

REPORT OF THE BUSINESS COMMITTEE

STANDING ORDERS MOT

1. The attached copies of Standing Orders (English text at Annex A / Welsh text at Annex B) contain a number of proposed amendments marked as tracked changes. The amendments have resulted from a review of the Standing Orders by Presiding Office officials and lawyers.

Background

2. The review arose because officials felt that the end of the First Assembly was a good time to consolidate the numerous changes made to Standing Orders in the first four years. It would also provide an opportunity to eliminate the inconsistencies and idiosyncrasies which had accumulated. If the amendments are approved by the Assembly, the previous tracked-change version of Standing Orders will be archived and the tidied-up version will become the base document for the next tracked change version.

Scope of the Review

3. The scope of the exercise was deliberately restricted to:

- i. "typographical or grammatical errors, or minor drafting errors" in the Legislation Committee Memorandum of Corrections sense;
- ii. removing inconsistencies between the English and Welsh texts

A few potentially contentious or more wide-ranging proposals are highlighted in paragraph 7 below.

4. A main concern was to standardise terminology and capitalisation eg:

- plenary meetings rather than sittings or sessions
- Standing Order rather than paragraph (although there are a few exceptions to this rule)
- Assembly Members but members of Committees
- General committees and specific Committees

5. No amendments have yet been made to the numbering or the order of Standing Orders in the attached documents. The motion to approve the changes includes proposals to restructure Standing Orders eg to brigade Standing Orders 35 and 36 with the other Standing Orders related to committees; and to renumber Standing Orders accordingly. Renumbering will need to be done thoroughly and methodically, during the Easter Recess.

Welsh Text

6. The Welsh text at Annex B includes the proposed amendments to the English text as well as tidying up the Welsh. The issues that arose in the Welsh text did not read across to the sense of the English text.

Other Proposals

7. Members' attention is drawn to the following proposed amendments:

(i) Procedural Motions

The Standing Orders relating to procedural motions are inconsistent:

- Standing Order 6.10 (postponement of an item of business) implies a speech from the mover of the procedural motion only.
- Standing Order 6.17 (closure of debate) and Standing Order 6.18 (continuation or adjournment of debate) imply no speeches at all.
- However, Standing Order 6.15 (which covers all procedural motions) implies two short speeches.

The Business Committee recommends that there should be two short speeches on every occasion.

(ii) Adjournment or Extension of Debate

The Business Committee recommends amending Standing Order 6.18 to:-

- allow Members, if 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, to propose that debate on a motion is allowed to continue for a specified period on that day or adjourned to another day; and
- clarify the duration of the extension of the meeting, if a proposal under Standing Order 6.18 is agreed.

(iii) Questions to the House Committee

At present Standing Order 6.31 prevents urgent questions to the House Committee. This provision was included because it was not envisaged that the Committee would have responsibility for matters of "urgent public importance" and the two hour notice period would not allow time for a Committee to prepare and agree an answer. The Business Committee recommends that the House Committee should be able to answer urgent questions.

(iv) Quorum in Committee

Standing Orders 8.8 to 8.10 have been clarified to make it clear that the chair should declare a committee meeting inquorate whenever there are not enough members present to form a quorum.

(v) European and External Affairs Committee

Minor changes to Standing Order 15 are proposed:-

- to clarify that the Committee's remit includes keeping an overview of the Assembly's arrangements for the consideration of legislation;
- to clarify that the Committee is responsible for keeping the relationship with other EU Member states and involvement in EU and international organisations under review; and
- to introduce the subsidiarity infringement monitoring role of the Committee. The right of national parliaments to object to draft EU proposals is set out in the draft EU constitution. It will not come into effect until the constitution is agreed and ratified. However, the UK Parliament has indicated that it is keen to put the arrangements in place before this and the proposed additional paragraph in Standing Order 15 would enable the Committee to agree a mechanism with them.

(vi) Motions to Approve Draft Orders

The proposed amendment to Standing Order 22.20 makes it clear that it is not possible to amend motions approving draft orders.

(vii) Revocation of Orders made under the Executive Procedure

The proposed amendment to Standing Order 22.29 clarifies the timing of the 40 day notice period under 22.29.

(viii) Publication of Subordinate Legislation

Standing Order 30.1 requires the Presiding Officer to publish subordinate legislation made or confirmed by the Assembly (other than SIs). The Business Committee recommends that this duty is transferred to the Assembly to reflect existing practice.

(ix) Assembly Parliamentary Service

Amendments have been proposed to reflect the new name of the Presiding Office, as discussed with Party Leaders by the Presiding Officer.

Recommendation

8. Members are invited to approve the proposed amendments at Annexes A and B.

Business Committee
March 2004