assembly as soon as may be of their content and numbers of signatures.

34.2 Any Member may table a motion proposing that the Assembly debate the contents of any petition received by the Assembly. Subject to the agreement of the Chair, any such petition may also be considered by any appropriate committee.

## **STANDING ORDER 35 - Notification and Tabling Procedures**

35.1. Where these Standing Orders require or authorise the Presiding Officer, a Minister, any other Member or any member of the Assembly's staff to table, lay or submit any motion, notice, question, nomination or document, communication of the relevant material to the Table Office by electronic means shall be taken as fulfilling the requirements of Standing Orders; but this shall not apply to the delivery of forms under Standing Orders 4.3 and 4.4.

35.2. The Clerk shall make appropriate arrangements to enable Members to notify or table any such material as is referred to in Standing Order 35.1 in written form in the event of electronic systems failure. He or she shall ensure that such material is communicated as appropriate in electronic form as soon as the relevant systems permit this.



## **STANDING ORDER 36 - Laying of Documents**

36.1 The following documents or categories of document shall be laid before the Assembly:

- (i) a document specified in statute as one required to be laid before the Assembly or, a document which falls within the terms of section 45 of the Act;
- (ii) draft subordinate legislation required to be laid under Standing Orders 24, 25, 26, 27 and 29;
- (iii) any report made by an Assembly Committee and which that Committee has agreed should be submitted to the Assembly other than any report to which iv or v. below applies;
- (iv) any report specified in Standing Order 6.6 other than any to which paragraph v. below applies;
- (v) any other document specified elsewhere in Standing Orders which is required to be laid in accordance with the specific requirements in a Standing Order; and
- (vi) any other document, or category of document, that the Assembly, by resolution in Plenary, requires should be laid.

36.2 Where a document is required to be laid under this or any other Standing Order it shall be provided in compliance with guidance which the Presiding Officer shall issue following consultation with the Business Committee.

## **STANDING ORDER 37 - Revision and Suspension of Standing Orders**

### **Revisions**

37.1 The First Minister, the Business Minister or at least six Members may submit to the Business Committee proposals for revisions to Standing Orders. The Committee shall consider the proposed revisions and submit a report to the Assembly with its recommendations.

37.2 Motions for revisions to Standing Orders shall be tabled and proposed by a member of the Business Committee (but such revisions shall be adopted only if at least two-thirds of the Members voting support the motion).

37.3 Revisions to Standing Orders shall have immediate effect unless the Assembly resolves otherwise.

37.4 The Assembly may provide that any Standing Order or any revision thereto shall be temporary and where a Standing Order or a revision thereto is temporary, its precise duration shall be expressed in a distinct paragraph of the Standing Order or the revision.

37.4A The revisions to Standing Orders 6.15; 8.14; 8.19B and 37.4A in connection with the Committee on the Better Governance of Wales White Paper will cease to have effect on 30 October 2005.

### **Suspension**

37.5 Any Standing Order may be suspended for a specific purpose and in respect of a particular day on a motion proposed by a Minister which is approved by the Assembly on a vote in which at least two-thirds of the Members voting support the motion.

37.6 A motion proposed under Standing Order 37.5 shall normally be tabled not less than one working day before it is to be considered by the Assembly, but the Presiding Officer may permit such a motion to be proposed without notice if he or she is satisfied that to do so would not be an abuse of the Assembly's procedures or an infringement of the rights of minorities in the Assembly. Members shall be notified forthwith by electronic means as soon as such a motion is tabled.

## **STANDING ORDER 38 – Recording of Membership of Societies**

38.1 The Presiding Officer shall maintain and publish a record of the notifications by Members of the matters set out in the Annex to this Standing Order and copies shall be available for inspection by Members and by the public.

38.2 Notifications shall be made by completion of a form prescribed by the Presiding Officer.

38.3 Within eight weeks of a Member taking the oath of allegiance or making the corresponding affirmation, he or she shall complete the form prescribed by the Presiding Officer, and shall sign the form and deliver it to the Office of the Presiding Officer.

38.4 Within four weeks of membership or change to membership occurring, a member shall notify the Presiding Officer of this change by completion of the prescribed form; and shall sign the form and deliver it to the Office of the Presiding Officer.

38.4A A Member may deliver the form referred to in paragraph 38.3 or 38.4 by taking it to the table office or arranging for another person to do so by post but the form shall not be regarded as having been delivered until it is received by the table office.

38.4B Members shall be under a continuing duty to ensure, by inspecting the record of declarations from time to time, that it correctly contains the particulars notified by them under paragraphs 38.3 or 38.4

## **Standing Order 38 Annex**

### **The matters which must be recorded by Assembly Members**

#### **General**

- I. A notification under this Standing Order shall be made by the Member of the matters set out below.
- II. For the purposes of this notification, "Entry requirements for membership" does not include the following:
  - (a) The requirement to pay a subscription;
  - (b) The agreement to and signing of terms and conditions of membership of the society or club (other than any term and condition relating to selection for membership).

#### **Matters to be recorded:**

Membership or position of general control or management of any of the following:

- (a) private society which has entry requirements for membership ;  
private club which has entry requirements for membership.